

Typical Early Mid-Session Week Brought Few New Headliner Bills

NOTE: This is the seventh of 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 1965. It is confined to discussions of matters of general interest and major importance.

As we pass the (probable) three-eighths mark of the session, the year's volume continues somewhat on the low side. With the help of a heavy Thursday and Friday, total introductions crept near the 500 slot today. By comparison, in recent Assemblies the 500th bill was in the bag about a week earlier on the average. If introductions are light, though, laws are being passed a bit faster than usual. Today the 126th act was ratified. On the same date in 1963 only the 101st

gentle encouragement from the Speaker. Taking up where Governor Moore left off last week with his Budget Message, Senator Tom White introduced the budget appropriations, capital appropriations and legislative bond bills in the Senate this Tuesday (SB 116, SB 117, SB 118). These are identical to the budget bills introduced in the House on opening day, except that Sen. White's bills omit the appropriations items for Charlotte College in light of its new University status. On Friday Sen. White and others, in the Senate, and Rep. Zollicoffer in the House introduced a supplemental budget bill to carry out the recommendations of the Governor's Budget Message (SB 143, HB 347). White and Zollicoffer also introduced identical bills to make some changes in the 1963 capital improvements appropriation affecting self-liquidating projects at several of the State college and university campuses. (SB 144, HB 346).

Two miscellaneous budget bills were born this week — HB 331, appropriating about \$25,000 to the Department of C & D for a forest fire line plowing unit; and SB 119, appropriating \$100,000 for a closer scrutiny of the life and times of the Carolina cucumber, in hopes of spurring Tar Heel cucumber-culture. HB 317 would turn over to the counties for school buildings 15% of the State's take

from the sales and use tax exactions. Other new proposals with spending consequences included two bills to validate tardy tax refund pleas by public bodies (HB 344 and HB 348); a bill to allot an additional \$235,000 for larger commissions to license plate sales agents (HB 345); and a proposal to give copies of session laws, legislative journals and court reports to 27 additional institutions of higher learning (amendment to HB 281).

Criminal Law and Procedure Capital punishment, for decades a highly controversial subject throughout the nation, is receiving particular attention from state legislatures this year. With in the past fortnight Iowa became the 10th state to eliminate the death penalty (the others: Alaska, Hawaii, Maine, Michigan, Minnesota, North Dakota, Rhode Island, Wisconsin, and Oregon). However, elimination of the death sentence by legislative action is only part of the story. It is dying more through disuse than by formal repeal. Of states with capital punishment still on their books, Idaho has not had an execution in a decade, Montana not since 1943, and Massachusetts not since 1947. Nationwide executions have declined steadily from 199 in 1935 to 31 in 1963, even in face of a rapidly increasing population, crime rate, etc.

Rep. Messer's bill (HB 103) to abolish the death penalty in North Carolina, except in rape cases, was reported favorably in the House by Judiciary 1 on March 18, and came up on the calendar for second reading Friday. After a lengthy and vigorous debate the bill was overwhelmingly defeated on a roll call vote. Proponents of the measure pointed to the nation-

wide trend, and to the inequities of executing only a fraction of the eligibles; while opponents concentrated their fire on the possible deterrent value of retaining the statute on the books. A major revision of the Post Conviction Hearing Act sponsored by the Judicial Council (HB 305, Godwin of Gates) substantially broadens its applicability and expedites procedures. Under the old act a person convicted of crime could obtain a judicial review in the state courts after the time for appeal had expired only for alleged substantial denial of constitutional rights. The remedy for other trial errors lay in Federal habeas corpus. The new act would supply a post conviction hearing in addition for conviction in a court without jurisdiction to impose the sentence, a sentence in excess of the legal maximum, and any other error now remediable by various common law writs. The procedural modifications are designed to insure a speedier disposition of petitions under the act. One effect of the proposed changes, by making state procedures simpler and more broadly available, should be to cut down the number of habeas Corpus petitions to Federal courts by North Carolina convicts.

Law and Marriage Thursday saw the rather unusual result of an unpopular Supreme Court decision: 11 bills prompted directly or indirectly by the Court's decision in **Dudley vs. Staton** holding unconstitutional the 1959 wills statute insofar as it permitted a husband to dissent from his wife's will. A constitutional amendment proposed by the 1963 legislature rewrote Art. X, sec. 6 to over-rule that decision and permit the manner in which a married woman might dispose of her property. HB 320 is designed to make doubly sure that **Dudley** is dead by re-enacting the entire dissent section of the wills statute. Seven of the 11 bills (HB 319, 321, 322, 324, 325, 326, and 328) implement the amendment by rewriting, repealing or amending virtually all

the laws dealing with the property of married women to put husbands and wives on an equal basis as regards rights in their separate property. The net effect of the legislation is to make each spouse a free agent in dealing with his or her separate property with two exceptions, both presently the law: (1) a private examination of the wife, designed to insure that the transaction is not unreasonable or injurious to her interests, is required for most contracts between husband and wife affecting her property; (2) the consent of the spouse is still required for either to sell separate property during the continuance of the marriage, in order to bar an elective life estate should the other dissent from the will. Other Among the week's new introductions: a complete revision of the credit union laws (HB 296); a bill to enable counties to levy benefit assessments for beach erosion control (SB 127), supplementing an earlier proposal to grant property taxing authority for the same purposes; a bill to validate marriages performed according to the Bahal usages (SB 121); a bill to prohibit insurance companies from refusing to re-new auto liability insurance policies except for stated causes (SB 120); and bills to increase the mandatory license revocation period and provide minimum penalties for driving without financial responsibility (HB 308 and HB 309).

Curtains and Curtain Calls Among this week's winners was: HB 143 (Ch. 106), relieving auto dealers of some unnecessary reports, the first new motor vehicle enactment of the session. And among the losers: HB 156, to increase the private detectives license tax, reported unfavorably from committee Thursday; HB 153, to bring Wilkes County under the County Criminal Courts Act, reported unfavorably Thursday, thus renewing a timeless tradition of unkindness to Republican - sponsored

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NOTICE OF ELECTION

Pursuant to provisions of the Charter for the City of Kings Mountain and of the State Laws relative to the conduct of Municipal Election, and to a resolution adopted by the Board of Commissioners on March 11, 1965, an election is ordered to be held on the second Tuesday after the first Monday in May, being May 11, 1965, for the election of a Mayor and five members of the Board of Commissioners for the City of Kings Mountain, one each to be elected from each Ward and for the election of two Trustees for the Kings Mountain School District as follows: The two members shall reside within the Kings Mountain School District. (One member shall reside within the corporate limits and one member outside the corporate limits.)

- The voting places shall be as follows:
- Ward No. I —City Hall
 - Ward No. II —American Legion Building
 - Ward No. III —East School
 - Ward No. IV —Kings Mountain Mfg. Club Room
 - Ward No. V —National Guard Armory
 - Grover District —Grover Rescue Squad Building
 - Bethware District —Bethware School
 - Park Grace District— Park Grace School
- The Registrars and Judges shall be as follows:
- Ward No. I —Registrar: C. L. Black
Judges: Mrs. Nell C. Cranford & Mrs. Dorothy P. Etheridge
 - Ward No. II —Registrar: R. D. Goforth
Judges: Mrs. Ruth C. Thomasson & Mrs. T. L. Trott
 - Ward No. III—Registrar: Mrs. Ruth Bowers
Judges: Mrs. Bertie McDaniel & Mr. Rochel Connor
 - Ward No. IV —Registrar: Vera C. Cash
Judges: B. R. Tate & Mrs. James Pearson
 - Ward No. V —Registrar: Mrs. Paul Patterson
Judges: Mrs. W. F. Laughter, Mrs. Kenneth E. Cook
 - Park Grace District —Registrar: Mrs. James W. Cloninger
—Judges: Mr. John Cloninger & Mrs. George C. Barber
 - Bethware District —Registrar: Mrs. Frank Ware
—Judges: Mrs. J. D. Jones & W. A. Wright
 - Grover District —Registrar: Mrs. James C. Scruggs
—Judges: Ethel Martin, and Mrs. W. McCarter

The Registration Books will be opened at the aforesaid voting places for four (4) successive Saturdays next preceding the election, beginning on Saturday, April 10, 1965 between the hours of 7:00 A.M. and 7:00 P.M. for the registration of persons eligible to vote in said election, and the Registration Books will be opened for public inspection and challenge on Saturday, May 8, 1965.

That on Monday, May 10, 1965, the Registrars and Judges in any Ward or School District where there may be a challenge shall sit, at an hour convenient to themselves, for the purpose of deciding whether or not the challenge shall stand or be dismissed.

The Polls shall be opened at 7:00 A.M. and held open until 6:00 P.M. Eastern Standard Time, Tuesday, May 11, 1965. That the Registrars and Judges shall conduct the election and certify the results of the Board of Commissioners for the City of Kings Mountain in accordance with the law.

Any person desiring to run for Mayor, City Commissioner or School Trustee shall at least fifteen days before the election in which he or she desires to run, file his or her intention in writing with the City Clerk and pay a filing fee of \$5.00 for Commissioner and School Board and \$100.00 for the office of Mayor.

This notice shall be published in a newspaper published in the City of Kings Mountain or a copy of this notice shall be posted in each of the five wards and three School Districts for four successive weeks prior to the election.

J. H. McDaniel, Jr.
City Clerk 3:25-4:15



VOTE

JOHN HENRY MOSS FOR MAYOR

ELECTION, MAY 11, 1965

A Vote for MOSS is a Vote for A Progressive Kings Mountain

3:25-4:1

Appropriations and Finance Taking up where Governor Moore left off last week with his Budget Message, Senator Tom White introduced the budget appropriations, capital appropriations and legislative bond bills in the Senate this Tuesday (SB 116, SB 117, SB 118). These are identical to the budget bills introduced in the House on opening day, except that Sen. White's bills omit the appropriations items for Charlotte College in light of its new University status. On Friday Sen. White and others, in the Senate, and Rep. Zollicoffer in the House introduced a supplemental budget bill to carry out the recommendations of the Governor's Budget Message (SB 143, HB 347). White and Zollicoffer also introduced identical bills to make some changes in the 1963 capital improvements appropriation affecting self-liquidating projects at several of the State college and university campuses. (SB 144, HB 346).

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