

LEGISLATIVE REPORT

This is the fifth 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 1969. It is confined to discussions of matters of general interest.

ONE-QUARTER MARK

The 1969 General Assembly is five and one-half weeks along its appointed course. Barring an extraordinary lengthy session, this Assembly has probably now passed the one-quarter mark in its labors.

The '69 model continues to set no track records. After 28 daily sessions, 334 bills and resolutions

have been introduced, and 15 acts and 20 resolutions have been enacted. The overall volume of introductions is about 13% behind the average for previous sessions during this decade, but this fall-off is more than explained by an exceptionally small number of local bills. Local introductions this year are running at a lowly 56% of the previous 1960's average; public introductions, at 106%. This Assembly is enacting laws much more slowly than its recent predecessors but, here too, the leisurely beginning is largely traceable to the dearth of local bills. (15 acts in all have been ratified thus far in 1969, by comparison with the '60's aver-

age of 64 for this stage of the session. As to public acts alone, the comparative figures are 4 and 12, but this gap could be quickly closed.)

Astrologers, chartists and other soothsayers may take comfort that the relaxed pace of the current Assembly is apparently in full harmony with the historic rhythms of the legislative spheres. For this stage of the session the '69 session is seemingly sounding an echo of a quadrennial volume cycle — low in 1961 and again in 1965, high in 1963 and 1967.

The Courts, The Administration of Justice and "Lawyers' Law" Nearly every legislative session is amply endowed with proposals affecting the organization of justice and "lawyers' law" — the body of law, largely civil in character, that constitutes the bread and butter of practicing lawyers. 1969 is no exception. In this issue we review generally the legislative programs of three groups that are a prolific source of recommendations on these subjects: the Commission on the Courts, the General Statutes Commission, and the Judicial Council.

The Courts Commission — created in 1963 to implement unveiled its legislative recommendations for 1969. Its program, contained in the third biennial report of the Commission, consists for the most part of minor extensions or technical amendments to major court reform measures enacted by the 1965 and 1967 sessions; a series of editorial changes in the General Statutes to take into account the existence of the Court of Appeals; a few adjustments of a technical nature in the 1967 juror selection and serv-

ice act; some changes in the membership and duties of the Judicial Council designed to reflect the latest organization of the judicial system; extension of the district court system to the 17 counties not yet covered; and a recodification of the out-of-date juvenile jurisdiction and procedure statutes. Bills covering some of these proposals have already been introduced.

One proposal of the Commission, however, is expected to receive more than casual scrutiny. It would rewrite and expand existing statutes to incorporate court-imposed standards for providing counsel for indigent defendants, including (pursuant to a January, 1969 decree of the N. C. Supreme Court) misdemeanants accused of "serious" (more than six-months' punishment possible) crimes. In addition, in the more populous judicial districts of the State, the proposal would replace the traditional assigned-counsel system with a full-time State-paid public defender, whose sole responsibility would be to represent indigent persons accused of crimes, thereby relieving many judge-assigned lawyers of what has become an increasingly time-consuming and poorly-paid chore. Object: more and better defense for the dollar. Districts tentatively selected for the public defender treatment include four one-county districts (Mecklenburg, Guilford, Forsyth, and Wake), one two-county district (Cumberland-Hoke), and two three-county districts (Burke-Caldwell-Catawba and Edgecombe-Nash-Wilson). Bills embodying the Commission's indigent's counsel proposal were introduced this week in the Senate by Sen. Bailey and in the House

by Rep. Short.

The General Statutes Commission is responsible among other things for recommending substantive changes in the law, and for advising the Attorney General's Legislative Drafting Division in its function of continuous statutory research and correction. The Commission's proposed 1969 legislative program faithfully reflects the breadth of this continuing study group assignment. It ranges from the proposed Uniform Anatomical Gift Act, a perennial bill to correct errors in the General Statutes, a bill to make uniform the statutes concerning per diem payments for State boards and commissions, several bills concerning real property law, some amendments to facilitate the transition to the new Rules of Civil Procedure, and a bill to permit joint bank accounts with a right of survivorship — to more comprehensive measures that would generally revise the business corporations law and would rewrite statutes concerning mechanics' and materialmen's liens, Federal tax lien registration, discharge of mortgages and deeds of trust, and motor vehicle liens. At this writing bills including several of the GSC proposals have been introduced. Early this week one of these (the joint bank account bill) fell upon evil days and was defeated in the Senate by the barest of margins — a switched vote that broke a 24-24 tie, to kill the bill on third reading by 25 to 23.

The Judicial Council, established in 1949, makes recommendations concerning the conduct of the business of the courts and other matters pertaining to the administration of justice. Like the General Statutes Commission, its membership consists largely of distinguished practitioners of the law, judges and other public officials who devote their efforts to its highly necessary but often

technical work. In recent years, in deference to the mission of the Courts Commission, the Judicial Council has largely limited itself to procedural refinements and minor substantive changes in the criminal law. This year's Council program includes recommendations involving condemnation procedure; post conviction hearings; the law of larceny, burglary and assault; outdated statutes concerning outlaway and accessories to the crime of horse stealing; jury trial and appellate procedures; and its own membership. One of the Council's proposals bids to be the center of highly charged debate this session. In the wake of recent U. S. Supreme Court decisions that make inroads upon capital punishment laws, the Council — without taking a position on the merits of capital punishment — has recommended the enactment of legislation that it deems necessary to shore up the constitutionality of North Carolina's capital punishment laws. The Council proposals would, among other things, repeal the law permitting acceptance of a guilty plea to a capital felony and for pronouncement of a life sentence thereon, and repeal the provisions allowing a jury recommendation of mercy in capital cases. Bills embodying these recommendations have been introduced and will soon be vying for approval with a bill now in the hopper to totally abolish capital punishment.

Double Check Tax Return

GREENSBORO, N. C. — After your 1968 Federal income tax return is filled out, it is a good idea to set it aside for a day or so and then give it a thorough review before mailing it.

District Director of Internal Revenue, J. E. Wall, said that North Carolina persons who follow this advice often find income or deductions they omitted or errors in arithmetic.

A review of the return may disclose that the social security number was omitted or listed incorrectly, copies of all W-2's (Wage and Tax Statement) are not attached, the return is not signed, or the address or zip code is missing.

This review is time well spent as it may prevent delays in processing the return and speed up any refund due, Wall said.

Carpeting Static Proof?

RALEIGH — Sparks will soon be missing from carpeted rooms, believes Mrs. Lillie Little, extension housing and house furnishings specialist, North Carolina State University. For anti-static carpeting is beginning to make its appearance.

Static electricity, especially noticeable during the drying household heat of the winter months, is common on wool carpeting and on that made of man-made fibers. This could include nylon, acrylics, polyesters and olefins.

How do they make carpeting static-proof? There are several methods used, Mrs. Little says. One of these is the use of metal fibers in with the carpeting fiber. Stainless steel or copper wires coated with tin are being used.

Another method has been the use of chemical treatments. However, many of these have to be reapplied once the carpet has been shampooed.

As an added bonus, there are some fibers already on the market that promise the homeowner anti-static carpeting that soils less easily, seems to wear longer and is easier to clean.

However, it may be a while before such carpeting is available for home use. It's being used primarily on the construction contract market today.


But when it does filter down to the homeowner, anti-static carpeting may be of even better quality than it is today.

The Veterans Corner

EDITOR'S NOTE: Below are authoritative answers by the Veterans Administration to some of the many current questions from former servicemen and their families. Further information on veterans benefits may be obtained at any VA office.

Q—In determining a veteran's entitlement to a nonservice-connected pension, does the Veterans Administration consider the veteran's gross income or his taxable income? I am over 65 years of age and have no dependents. I have not applied for a pension previously because my income was above the \$1,800 limit. This year, however, I expect to incur unusually heavy medical expenses that will bring my taxable income under that limit. Will this make any difference?

A—Entitlement to a VA pension is based on gross income from which certain exclusions are deducted by the VA. If you file a claim, list your gross income and its sources — all legal exclusions will be deducted. Medical expenses do not reduce your gross income except where they are related to a condition for which you are receiving disability retirement benefits. However, since the income maximum for a veteran with no dependents was increased from \$1,800 to \$2,000 a year on Jan. 1, check with your nearest VA regional office.

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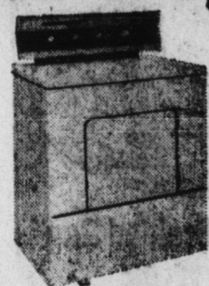
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