

Legislature Slow Getting Underway But Some Major Bills In Hoppers

(Ed. Note—This is the third of a series of weekly summaries of the work of the 1949 session of the General Assembly of North Carolina. These summaries are not intended as a report on all legislation, but are confined to discussions of matters of general interest or of major importance.)

Pausing at the beginning of its third full week to mourn the loss of one of its most valued members, the late Joe Blythe, Senator from Mecklenburg and national treasurer of the Democratic party, the General Assembly gave indication on Wednesday that it may now be hitting its stride—a total of 45 bills were introduced that day, 7 in the Senate and 38 in the House. It ended the week only slightly behind the 1947 session in total number of introductions: 79 in the Senate and 191 in the House, as compared to 80 and 201 in 1947. Not a great deal of law has been made yet—only 22 bills have been passed by both houses, and several of them are resolutions of minor importance. But committee work has begun moving forward; the Joint Appropriations Committee has already heard many of the State departments, and the Joint Finance Committee has already heard many of the State departments, and the Joint Finance Committee has set February 18 as its goal for completing its work. Including the bills which have been passed by both houses, 54 bills have been reported out of committees.

Motor Vehicle Laws

The 1947 Highway Safety Act is under fire from two flanks in the General Assembly. Developments this week point to the House as the battle-ground where the "motor vehicle inspection program" must fight for survival. At the same time that SB 59, approved by the Senate after a sharp debate to provide for reduction in the number of annual inspections from two to one per year was on its way to the House on Friday, an identical measure, HB 180, was being introduced in the lower chamber. Furthermore, if the sentiment revealed by several representatives on Raleigh radio programs in the past two weeks is an accurate straw in the wind, there is a strong movement afoot in the House for complete repeal, proposed three weeks ago in HB 5.

HB 171, introduced this week, attacks the 1947 driver's license re-examination law. It would require persons holding licenses prior to July 1, 1947, to secure renewal licenses without examination by January 1, 1950, and would continue to require simple renewal every four years.

Regulation of "motor vehicles being towed" is the object of HB 164 as introduced on Thursday to require that such vehicles be occupied by a driver and be equipped with brakes.

Roads

The Governor's recommendation that the "gasoline tax be increased" one cent to help pay for the proposed \$200,000,000 bond issue for secondary roads was submitted to both houses in bill form on Friday. The bills, SB 79 and LB 181, do not provide for a conditional increase, so that this revenue would be available for road purposes even if the bond issue is not approved.

Courts

On Wednesday the 16 bills embodying the results of the studies of the Commission for the Improvement of Justice were introduced in the House. Three of the bills propose constitutional amendments to be submitted to the voters on November 7, 1950. The first of these would make rotation of judges a legislative rather than a constitutional policy, give the Chief Justice "authority to assign judges, and empower the Legislature to define the jurisdiction of the "special judges"; the second would permit persons represented by counsel to "waive indictment" in all except capital cases; and the third would permit the election of more than one "regular judge" in any district if so provided by the Legislature.

Three statutory changes in the court system would permit the Supreme Court to prescribe the "civil procedure" for all courts except those of the justice of the peace; create a "jury commission" in each county; and set up a "judicial council" to make a continuing study of the administration of justice.

"Pre-trial hearings, which have been used to great advantage in other jurisdictions, were called for by the only bill dealing directly with civil procedure.

In the field of criminal procedure the bills provide that warrants issued in one county run state-wide without endorsement; that "summons" instead of warrants be issued in misdemeanor cases; that "private prosecutors" be required to disclose the identity of their employer; that judges be authorized to assign "counsel to indigent defendants" in all felony cases; that the clerk of court be required before term time to request appointment of counsel for indigent defendants in capital cases; that sentences of life imprisonment be imposed in "capital cases if the jury recommends mercy"; that a "calendar of cases" to be tried be required for each criminal term; and that "suspended sentences"

may be put into effect out of term time.

Applying to both civil and criminal cases was a bill which would make unnecessary the taking of "exceptions to adverse rulings" on the admission of evidence.

Since Joan Berry sued Charlie Chaplin seeking to establish that he was the father of her unborn child, the admissibility of "blood grouping tests" has been much debated. If SB 70, introduced Tuesday, surmounts the legislative hurdles, further discussion of the evidentiary character of such tests in North Carolina will be fruitless. The bill provides that upon motion of the defendant, he, the mother and the child must be ordered to submit to blood grouping tests and that the results thereof must be admitted in evidence when performed by a qualified person. In civil cases either party may request a similar test upon the same terms. The person requesting such tests may be ordered to pay for them.

Schools

The flurry of bills designed to raise teachers' salaries and give State aid to counties for school building construction has abated. The three identical bills fixing teacher, principal and superintendent "salaries" for the 1948-49 school term at the minimums recommended by the State Education Commission are still resting where bills calling for expenditures usually rest—in the

Joint Appropriations Committee. The two bills drafted to provide State funds for county "school building programs" are still in the House Education Committee, and even if one of them is reported favorably, it must still go through the Joint Appropriations Committee. The problem of ways and means, and largely means, is the crucial issue. Governor Scott pointed out the schools' white hope in his inaugural address—"Federal Aid." On Thursday a joint resolution was introduced in the House affirming this hope and requesting the State's congressional delegation to work to expedite legislation providing federal funds for the schools "without federal control." This, too, found its way to the Education Committee. Thus the school picture is still blurred, and blurred it will remain until the committees finish their deliberations.

Public Welfare

From time to time "mental defectives" committed to state institutions are refused or delayed in obtaining admission. When the persons responsible for their upkeep are unable to pay off their support during this waiting period the county must bear the cost. HB 182, introduced Friday, proposes to have the State reimburse the counties at the rate of \$2 per day plus actual medical and hospital expenses incurred in supporting these persons between the time of commitment and admission.

The companion bills designed to have the State take over from the counties "assistance to the needy" between 16 and 65 are both in the hands of Appropriations Committees not because they actually appropri-

Patterson Grove News and Comments

By Mrs. Thurmon Seism

Regular Sunday school service was highlighted by a talk from four of the members that attended the S. S. C. at Shelby last week. Those who spoke were Mrs. Lloyd Phifer, Mrs. G. C. Teague, Rev. Teague and Hugh Falls.

Rev. and Mrs. G. C. Teague and Mr. and Mrs. Lloyd Phifer were appointed by the church to attend the meeting Wednesday night at 7:00 at the First Baptist church in Kings Mountain. Twenty three members attended the S. S. C. in Shelby last week.

Rev. and Mrs. G. C. Teague, Forrest and Ruth, Miss Ruth Seism and Miss Kathleen Goforth were Sunday dinner guests of Mr. and Mrs. Lloyd Phifer.

Mrs. Tom Bridges left Sunday night for Florida.

Mr. and Mrs. Tom Hamrick and children were Sunday dinner guests of Mr. and Mrs. Tom Bridges and boys.

Mr. and Mrs. Hugh Bridges of Charlotte were also Sunday guests of Mr. and Mrs. Tom Bridges.

Rev. and Mrs. G. C. Teague, Forrest and Ruth were Sunday night

ate money, but rather because the policy they set and the machinery they provide will eventually demand that State money be spent. SB 43, the bill that would give contributing governments a lien against real property of "Old Age Assistance recipients" seems to have struck a snag in the Senate Public Welfare Committee.

supper guests of Mr. and Mrs. Thurman Seism, Nell and Charles.

Rev. and Mrs. G. C. Teague, Mrs. Raymond Seism, Bruce and Paul and Mrs. Thurman Seism visited Mrs. Howard Goforth and baby daughter Linda Diane last week.

Mr. Harold Hord has been sick and unable to attend school for the past week.

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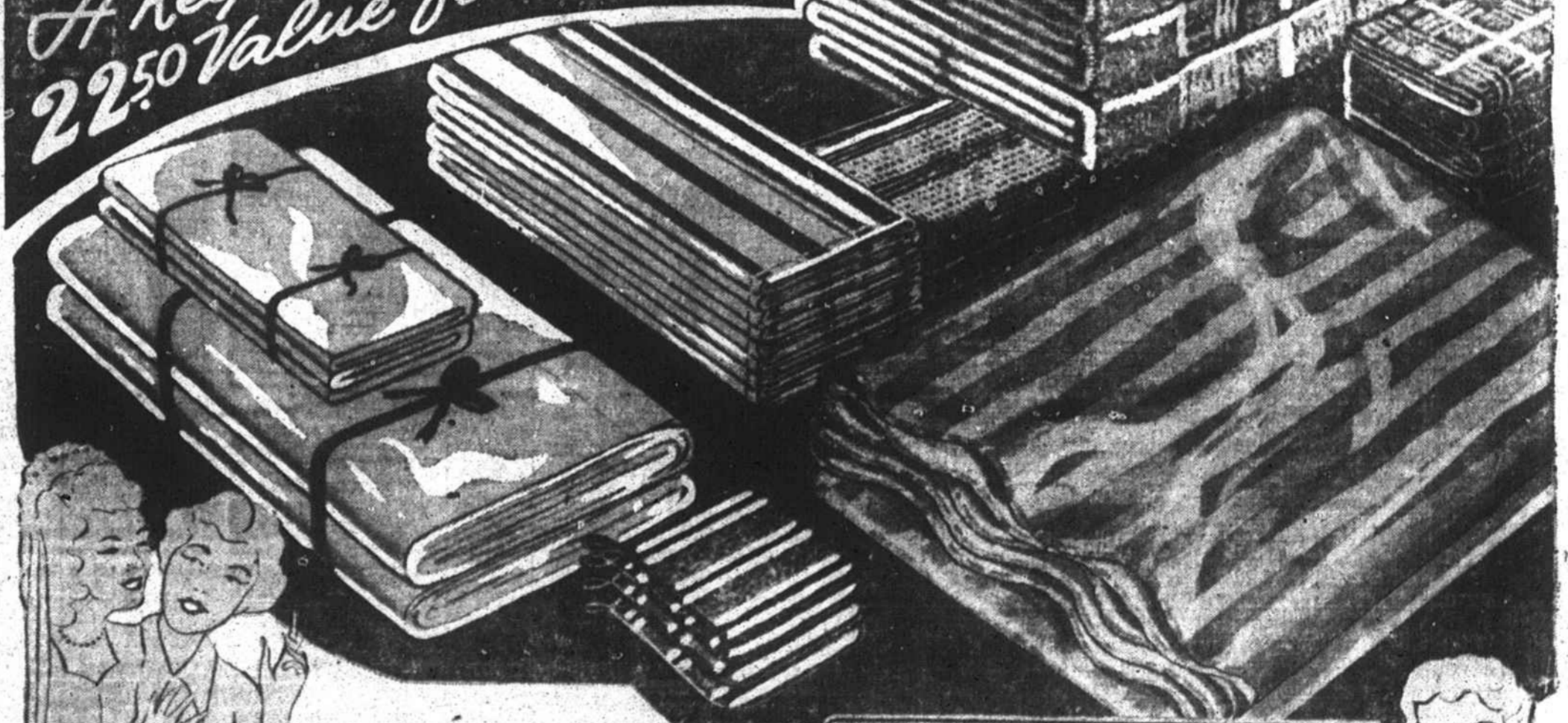
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