

## Weekly Legislative Summary

This is one in a series of weekly summaries prepared by the legislative staff of the Institute of Government on the work of the North Carolina General Assembly of 1961. It is confined to discussions of matters of general interest and major importance.

The 1961 session continues to run well behind the two previous sessions in volume of bills handled. Comparative figures follow:

1961 session: Total bills introduced, 850; public bills 462; local bills, 388; bills ratified, 343.  
 1959 session: Total bills introduced, 979; public bills, 549; local bills, 430; bills ratified, 409.  
 1957 session: Total bills introduced, 1,243; public bills, 540; local bills, 703; bills ratified, 500.

**Courts**  
 The contending armies in the Court War have stacked their arms and furled their flags. The House passed the compromise substitute for HB 104, the Taylor

Bill, on both readings by about a 75% favorable vote, as Rep. Kerr, a strong opponent of the 1959 Bell Bill and of the original Taylor Bill in this session, was a major factor in obtaining approval of the compromise by the full House. When the bill reached the Senate, the opposing factions agreed upon an amendment which would take administrative authority from the Supreme Court and place it in an Administrative Office to be established by the General Assembly. The amended bill then passed the Senate without dissent, and the House concurred in the amendment with only three members opposing. As finally approved, the bill requires the General Assembly to establish uniform, district courts throughout the state by January 1, 1971, at which time

all presently existing inferior courts shall cease to exist. The Superior Court and Supreme Court will remain substantially unchanged. All courts will be financed at the State level. Procedural rules for courts below the Supreme Court will be made by the General Assembly, unless the Assembly delegates this authority to the Supreme Court, and even then the Assembly could change a court-made rule. Administrative responsibility would be vested in an administrative Office of the Courts. JP's will be replaced by officers of the district courts called magistrates, who will be appointed by the Superior Court judge upon nomination by the Clerk of Superior Court. All other judges will be elected. The bill falls far short of the sweeping changes recommended by the Bell Committee in 1959, but it does achieve a uniform court system with responsibility at the state level.

**Finance and Appropriations**  
 Storm signals were hoisted during the week in connection with new revenue proposals. A motion in the Joint Finance Committees to appoint a joint subcommittee to consider the various tax proposals ran into opposition from members who apparently felt that they would have a better chance of prevailing before the full committee. A motion to adjourn, approved by a standing 39-36 vote, avoided a decision on the motion to appoint the subcommittee. On the following day, Wednesday, the two Finance Committees met separately; the House voted to continue full committee discussion for several days and then to refer the revenue bills to a subcommittee to be appointed by Chairman Wicker; the Senate voted to continue full committee discussion for the time being, and reached no decision on the question of ultimate appointment of a subcommittee. The Appropriations Subcommittee cleared a number of smaller items Wednesday, including pay raises for the Supreme Court and Industrial Commission. As of this date the subcommittee has approved approximately \$35 million in appropriations, which represents an increase of about 1% over the Advisory Budget Commission's recommendations for the purposes involved. The Subcommittee began consideration of the Consolidated University bud-

get on Thursday.  
**Public Welfare**  
 North Carolina will be prepared to take advantage of a part of President Kennedy's program to aid the unemployed and bolster the economy if two bills considered this week are enacted. HB 567, introduced this week, would make eligible for aid to dependent children those children deprived of parental support because of the unemployment of the father. The federal legislation to make matching funds available appears about to pass Congress. There are also indications that ADC money may be made available by Congress for children who reside in foster homes (under present law the child must reside with parents or relatives). SB 206, which has passed the Senate, would give North Carolina authority to extend ADC to this group should Congress pass such legislation. TB 590, introduced this week, would increase the payments to hospitals providing services to public assistance recipients and medically indigents. At the present time the State Board of Public Welfare makes payments from the "pooled fund" for hospitalization at the rate of \$10 per patient day for hospitalization of public assistance recipients (and, as of May 1, 1961) because of SB 12 ratified March 31, of certain medically indigents; these payments are scheduled to increase to \$12 per patient day on July 1. HB 590 would appropriate an additional \$692,417 for the "pooled fund" and \$432,000 for medical indigent persons; these sums with federal percentage matching, would allow the payments for hospitalization to be increased to an amount of not over \$20 per day. The Senate passed a committee substitute for SB 68 which authorizes the State Board of Public Welfare to license day care facilities. The substitute merely spells out in detail the facilities that would not be covered and the circumstances under which the license could be denied or revoked. The Senate also passed SB 231 which authorizes the waiving of the interlocutory decree in adoption proceedings when the adoptive child is the grandnephew or grandniece of the adopting parents.

**Decedents' Estates**  
 Several amendments to the comprehensive 1959 legislation governing rights of surviving spouses and the distribution of the property of persons dying without leaving a will were introduced this week. SB 237 spells out the types of property to be considered in valuing the property passing to a surviving spouse, for purposes of determining the right of the spouse to dissent from a will; the bill also details the time and manner of filing a dissent. SB 236 removes the possibility that a person, by refusing to take ("renouncing") his share of the estate of a person who left no will, could enable his children to receive a greater share of the estate than he would have received; the bill also spells out details of renunciation, and allows a surviving spouse to decide whether or not the home place shall be considered in valuing the elective share to which the spouse is entitled. HB 318, increasing the widow's and children's year's allowance to \$1000 and \$300 respectively, passed the Senate after being amended to apply only to es-

tates of persons dying after October 1, 1961. HB 554 and 555 introduced Monday, provide that the State and federal governments may pay income tax refunds up to \$200 and \$250 respectively directly to the surviving spouse of a taxpayer.  
**Miscellaneous**  
 HB 582 would replace the present 9-member Board of Nurse Registration and Nursing Education with a 5-member Board of Nursing. SB 122 was amended to exclude persons over 21, and those under 21 who have written parental consent, from the requirement that there be a 24-hour waiting period between application for marriage license and issuance thereof; the bill then passed the Senate. SB 177, providing for central registration of marriages in the State Office of Vital Statistics, passed the Senate. HB 564 revises the motor vehicle title laws to make the recorded title more reliable as a record of liens against the vehicle. HB 580 provides that persons who become 16 years of age after January 1, 1963, must undergo a written test in order to receive a driver's license; the law now authorizes oral tests for illiterates. HB 204, extending the compulsory automobile insurance law, was ratified Tuesday. SB 230 would permit deserts to bloom in the midst of oases; the bill would prohibit State ABC Board approval of liquor stores in a community which voted dry in a county which voted wet.

Opening selections from the Bible in the Lesson-Sermon on the subject "Adam and Fallen Man," will include these passages from the first chapter of Genesis: "And God said, Let us make man in our image, after our likeness: . . . So God created man in his own image, in the image of God created he him; male and female created he them . . . And God saw every thing that he had made, and, behold, it was very good."  
 From "Science and Health with Key to the Scriptures" by Mary Baker Eddy these lines will be read (p.259): "The Christlike understanding of scientific being and divine healing includes a perfect Principle and idea—perfect God and perfect man—as the basis of thought and demonstration."  
 The Golden Text comes from Psalm 138: "The Lord will perfect that which concerneth me: thy mercy, O Lord, endureth for ever."



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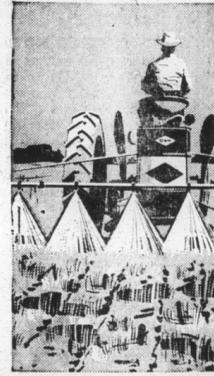
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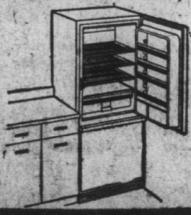
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