STATE OF NORTH CAROLINA

1969
Session Laws and Resolutions
PASSED BY THE
GENERAL ASSEMBLY
AT THE
REGULAR SESSION
HELD IN THE CITY OF RALEIGH
BEGINNING ON
WEDNESDAY, THE FIFTEENTH DAY OF JANUARY, A.D. 1969

PUBLISHED BY AUTHORITY
OFFICIAL REGISTER FOR 1969-1971

LEGISLATIVE DEPARTMENT

H. Patrick Taylor, Jr. ............ President of the Senate ......... Anson
*Earl W. Vaughn ............... Speaker of the House of Representatives .... Rockingham


EXECUTIVE DEPARTMENT

Robert W. Scott ................ Governor ................ Alamance
H. Patrick Taylor, Jr. .......... Lieutenant Governor .......... Anson
*Thad Eure ......................... Secretary of State ........... Hertford
*Henry L. Bridges ................. Auditor .................. Guilford
*Craig Phillips ................. Superintendent of Public Instruction ......... Scotland
Robert Morgan .................... Attorney General .......... Harnett
*James A. Graham ................ Commissioner of Agriculture .... Rowan
*Frank Crane.................. Commissioner of Labor ......... Union
*Edwin S. Lanier ................ Commissioner of Insurance ...... Orange

Constitute the Council of State (Attorney General is the legal advisor to the Executive Department).

JUDICIAL DEPARTMENT

SUPREME COURT

R. Hunt Parker .................. Chief Justice .............. *Raleigh
William H. Hobitt ................. Associate Justice .......... *Raleigh
Carlisle Higgins ................. Associate Justice .......... *Raleigh
Susie Sharp ..................... Associate Justice .......... *Raleigh
J. Beverly Lake .................. Associate Justice .......... *Raleigh
Joseph Branch .................... Associate Justice .......... *Raleigh
J. Frank Huskins ................. Associate Justice .......... *Raleigh

EMERGENCY JUSTICES

William B. Rodman, Jr. .......... Judge ....................... Washington
E. H. Denny ......................... Judge ..................... Raleigh
J. Will Fless, Jr. ................ Judge ....................... Marion

Frank W. Bullock, Jr. .......... Administrative Assist. to Chief Justice .... Raleigh
Raymond M. Taylor .............. Librarian and Marshal .......... Raleigh
Adrian J. Newton ................ Clerk ...................... Raleigh
Wilson B. Partin, Jr. .......... Reporter .................. Raleigh

*Official (not legal) residences.

COURT OF APPEALS

Raymond B. Mallard ............. Chief Judge .......... ................ *Raleigh
Hugh B. Campbell ................ Judge ............... ................ *Raleigh
Walter E. Brock ................ Judge ....................... *Raleigh
David M. Britt .................. Judge ....................... *Raleigh
Naomi E. Morris ................. Judge ....................... *Raleigh
Frank M. Parker ................ Judge ....................... *Raleigh
Earl W. Vaughn ................. Judge ....................... *Raleigh
W. E. Graham, Jr. ............ Judge ....................... *Raleigh
R. A. Hedrick .................... Judge ....................... *Raleigh

*Official (not legal) residences.

SUPERIOR COURT JUDGES

Name ................. District ................. Address
Walter W. Cohoon ............. First ................. Elizabeth City
Elbert S. Peel, Jr. .......... Second ................. Williamston
William J. Bundy ............. Third ................. Greenville
Howard H. Hubbard .......... Fourth ................. Clinton
Rudolph I. Mintz ............. Fifth ................. Wilmington
Joseph W. Parker ............. Sixth ................. Tarboro
George M. Fountain .......... Seventh ................. Kinston
Albert W. Cowper .......... Eighth ................. Louisburg
Hamilton H. Hoggood .......... Ninth ................. Raleigh
William Y. Buckett .......... Tenth ................. Raleigh
James H. Pou Bailey .......... Tenth ................. Raleigh
Harry E. Canaday .......... Eleventh ................. Benson
E. Maurice Braswell .......... Twelfth ................. Fayetteville
Coy E. Brewer .......... Twelfth ................. Fayetteville
Edward B. Clark .......... Thirteenth ................. Elizabethtown
Clarence W. Hall .......... Fourteenth ................. Durham
Leo Carr ....................... Fifteenth ................. Burlington
iv

OFFICIAL REGISTER

HENRY A. McKINNON, JR. ........................ Sixteenth ........................ Lumberton
ALLEN H. GWYN ................................ Seveteenth ........................ Hertford
WALTER E. CRISSMAN ......................... Eighteenth ........................ High Point
EUGENE G. SHAW ............................. Eighteenth ........................ Greensboro
JAMES G. EALM, JR. ........................... Eighteenth ........................ Greensboro
FRANK M. ARMSTRONG ......................... Nineteenth ........................ Troy
THOMAS W. SEAY, JR. .......................... Nineteenth ........................ Spencer
JOHN D. MCCONWELL ............................ Twenty-first ........................ Southern Pines
WALTER E. JOHNSTON, JR. ..................... Twenty-first ........................ Winston-Salem
HARVEY A. LUPTON ............................. Twenty-first ........................ Statesville
ROBERT A. COLIER, JR. ........................ Twenty-second ........................ Wilkesboro
H. W. ANGLIN .................................... Twenty-fourth ........................ Burnsville
SAM J. ERVIN, III .............................. Twenty-fifth ........................ Morganton
FRED H. Hasty ..................................... Twenty-sixth ........................ Charlotte
WILLIAM T. GRIST .............................. Twenty-sixth ........................ Charlotte
FRANK W. SNEEP, JR. .......................... Twenty-sixth ........................ Charlotte
P. C. FRONEREGER .............................. Twenty-seventh ........................ Gastonia
J. T. FALLS, JR. ............................... Twenty-seventh ........................ Shelby
W. K. MCLAN ..................................... Twenty-eighth ........................ Asheville
HARRY C. MARTIN ................................. Twenty-ninth ........................ Hendersonville
J. W. JACKSON .................................... Twenty-ninth ........................ Bryson City
T. D. BRYSON ..................................... Twenty-ninth ........................ Bryson City

SPECIAL JUDGES

FATE J. BEAL ..................................... Lenoir ............................. High Point
JAMES C. BOWMAN ............................... Southport .......................... Nashville
J. WILLIAM COPELAND ......................... Murfreesboro ........................ Webster
A. PILSTON GODWIN, JR. ........................ Raleigh ............................ Raleigh

EMERGENCY JUDGES

WALTER J. BONE ............................... Nashville .............................. Rockingham
W. H. S. BURGWIN .............................. Woodland ........................... Warsaw
ZEB V. NETTLES ................................. Asheville ........................... Coinjock
HUBERT E. OLIVE ............................... Lexington ........................... Charlotte
GEORGE B. PATTON .............................. Franklin ............................ Charlotte

SUPERIOR COURT SOLICITORS

Name .......................... District .......................... Address
HERBERT SMALL ......................... First .......................... Elizabeth City
ROY R. HOFFORD, JR. ..................... Second .......................... Wilson
W. H. S. BURGWIN, JR. ................. Third .......................... Woodland
ARCHIE TAYLOR ........................... Fourth .......................... Morehead City
LUTHER HAMILTON, JR. .................. Fifth .......................... Clinton
WALTER T. BRITT ............................ Sixth .......................... Raleigh
WILLIAM G. RANSDELL, JR. .......... Seventh .......................... Raleigh
WILLIAM H. ALLEN, CORR ................ Eighth .......................... Wrightsville Beach
DORAN J. BERRY ............................ Ninth .......................... Fayetteville
JOHN B. HEGAN ............................... Ninth A ........................... St. Pauls
DAN K. EDWARDS ............................. Tenth ............................ Durham
THOMAS G. COOPER .......................... Tenth A ........................... Morehead City
THOMAS W. MOORE, JR. .................... Eleventh .......................... Winston-Salem
CHARLES T. RIVET .................................. Twelfth .......................... Greensboro
M. G. BOYETTE .................................. Thirteenth .......................... Cartage
HENRY M. WHITSIDES ......................... Fourteenth .......................... Gastera
ELLIOTT M. SCHWARTZ ......................... Fourteenth A .......................... Charlotte
ZEB A. MORRIS ............................. Fifteenth .......................... Concord
W. H. HAMPSON CHILDS, JR. .......... Sixteenth .......................... Columbus
J. ALLIS HAYES ............................... Seventeenth .......................... N. Wilkesboro
LEONARD LOWE ............................... Eighteenth .......................... Caroleen
CLYDE M. ROBERTS .......................... Nineteenth .......................... Marshall
MARCELLUS BUCHANAN, III .......... Twenty-first .......................... Sylva
CHARLES M. NEAVES ............................ Twenty-first .......................... Elkin

DISTRICT COURT JUDGES

Name .......................... District .......................... Address
FENTRESS HORNOR (Chief) ............. First .......................... Elizabeth City
WILLIAM S. PRIVOTT ......................... First .......................... Edenton
HALLETY S. WARD (Chief) ............... Second .......................... Washington
CHARLES H. MANNING .................... Second .......................... Williamston
J. W. ROBERTS (Chief) ..................... Third .......................... Greensville
CHARLES H. WHEEDEE ....................... Third .......................... Greeneville
HERBERT O. PHILLIPS, III ............. Third .......................... Morehead City
ROBERT D. WHEELER ....................... Third .......................... Gritton
HARRY C. BOYD (Chief) ................. Fourth .......................... Hertford
PAUL M. CRUMPLER ......................... Fourth .......................... Columbia
RUSSELL J. LAMIER ........................ Fourth .......................... Beulaville
WALTER P. HENDERSON ..................... Fourth .......................... Trenton
<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. Winfield Smith (Chief)</td>
<td>Wilmington</td>
</tr>
<tr>
<td>Bradford Allen</td>
<td>Wilmington</td>
</tr>
<tr>
<td>Gilbert H. Burnett</td>
<td>Wilmington</td>
</tr>
<tr>
<td>J. T. Mabrey (Chief)</td>
<td>Weldon</td>
</tr>
<tr>
<td>Joseph D. Blythe</td>
<td>Ahoskie</td>
</tr>
<tr>
<td>Ballard L. Gay</td>
<td>Jackson</td>
</tr>
<tr>
<td>J. Phil Carlton (Chief)</td>
<td>Pinetops</td>
</tr>
<tr>
<td>Allen W. Harrell</td>
<td>Wilson</td>
</tr>
<tr>
<td>Tom H. Matthews</td>
<td>Rocky Mount Whittakers</td>
</tr>
<tr>
<td>Ben H. Neville</td>
<td>Goldsboro</td>
</tr>
<tr>
<td>Charles P. Gaylor (Chief)</td>
<td>Maury</td>
</tr>
<tr>
<td>Herbert W. Hardy</td>
<td>Winston</td>
</tr>
<tr>
<td>Emmett H. Wooten</td>
<td>Oxford</td>
</tr>
<tr>
<td>Lester W. Patz</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Julius Banzet (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Claude W. Allen, Jr.</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Linwood T. Peoples</td>
<td>Raleigh</td>
</tr>
<tr>
<td>George F. Bason (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Edwin S. Preston, Jr.</td>
<td>Raleigh</td>
</tr>
<tr>
<td>S. Pretlow Winborne</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Henry V. Barnett, Jr.</td>
<td>Raleigh</td>
</tr>
<tr>
<td>N. F. Randsell</td>
<td>Fuquay-Varina</td>
</tr>
<tr>
<td>Robert B. Morgan, Sr. (Chief)</td>
<td>Lillington</td>
</tr>
<tr>
<td>W. Pope Lyons</td>
<td>Selma</td>
</tr>
<tr>
<td>William L. Goodwin</td>
<td>Dunn</td>
</tr>
<tr>
<td>Woodrow Hill</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Debb S. Carter (Chief)</td>
<td>Raeford</td>
</tr>
<tr>
<td>Joseph E. Duhre</td>
<td>Raeford</td>
</tr>
<tr>
<td>D. B. Herring, Jr.</td>
<td>Raeford</td>
</tr>
<tr>
<td>George Z. Stuhl</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Ray H. Walton (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Giles H. Clark</td>
<td>Raleigh</td>
</tr>
<tr>
<td>E. Lawson Moore (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Thomas H. Lee</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Samuel O. Riley</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Harry Horton (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Stanley Peele</td>
<td>Raleigh</td>
</tr>
<tr>
<td>D. Marsh McLelland</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Coleman Cates</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Robert F. Floyd (Sixteenth)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Samuel E. Britt</td>
<td>Raleigh</td>
</tr>
<tr>
<td>John S. Gardner</td>
<td>Raleigh</td>
</tr>
<tr>
<td>E. D. Kuykendal, Jr. (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Herman G. Enochs, Jr.</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Byron Haworth</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Elreta M. Alexander</td>
<td>Raleigh</td>
</tr>
<tr>
<td>B. Gordan Gentry</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Edward K. Washington</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Kenneth M. Carrington</td>
<td>Raleigh</td>
</tr>
<tr>
<td>F. Fetzner Mills (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Edward E. Crutchfield</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Walter M. Lamplcy</td>
<td>Raleigh</td>
</tr>
<tr>
<td>A. A. Webb</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Abner Alexander (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Burford T. Henderson</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Rhoda B. Billings</td>
<td>Raleigh</td>
</tr>
<tr>
<td>John (Red) Clifford</td>
<td>Raleigh</td>
</tr>
<tr>
<td>A. Lincoln Sherr</td>
<td>Raleigh</td>
</tr>
<tr>
<td>J. Ray Bishop (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>J. E. Holshouser, Sr.</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Mary Gaither Whitener (Chief)</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Joe Howard Evans</td>
<td>Hickory</td>
</tr>
<tr>
<td>Livingston Vernon</td>
<td>Hickory</td>
</tr>
<tr>
<td>Benjamin Beach</td>
<td>Hickory</td>
</tr>
<tr>
<td>Willard L. Gatling (Chief)</td>
<td>Hickory</td>
</tr>
<tr>
<td>William H. Abernathy</td>
<td>Hickory</td>
</tr>
<tr>
<td>Howard B. Arbuckle</td>
<td>Hickory</td>
</tr>
<tr>
<td>J. Edward Stokes</td>
<td>Hickory</td>
</tr>
<tr>
<td>Claudia F. Watkins</td>
<td>Hickory</td>
</tr>
<tr>
<td>P. R. Betts, Jr.</td>
<td>Hickory</td>
</tr>
<tr>
<td>Clefton Johnson</td>
<td>Hickory</td>
</tr>
<tr>
<td>Lewis Bulwinkle (Chief)</td>
<td>Gastonia</td>
</tr>
<tr>
<td>Oscar F. Mason, Jr.</td>
<td>Gastonia</td>
</tr>
<tr>
<td>William A. Mason</td>
<td>Belmont</td>
</tr>
<tr>
<td>Joe F. Mull</td>
<td>Shelby</td>
</tr>
<tr>
<td>John R. Friday</td>
<td>Lincoln</td>
</tr>
<tr>
<td>Forrest L. Robertson (Chief)</td>
<td>Rutherford</td>
</tr>
<tr>
<td>Robert T. Trevard</td>
<td>Forest City</td>
</tr>
<tr>
<td>Wade B. Matheny</td>
<td>Wavensville</td>
</tr>
<tr>
<td>F. E. Alley, Jr. (Chief)</td>
<td>Wavensville</td>
</tr>
<tr>
<td>Robert J. Leatherwood, III</td>
<td>Bryson City</td>
</tr>
</tbody>
</table>

*District Courts are now in operation in twenty-five districts composed of eighty-three counties. District Courts will be operating in all counties by December, 1970.*
DISTRICT COURT PROSECUTORS

Wilton F. Walker, Jr. ......... First ............... Currituck
W. C. Griffin, Jr. .......... Second ............... Williamson
Eliz. Bloom .......... Third ............... Greenville
A. Turner Shaw, Jr. ......... Fourth ............... Jacksonville
John M. Walker ......... Fifth ............... Wilmington
W. E. Murphy, III. ........ Sixth ............... Roanoke Rapids
Charles B. Winberry, Jr. .... Seventh ............... Wilson
F. O. Parker .......... Eighth ............... Goldsboro
Charles M. White, III. .... Ninth ............... Warrenton
Henry Newton .......... Tenth ............... Raleigh
W. K. Hinton .......... Eleventh ............... Smithfield
Charles G. Rose, III. .... Twelfth ............... Fayetteville
Lee J. Greer .......... Thirteenth ............... Whiteville
Milton Read, Jr. .......... Fourteenth ............... Wilson
Robert C. Raimond ........ Fifteenth ............... Raleigh
Charles G. Mclean ......... Sixteenth ............... Smithfield
Douglas Albright ........ Eighteenth ............... Fayetteville
Carroll R. Lowder ........ Twenty-first ............... Brunswick
James A. Harrell, Jr. ... Twenty-fourth ............... Belhaven
Philip M. Thomas .......... Twenty-fifth ............... Brevard
J. C. Rudisill, Jr. .......... Twenty-sixth ............... Brevard
John B. Whiteley ......... Twenty-seventh ............... Waynesville
J. O. Wells .......... Twenty-ninth ............... Waynesville
James H. Howell, Jr. .... Thirtieth ............... Wake

HEADS OF ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

Department of Adjutant General
Claude T. Bowers, Adjutant General ........ Warren
William L. Turner, Director ........ Wake

Department of Administration

James A. Graham, Commissioner ........ Rowan
William Charles Cohoon, Chairman ........ Wake

Department of Agriculture

Ho:ston G. Jones, Director ........ Wake

Board of Alcoholic Control

Henry L. Bridges, State Auditor ........ Guilford
Frank L. Harrelson, Commissioner ........ Wake

Banking Department
Grady R. Galloway, Executive Director ........ Wake

Commission for the Blind
Daniel K. Muse, Commissioner ........ Alamance

N. C. Burial Association

Budget Bureau
G. A. Jones, Jr., State Budget Officer ........ Wake

N. C. Civil Defense Agency
James W. Denning, Director ........ Harnett

Department of Correction

I. E. Ready, Director ........ Wake

Department of Conservation and Development

Roy G. Sowers, Jr., Director ........ Lee

Department of Community Colleges

V. L. Bounds, Commissioner ........ Wake

Administrative Office of the Courts
Bert M. Montague, Director ........ Wake

State Board of Education

A. C. Davis, Controller ........ Wake

Board of Higher Education
Cameron P. West, Director ........ Wake

State Board of Elections

Alex K. Brock, Executive Secretary ........ Wake
Employment Security Commission

Henry E. Kendall, Chairman ........................................... Cleveland

Eugenics Board of North Carolina

Mrs Sue L. Casebolt, Executive Secretary ........................................... Wake

General Services Division

Lawrence A. Watts, Jr., General Services Officer ........................................... Wake

N. C. Good Neighbor Council

Fred Cooper, Director .................................................... Hertford

Governor’s Committee on Law and Order

James R. Van Camp, Executive Director ........................................... Moore

Governor’s Committee on the Employment of the Handicapped

James S. Massenburg, Executive Secretary ........................................... Wake

Governor’s Coordinating Council on Aging

J. Eddie Brown, Executive Director ........................................... Durham

State Board of Health

Dr. Jacob Koomen, State Health Director ........................................... Wake

State Highway Patrol

Charles A. Speed, Commander .................................................. Wake

State Highway Commission

Duncan McLaughlin Faircloth, Chairman ........................................... Sampson

State Highways

W. F. Haddock, Administrator ................................................. Wake

Department of Mental Health

Dr. Eugene A. Hargrove, Commissioner of Mental Health ........................................... Wake

Industrial Commission

J. W. Bean, Chairman ......................................................... Rowan

Department of Insurance

Edwin S. Lanier, Commissioner .................................................. Orange

Bureau of Investigation

Charles J. Dunn, Jr., Director .................................................. Wake

Board of Juvenile Correction

Blaine M. Madison, Commissioner ........................................... Iredell

Department of Justice

Robert Morgan, Attorney General ........................................... Harnett

Department of Labor

Frank Crane, Commissioner ................................................... Union

N. C. State Library

Philip S. Oglvie, State Librarian ........................................... Wake

Department of Local Affairs

G. Irvin Aldridge, Director ................................................... Caswell

Local Government Commission

Harlan E. Boyles, Secretary ................................................... Wake

Medical Care Commission

William F. Henderson, Executive Secretary ........................................... Wake

N. C. Milk Commission

J. V. Whitaker, Executive Secretary ........................................... Wake

Department of Motor Vehicles

Joe W. Garrett, Commissioner ................................................... Wake

Museum of Art

Dr. Justus Bier, Director ...................................................... Wake

State Board of Paroles

Wade E. Brown, Chairman ..................................................... Watauga

Personnel Department

Claude E. Calowell, Director ................................................... Wake

State Ports Authority

James W. Davis, Executive Director ........................................... New Hanover
Official Register

Probation Commission

William H. Gibson, Director .................................................. Wake

State Property Officer

Vacancy

Department of Public Instruction

Craig Phillips, Superintendent .................................................. Guilford

State Department of Social Services

Clifton M. Craig, Commissioner ................................................. Wake

State Purchasing Officer

Eston Y. Brickhouse.............................................................. Tyrrell

Recreation Commission

Ralph J. Andrews, Director ..................................................... Wake

Department of Revenue

Ivie L. Clayton, Commissioner ................................................. Wake

Rural Electrification Authority

Gwyn B. Price, Chairman ....................................................... Ashe

N. C. Board of Science and Technology

Peter J. Chenery, Director ...................................................... Durham

N. C. Seashore Commission

Thomas H. Walker, Director .................................................... Wake

Department of State

Thad Eure, Secretary of State .................................................. Hertford

Supreme Court

Frank W. Bullock, Jr., Administrative Assistant to Chief Justice .................................................. Wake

Raymond M. Taylor, Librarian and Marshal ................................... Wake

Adrian J. Newton, Clerk ........................................................ Wake

Wilson B. Partin, Jr., Reporter ................................................ Wake

Department of Tax Research

H. C. Stansbury, Director ....................................................... Wake

Tax Review Board

Harlan E. Boyles, Executive Secretary ....................................... Wake

Teachers' and State Employees' Retirement System

J. E. Miller, Director ............................................................ Wake

Treasury Department

Edwin Gill, State Treasurer ..................................................... Scotland

Utilities Commission

Harry T. Westcott, Chairman .................................................. Wake

Department of Veterans Affairs

Collin McKinne, Director ........................................................ Franklin

Department of Water and Air Resources

George E. Pickett, Director .................................................... Wake

Wildlife Resources Commission

Clyde P. Patton, Executive Director ......................................... Wake

All official addresses, Raleigh, N. C.

Heads of State Hospitals, Correctional and Educational Institutions

Confederate Woman's Home

Mrs. Mable Williford .............................................................. Fayetteville

Correctional

C. A. Dillon School

Bill D. Noland ................................................................. Butner

Richard T. Fountain School

William D. Clark ............................................................... Rocky Mount

Juvenile Evaluation Center

J. Louis Parrish ................................................................. Swannanoa

Samarkand Manor

Reva Mitchell ................................................................. Eagle Springs
SAMUEL LEONARD SCHOOL

William R. Windley

Cameron Morrison School

Henry W. Parker

State Training School for Girls

Mae D. Holmes

Stonewall Jackson School

Hoyt O. Sloop

Concord

EDUCATIONAL

N. C. AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

Lewis C. Dowdy

Greensboro

Appalachian State University

Herbert W. Wey

Boone

The Central Orphanage of North Carolina

H. V. Bryant (acting)

Oxford

East Carolina University

Leo W. Jenkins

Greenville

Eastern North Carolina School for the Deaf

R. M. McAdams

Wilson

Elizabeth City State University

Marion D. Thorpe

Elizabeth City

Fayetteville State University

Charles Lyons, Jr.

Fayetteville

The Governor Morehead School

S. J. Cole

Raleigh

N. C. Central University

Albert N. Whiting

Durham

N. C. School of the Arts

Robert Ward

Winston-Salem

N. C. School for the Deaf

Ben E. Hoffmeyer

Morganton

Oxford Orphanage

A. D. Leon Gray

Oxford

Pembroke State University

English Jones

Pembroke

University of North Carolina

William C. Friday, President

Chapel Hill

UNC at Chapel Hill

J. Carlyle Sitterson, Chancellor

Chapel Hill

UNC at Charlotte

D. W. Colvard, Chancellor

Charlotte

N. C. State University at Raleigh

John T. Caldwell, Chancellor

Raleigh

UNC at Asheville

W. E. Highsmith, Chancellor

Asheville

UNC at Greensboro

James S. Ferguson, Chancellor

Greensboro

UNC at Wilmington

William H. Wagoner, Chancellor

Wilmington

North Carolina Vocational Textile School

John M. Jenkins

Belmont

Western Carolina University

Alexander S. Pow

Cullowhee

Winston-Salem State University

Kenneth R. Williams

Winston-Salem
THE COMMUNITY COLLEGE SYSTEM
CENTRAL PIEDMONT COMMUNITY COLLEGE

RICHARD HAGEMEYER .................................................. Charlotte

S. BRUCE PETTEWAY .................................................. Elizabeth City

GRADY E. LOVE ..................................................... Lexington

WOODROW B. SUGG ................................................... Dallas

FRED J. EASON ..................................................... Spindale

BEN E. FOUNTAIN, JR ............................................... Kinston

GERALD B. JAMES .................................................. Wentworth

RAYMOND A. STONE ................................................ Southern Pines

WILLIAM T. COTTINGHAM .......................................... Whiteville

I. JOHN KREPIK .................................................... Dobson

CLYDE A. ERWIN, JR ................................................ Goldsboro

GORDON BLANK .................................................... Morganton

HOWARD E. THOMPSON ........................................... Wilkesboro

DON WARREN ........................................................ Ansonville

THOMAS W. SIMPSON ............................................... Asheville

CHARLES H. BYRD .................................................. Washington

GEORGE RESSEQUIE ................................................ Elizabethtown

H. E. BEAM .......................................................... Lenoir

M. J. MCLEOD ........................................................ Wilmington

HENRY J. MCGEE ................................................... Morehead City

ROBERT E. PAAP .................................................... Hickory

WILLIAM A. MARTIN ............................................... Sanford

JAMES PETTY ........................................................ Shelby

THURMAN BROCK ................................................... New Bern

HAROLD K. COLLINS ................................................ Durham

THURMAN HORNEY ................................................ Tarboro

HOWARD E. BOUDREAU ........................................... Fayetteville

ERNEST PARRY ........................................................ Winston-Salem
OFFICIAL REGISTER

GUILFORD TECHNICAL INSTITUTE
LUTHER R. MEDLIN ............................................. Jamestown

HALIFAX COUNTY TECHNICAL INSTITUTE
PHILIP TAYLOR .................................................. Weldon

HAYWOOD TECHNICAL INSTITUTE
M. C. NIX ........................................................... Clyde

JAMES SPRUNT INSTITUTE
DIXON HALL ........................................................ Kenansville

MARTIN TECHNICAL INSTITUTE
E. M. HUNT ........................................................ Williamston

MCDOWELL TECHNICAL INSTITUTE
JOHN ALFRED PRICE ............................................ Marion

MONTGOMERY TECHNICAL INSTITUTE
DAVID BLAND ...................................................... Troy

NASH TECHNICAL INSTITUTE
JACK BALLARD .................................................... Rocky Mount

ONSLOW TECHNICAL INSTITUTE
JAMES L. HENDERSON, JR ........................................ Jacksonville

PAMlico TECHNICAL INSTITUTE
PAUL JOHNSON .................................................. Alliance

PITT TECHNICAL INSTITUTE
WILLIAM E. FULFORD, JR ....................................... Greenville

RANDOLPH TECHNICAL INSTITUTE
M. H. BRANSON .................................................. Asheboro

RICHMOND TECHNICAL INSTITUTE
SAMUEL D. MORGAN ........................................ Hamlet

ROANOKE-CHOWAN TECHNICAL INSTITUTE
J. W. YOUNG ..................................................... Ahoskie

ROBeson TECHNICAL INSTITUTE
CRAIO ALLEN ..................................................... St. Pauls

ROWAN TECHNICAL INSTITUTE
C. MERRILL HAMILTON .......................................... Salisbury

SAMPSON TECHNICAL INSTITUTE
JAMES E. VANN .................................................. Clinton

SOUTHWESTERN TECHNICAL INSTITUTE
EDWARD E. BRYSON ............................................ Sylva

TECHNICAL INSTITUTE OF ALAMANCE
WILLIAM E. TAYLOR ........................................ Burlington

TRI-COUNTY TECHNICAL INSTITUTE
HOLLAND McSWAIN ........................................... Murphy

WILSON COUNTY TECHNICAL INSTITUTE
SALVATORE DELMASTRO ........................................ Wilson

W. W. HOLDING TECHNICAL INSTITUTE
ROBERT W. LEMAY ................................................ Raleigh

MENTAL HOSPITALS
BROUGHTON HOSPITAL
DR. OLEN I. FREEMAN ........................................... Morganton

CHERRY HOSPITAL
DR. FRANK JAMES .............................................. Goldsboro

DOROTHEA DIX HOSPITAL
DR. ROBERT ROLLINS ........................................... Raleigh

JOHN UMSTEAD HOSPITAL
DR. PEDRO J. IRIGARAY .......................................... Butner
OFFICIAL REGISTER

CENTERS FOR THE RETARDED

CASWELL CENTER
Dr. Frank Badrock ........................................................................................................ Kinston

MURDOCH CENTER

Dr. James F. Elliott ........................................................................................................ Butner

O’BERRY CENTER
Dr. Vernon Mangum ........................................................................................................ Goldsboro

WESTERN CAROLINA CENTER

Dr. J. Iverson Riddle ....................................................................................................... Morganton

Alcoholic Rehabilitation Centers
Alcoholic Rehabilitation Center

Dr. Peter Holden ........................................................................................................... Butner

CENTERS FOR EMOTIONALLY DISTURBED CHILDREN

WRIGHT SCHOOL
Richard Yell ...................................................................................................................... Durham

OTHER HOSPITALS

N. C. Cerebral Palsy Hospital
Dr. Lenox D. Baker ........................................................................................................ Durham

N. C. Orthopedic Hospital
Dr. George R. Miller ....................................................................................................... Gastonia

N. C. Sanatoriums for Treatment of Tuberculosis

Dr. W. H. Gentry, Medical Director ............................................................................... Chapel Hill

N. C. Sanatorium
Joseph Lennon .................................................................................................................. McCain

Eastern Sanatorium
Dr. H. F. Eason ............................................................................................................... Wilson

Gravely Sanatorium
Earl Hartsell, Jr. ............................................................................................................. Chapel Hill

Western Sanatorium
Dr. C. D. Thomas ......................................................................................................... Black Mountain

EXAMINING BOARDS AND SECRETARIES

North Carolina State Board of Certified Public Accountant Examiners
T. N. Grice, Secretary-Treasurer .................................................................................... Raleigh

North Carolina Board of Architecture
A. Lewis Polier, Executive Director .............................................................................. Raleigh

State Board of Barber Examiners
O. W. Crowe, Chairman .................................................................................................. Morehead City

North Carolina State Board of Chiropractic Examiners
Dr. Ramey F. Kemp, Secretary-Treasurer ........................................................................ Mocksville

North Carolina Licensing Board for Contractors
James M. Wells, Jr., Secretary-Treasurer ....................................................................... Raleigh

North Carolina State Board of Cosmetic Art Examiners
Mrs. Catherine Munn, Executive Secretary .................................................................... Raleigh

State Board of Dental Examiners
Dr. C. C. Diercks, Secretary-Treasurer .......................................................................... Morganton

Board of Examiners of Electrical Contractors
Mrs. Elizabeth E. Anderson, Secretary-Treasurer .............................................................. Raleigh

North Carolina State Board of Embalmers and Funeral Directors
Clyde O. Robinson, Executive Secretary .......................................................................... Raleigh

State Board of Registration for Professional Engineers and Land Surveyors
H. B. Rice, Secretary ........................................................................................................ Raleigh

State Board of Law Examiners
B. E. James, Secretary-Treasurer .................................................................................... Raleigh
Official Register

Library Certification Board
Phillip S. Ogilvie, Secretary ................................. Raleigh

State Board of Medical Examiners
Dr. Joseph J. Combs, Secretary-Treasurer .................. Raleigh

North Carolina Board of Nursing
Mary McRae, Executive Director ............................. Raleigh

North Carolina State Board of Opticians
H. L. Ridgeway, Jr., Secretary-Treasurer ................... Raleigh

North Carolina State Board of Examiners in Optometry
Dr. L. Sidney Christian ........................................ Williamston

North Carolina State Board of Osteopathic Examination and Registration
Dr. Joseph H. Huff, Secretary-Treasurer ..................... Burlington

North Carolina State Board of Pharmacy
H. C. McAllister, Secretary-Treasurer ........................ Chapel Hill

State Examining Committee of Physical Therapists
Mary C. Singleton, Secretary-Treasurer ........................ Chapel Hill

State Board of Examiners of Plumbing and Heating Contractors
F. O. Bates, Executive Secretary .............................. Raleigh

State Board of Podiatry Examiners
Dr. L. D. Abernethy, Jr., Secretary-Treasurer .............. Charlotte

State Board of Examiners of Practicing Psychologists
Dr. Mary G. Clarke, Chairman ................................. Chapel Hill

North Carolina Real Estate Licensing Board
Joseph F. Schweidler, Secretary-Treasurer .................. Raleigh

State Board of Refrigeration Examiners
James A. Dean, Executive Secretary .......................... Raleigh

State Board of Sanitarian Examiners
Robert W. Brown, Secretary-Treasurer ........................ Asheville

Structural Pest Control Committee
Rudolph E. Howell, Secretary ................................. Raleigh

North Carolina Veterinary Medical Board
Dr. C. R. Swearingen, Jr., Secretary-Treasurer ............. Smithfield

N. C. State Board of Examiners in Watchmaking and Repairing
Walter L. Hanson, Secretary .................................... Charlotte

State Board of Water Well Contractor Examiners
Leonard S. Daniel, Executive Secretary ........................ Raleigh

United States Senators
Sam J. Ervin, Jr. .................................................. Morganton
B. Everett Jordan .................................................. Saxapahaw

North Carolina Representatives in Congress
Walter B. Jones .............................................. First District Farmville
L. H. Fountain .................................................. Second District Tarboro
David N. Henderson .......................................... Third District Wallace
Nick Galifianakis .............................................. Fourth District Durham
Wilmer D. Mizell .............................................. Fifth District Winston-Salem
Richardson Preyer ............................................. Sixth District Greensboro
Alton A. Lennon .............................................. Seventh District Wilmington
Earl B. Ruth ..................................................... Eighth District Salisbury
Charles Raper Jonas ........................................... Ninth District Lenoir
James T. Broyhill ............................................. Tenth District Lenoir
Roy A. Taylor .................................................. Eleventh District Black Mountain
# Senate Officers

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. Patrick Taylor, Jr.</td>
<td>President</td>
<td>Wadesboro</td>
</tr>
<tr>
<td>N. Hector McGeachy, Jr.</td>
<td>President pro-tem</td>
<td>Fayetteville</td>
</tr>
<tr>
<td>Roy Rowe</td>
<td>Principal Clerk</td>
<td>Burgaw</td>
</tr>
<tr>
<td>Eugene Simmons</td>
<td>Reading Clerk</td>
<td>Tarboro</td>
</tr>
<tr>
<td>Brooks W. Poole</td>
<td>Sergeant-at-Arms</td>
<td>Raleigh</td>
</tr>
</tbody>
</table>

# Senators

<table>
<thead>
<tr>
<th>District</th>
<th>Name</th>
<th>County</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>J. J. Harrington</td>
<td>Bertie</td>
<td>Lewiston</td>
</tr>
<tr>
<td>2</td>
<td>George M. Wood</td>
<td>Camden</td>
<td>Camden</td>
</tr>
<tr>
<td>3</td>
<td>Edgar J. Gurganus</td>
<td>Craven</td>
<td>New Bern</td>
</tr>
<tr>
<td>4</td>
<td>Norris C. Reed, Jr.</td>
<td>Halifax</td>
<td>Roanoke Rapids</td>
</tr>
<tr>
<td>5</td>
<td>Julian R. Allsbrook</td>
<td>Pitt</td>
<td>Winterville</td>
</tr>
<tr>
<td>6</td>
<td>Vernon E. White</td>
<td>Lenoir</td>
<td>Kinston</td>
</tr>
<tr>
<td>7</td>
<td>Charles H. Larkins, Jr.</td>
<td>Onslow</td>
<td>Jacksonville</td>
</tr>
<tr>
<td>8</td>
<td>Albert J. Ellis</td>
<td>Franklin</td>
<td>Louisville</td>
</tr>
<tr>
<td>9</td>
<td>J. Marvin Johnson</td>
<td>Johnston</td>
<td>Smithfield</td>
</tr>
<tr>
<td>10</td>
<td>R. Poole</td>
<td>Wilson</td>
<td>Wilson</td>
</tr>
<tr>
<td>11</td>
<td>Lindsay C. Warren, Jr.</td>
<td>Wayne</td>
<td>Goldsboro</td>
</tr>
<tr>
<td>12</td>
<td>John J. Burney, Jr.</td>
<td>New Hanover</td>
<td>Wilmington</td>
</tr>
<tr>
<td>13</td>
<td>Stewart R. Warren</td>
<td>Sampson</td>
<td>Clinton</td>
</tr>
<tr>
<td>14</td>
<td>J. Russell Kirby</td>
<td>Person</td>
<td>Roxboro</td>
</tr>
<tr>
<td>15</td>
<td>Gordon P. Allen</td>
<td>Durham</td>
<td>Durham</td>
</tr>
<tr>
<td>16</td>
<td>Claude Currie</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>17</td>
<td>J. Ruffin Bailey</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>18</td>
<td>Jyles J. Coggins</td>
<td>Lee</td>
<td>Sanford</td>
</tr>
<tr>
<td>19</td>
<td>William W. Staton</td>
<td>Cumberland</td>
<td>Hope Mills</td>
</tr>
<tr>
<td>20</td>
<td>John T. Henley</td>
<td>Cumberland</td>
<td>Whiteville</td>
</tr>
<tr>
<td>21</td>
<td>N. Hector McGeachy, Jr.</td>
<td>Columbia</td>
<td>Reidsville</td>
</tr>
<tr>
<td>22</td>
<td>Sankey W. Robinson</td>
<td>Person</td>
<td>Richmond</td>
</tr>
<tr>
<td>23</td>
<td>Frank R. Penn</td>
<td>Moore</td>
<td>High Point</td>
</tr>
<tr>
<td>24</td>
<td>Ralph H. Scott</td>
<td>Moore</td>
<td>Hamlet</td>
</tr>
<tr>
<td>25</td>
<td>Hargrove (Skipper) Bowles</td>
<td>Guilford</td>
<td>Southern Pines</td>
</tr>
<tr>
<td>26</td>
<td>Elton Edwards</td>
<td>Guilford</td>
<td>Lumberton</td>
</tr>
<tr>
<td>27</td>
<td>Coolidge Murrow (R)</td>
<td>Guilford</td>
<td>Rt. 1, Haw River</td>
</tr>
<tr>
<td>28</td>
<td>W. D. James</td>
<td>Richmond</td>
<td>Greensboro</td>
</tr>
<tr>
<td>29</td>
<td>William P. Saunders</td>
<td>Moore</td>
<td>Greensboro</td>
</tr>
<tr>
<td>30</td>
<td>Hector MacLean</td>
<td>Moore</td>
<td>High Point</td>
</tr>
<tr>
<td>31</td>
<td>Fred Folger, Jr.</td>
<td>Moore</td>
<td>Hamlet</td>
</tr>
<tr>
<td>32</td>
<td>Harry Bagnal (R)</td>
<td>Moore</td>
<td>Southern Pines</td>
</tr>
<tr>
<td>33</td>
<td>Mrs. Geraldine R. Nelson (R)</td>
<td>Forsyth</td>
<td>Lumberton</td>
</tr>
<tr>
<td>34</td>
<td>OdeLL Sapp (R)</td>
<td>Forsyth</td>
<td>Rt. 1, Haw River</td>
</tr>
<tr>
<td>35</td>
<td>John R. Boger, Jr.</td>
<td>Forsyth</td>
<td>Greensboro</td>
</tr>
<tr>
<td>36</td>
<td>Frank N. Patterson, Jr.</td>
<td>Forsyth</td>
<td>High Point</td>
</tr>
<tr>
<td>37</td>
<td>Sankey W. Robinson</td>
<td>Forsyth</td>
<td>Hamlet</td>
</tr>
<tr>
<td>38</td>
<td>Thomas Rhudy Bryan, Sr. (R)</td>
<td>Forsyth</td>
<td>Southern Pines</td>
</tr>
<tr>
<td>39</td>
<td>Norman H. Joyner (R)</td>
<td>Forsyth</td>
<td>Lumberton</td>
</tr>
<tr>
<td>40</td>
<td>J. Reid Poovey (R)</td>
<td>Forsyth</td>
<td>Rt. 1, Haw River</td>
</tr>
<tr>
<td>41</td>
<td>Mrs. Martha W. Evans</td>
<td>Forsyth</td>
<td>Greensboro</td>
</tr>
<tr>
<td>42</td>
<td>Charles K. Maxwell</td>
<td>Forsyth</td>
<td>High Point</td>
</tr>
<tr>
<td>43</td>
<td>Mrs. Martha W. Evans</td>
<td>Forsyth</td>
<td>Hamlet</td>
</tr>
<tr>
<td>44</td>
<td>Herman A. Moore</td>
<td>Forsyth</td>
<td>Southern Pines</td>
</tr>
<tr>
<td>45</td>
<td>David T. Flaherty (R)</td>
<td>Forsyth</td>
<td>Lumberton</td>
</tr>
<tr>
<td>46</td>
<td>Marshall A. Hauch</td>
<td>Forsyth</td>
<td>Rt. 1, Haw River</td>
</tr>
<tr>
<td>47</td>
<td>Jack H. White</td>
<td>Forsyth</td>
<td>Greensboro</td>
</tr>
<tr>
<td>48</td>
<td>Clyde M. Norton</td>
<td>Forsyth</td>
<td>High Point</td>
</tr>
<tr>
<td>49</td>
<td>Bruce B. Briggs (R)</td>
<td>Forsyth</td>
<td>Hamlet</td>
</tr>
<tr>
<td>50</td>
<td>R. Theodore Dent (R)</td>
<td>Forsyth</td>
<td>Southern Pines</td>
</tr>
<tr>
<td>51</td>
<td>Carroll W. Wilkie (R)</td>
<td>Forsyth</td>
<td>Lumberton</td>
</tr>
<tr>
<td>52</td>
<td>Herman H. West (R)</td>
<td>Forsyth</td>
<td>Rt. 1, Haw River</td>
</tr>
</tbody>
</table>
## Official Register

### HOUSE OFFICERS

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earl W. Vaughan</td>
<td>Speaker</td>
<td>Eden</td>
</tr>
<tr>
<td>Mrs. Jo Ann Smith</td>
<td>Principal Clerk</td>
<td>Raleigh</td>
</tr>
<tr>
<td>Sam J. Burrow, Jr.</td>
<td>Reading Clerk</td>
<td>Asheboro</td>
</tr>
<tr>
<td>Archie T. Lane, Sr</td>
<td>Sergeant-at-Arms</td>
<td>Hertford</td>
</tr>
</tbody>
</table>


---

### REPRESENTATIVES

<table>
<thead>
<tr>
<th>District</th>
<th>Name</th>
<th>County</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>W. T. Culpepper, Jr.</td>
<td>Pasquotank</td>
<td>Elizabeth City</td>
</tr>
<tr>
<td>1</td>
<td>Philip P. Godwin</td>
<td>Gates</td>
<td>Gatesville</td>
</tr>
<tr>
<td>1</td>
<td>Archie Burrus</td>
<td>Dare</td>
<td>Manteo</td>
</tr>
<tr>
<td>2</td>
<td>Chris Barker, Jr.</td>
<td>Craven</td>
<td>New Bern</td>
</tr>
<tr>
<td>3</td>
<td>Henry C. Boshamer</td>
<td>Carteret</td>
<td>Morehead City</td>
</tr>
<tr>
<td>3</td>
<td>R. C. Godwin</td>
<td>Craven</td>
<td>New Bern</td>
</tr>
<tr>
<td>4</td>
<td>J. F. Kohin</td>
<td>Onslow</td>
<td>Richlands</td>
</tr>
<tr>
<td>5</td>
<td>Reuben L. Moore</td>
<td>Pender</td>
<td>Atkinson</td>
</tr>
<tr>
<td>5</td>
<td>Hugh A. Ragsdale</td>
<td>Onslow</td>
<td>Richlands</td>
</tr>
<tr>
<td>6</td>
<td>Howard A. Penton, Jr.</td>
<td>New Hanover</td>
<td>Wilmington</td>
</tr>
<tr>
<td>6</td>
<td>Edward C. Jenkins</td>
<td>New Hanover</td>
<td>Wilmington</td>
</tr>
<tr>
<td>7</td>
<td>Robert H. Jernigan, Jr.</td>
<td>Hertford</td>
<td>Ahoskie</td>
</tr>
<tr>
<td>8</td>
<td>Perry Martin</td>
<td>Northampton</td>
<td>Rich Square</td>
</tr>
<tr>
<td>9</td>
<td>J. A. Everett</td>
<td>Martin</td>
<td>Palmyra</td>
</tr>
<tr>
<td>10</td>
<td>Thorne Gregory</td>
<td>Halifax</td>
<td>Scotland Neck</td>
</tr>
<tr>
<td>10</td>
<td>David E. Reid, Jr.</td>
<td>Pitt</td>
<td>Greenville</td>
</tr>
<tr>
<td>10</td>
<td>H. Horton Rountree</td>
<td>Pitt</td>
<td>Greenville</td>
</tr>
<tr>
<td>10</td>
<td>Guy Elliott</td>
<td>Lenoir</td>
<td>Kinston</td>
</tr>
<tr>
<td>10</td>
<td>Daniel T. Lilliey</td>
<td>Lenoir</td>
<td>Kinston</td>
</tr>
<tr>
<td>10</td>
<td>Mrs. John H. Chase</td>
<td>Wayne</td>
<td>Eureka</td>
</tr>
<tr>
<td>10</td>
<td>Thomas E. Strickland</td>
<td>Wayne</td>
<td>Rt. 2, Goldsboro</td>
</tr>
<tr>
<td>11</td>
<td>Hugh S. Johnson, Jr.</td>
<td>Duplin</td>
<td>Rose Hill</td>
</tr>
<tr>
<td>11</td>
<td>James C. Green</td>
<td>Bladen</td>
<td>Clayton</td>
</tr>
<tr>
<td>12</td>
<td>C. Graham Tart</td>
<td>Sampson</td>
<td>Clinton</td>
</tr>
<tr>
<td>12</td>
<td>R. C. Soles, Jr.</td>
<td>Columbus</td>
<td>Tabor City</td>
</tr>
<tr>
<td>13</td>
<td>Allen C. Babbee</td>
<td>Columbus</td>
<td>Chadbourn</td>
</tr>
<tr>
<td>14</td>
<td>Joe E. Eagles</td>
<td>Nash</td>
<td>Spring Hope</td>
</tr>
<tr>
<td>14</td>
<td>Julian H. Penner</td>
<td>Edgecombe</td>
<td>Macclesfield</td>
</tr>
<tr>
<td>15</td>
<td>William R. Britt</td>
<td>Nash</td>
<td>Rocky Mount</td>
</tr>
<tr>
<td>15</td>
<td>A. Hartwell Campbell</td>
<td>Johnston</td>
<td>Smithfield</td>
</tr>
<tr>
<td>15</td>
<td>J. Ernest Parshall</td>
<td>Wilson</td>
<td>Wilson</td>
</tr>
<tr>
<td>15</td>
<td>John T. Church</td>
<td>Wilson</td>
<td>Wilson</td>
</tr>
<tr>
<td>15</td>
<td>James D. Speed</td>
<td>Vance</td>
<td>Henderson</td>
</tr>
<tr>
<td>15</td>
<td>James E. Ramsey</td>
<td>Franklin</td>
<td>Rte. 3, Louisburg</td>
</tr>
<tr>
<td>15</td>
<td>William T. Watkins</td>
<td>Person</td>
<td>Roxboro</td>
</tr>
<tr>
<td>16</td>
<td>W. Hance Hofler</td>
<td>Granville</td>
<td>Oxford</td>
</tr>
<tr>
<td>16</td>
<td>W. Harold Penny, Jr.</td>
<td>Durham</td>
<td>Durham</td>
</tr>
<tr>
<td>16</td>
<td>Kenneth C. Royall, Jr.</td>
<td>Durham</td>
<td>Durham</td>
</tr>
<tr>
<td>17</td>
<td>Samuel H. Johnson</td>
<td>Durham</td>
<td>Durham</td>
</tr>
<tr>
<td>18</td>
<td>A. A. McMillan</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>18</td>
<td>W. H. (Pop) Taylor</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>18</td>
<td>Howard Twiggs</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>19</td>
<td>Ike F. Andrews</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>20</td>
<td>Donald McIver Stanford</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>21</td>
<td>Jack M. Euliss</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>21</td>
<td>W. S. Harris, Jr</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>21</td>
<td>Jimmy L. Love</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>22</td>
<td>James F. Penny, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>23</td>
<td>Norwood E. Bryan, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>23</td>
<td>Lester G. Carter, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>23</td>
<td>Joe B. Raynor, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>24</td>
<td>Charles G. Rose, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>24</td>
<td>R. L. Campbell</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>24</td>
<td>Neill L. McFadyen</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>24</td>
<td>R. D. McMillan, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>24</td>
<td>Philip P. Godwin</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>Robert H. Jernigan, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>Perry Martin</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>J. A. Everett</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>Thorne Gregory</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>David E. Reid, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>H. Horton Rountree</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>Guy Elliott</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>Daniel T. Lilliey</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>Mrs. John H. Chase</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>25</td>
<td>Thomas E. Strickland</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Hugh S. Johnson, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>James C. Green</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>C. Graham Tart</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>R. C. Soles, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Allen C. Babbee</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Joe E. Eagles</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Julian H. Penner</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>William R. Britt</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>A. Hartwell Campbell</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>J. Ernest Parshall</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>John T. Church</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>James D. Speed</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>James E. Ramsey</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>William T. Watkins</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>W. Hance Hofler</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>W. Harold Penny, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Kenneth C. Royall, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Samuel H. Johnson</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>A. A. McMillan</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>W. H. (Pop) Taylor</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Howard Twiggs</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Ike F. Andrews</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Donald McIver Stanford</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Jack M. Euliss</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>W. S. Harris, Jr</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Jimmy L. Love</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>James F. Penny, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Norwood E. Bryan, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Lester G. Carter, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Joe B. Raynor, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Charles G. Rose, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>R. L. Campbell</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>Neill L. McFadyen</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>26</td>
<td>R. D. McMillan, Jr.</td>
<td>Wake</td>
<td>Raleigh</td>
</tr>
<tr>
<td>District</td>
<td>Name</td>
<td>County</td>
<td>Address</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>24</td>
<td>Gus Speros</td>
<td>Robeson</td>
<td>Maxton</td>
</tr>
<tr>
<td>25</td>
<td>Earl W. Vaughan</td>
<td>Rockingham</td>
<td>Eden</td>
</tr>
<tr>
<td>26</td>
<td>J. Howard Corrie (R)</td>
<td>Rockingham</td>
<td>Rte. 10, Greensboro</td>
</tr>
<tr>
<td>26</td>
<td>Henry E. Frye</td>
<td>Guilford</td>
<td>Greensboro</td>
</tr>
<tr>
<td>26</td>
<td>W. Marcus Short</td>
<td>Guilford</td>
<td>Greensboro</td>
</tr>
<tr>
<td>27</td>
<td>Colon Blake (R)</td>
<td>Guilford</td>
<td>Greensboro</td>
</tr>
<tr>
<td>28</td>
<td>T. Clyde Auman</td>
<td>Montgomery</td>
<td>Candor</td>
</tr>
<tr>
<td>29</td>
<td>John W. Covington, Jr</td>
<td>Richmond</td>
<td>Rockingham</td>
</tr>
<tr>
<td>30</td>
<td>Hamilton C. Horton, Jr (R)</td>
<td>Forsyth</td>
<td>Winston-Salem</td>
</tr>
<tr>
<td>30</td>
<td>Howard A. Jemison (R)</td>
<td>Forsyth</td>
<td>Winston-Salem</td>
</tr>
<tr>
<td>30</td>
<td>C. Dempsey McDaniel (R)</td>
<td>Forsyth</td>
<td>Winston-Salem</td>
</tr>
<tr>
<td>30</td>
<td>Ed M. McKnight (R)</td>
<td>Forsyth</td>
<td>Winston-Salem</td>
</tr>
<tr>
<td>30</td>
<td>Marshall T. Willis (R)</td>
<td>Davidson</td>
<td>Lexington</td>
</tr>
<tr>
<td>31</td>
<td>Joe H. Hege, Jr. (R)</td>
<td>Stanly</td>
<td>Albemarle</td>
</tr>
<tr>
<td>32</td>
<td>J. Eugene Snyder (R)</td>
<td>Union</td>
<td>Monroe</td>
</tr>
<tr>
<td>32</td>
<td>Clyde Hampton Whitley (R)</td>
<td>Rowan</td>
<td>Wadesboro</td>
</tr>
<tr>
<td>32</td>
<td>James C. Johnson, Jr (R)</td>
<td>Cabarrus</td>
<td>Kannapolis</td>
</tr>
<tr>
<td>32</td>
<td>Dwight W. Quinn</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>33</td>
<td>Phillip Jackson Baugh</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>33</td>
<td>James Tully (Jim) Beatty</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>33</td>
<td>Hugh B. Campbell, Jr</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>33</td>
<td>James H. Carson, Jr (R)</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>33</td>
<td>Ernest L. Hicks.</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>33</td>
<td>Arthur H. Jones.</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>33</td>
<td>James B. Vogler.</td>
<td>Mecklenburg</td>
<td>Charlotte</td>
</tr>
<tr>
<td>35</td>
<td>Basil D. Barr</td>
<td>Cabarrus</td>
<td>Kannapolis</td>
</tr>
<tr>
<td>35</td>
<td>P. C. Collins, Jr.</td>
<td>Alleghany</td>
<td>Laurel Springs</td>
</tr>
<tr>
<td>35</td>
<td>J. Worth Gentry</td>
<td>Stokes</td>
<td>King</td>
</tr>
<tr>
<td>35</td>
<td>Claude Hallowings (R)</td>
<td>Wilkes</td>
<td>Rt. 1, Traphill</td>
</tr>
<tr>
<td>35</td>
<td>Jeter L. Haynes</td>
<td>Yadkin</td>
<td>Jonesville</td>
</tr>
<tr>
<td>35</td>
<td>Gilbert Lee Boger (R)</td>
<td>Davie</td>
<td>Rt. 2, Mocksvillle</td>
</tr>
<tr>
<td>35</td>
<td>Homer H. Tolbert (R)</td>
<td>Iredell</td>
<td>Rt. 2, Cleveland</td>
</tr>
<tr>
<td>35</td>
<td>Robert Q. Beard (R)</td>
<td>Catawba</td>
<td>Newton</td>
</tr>
<tr>
<td>35</td>
<td>Hunter Warlick (R)</td>
<td>Catawba</td>
<td>Hickory</td>
</tr>
<tr>
<td>35</td>
<td>David W. Hugardner, Jr</td>
<td>Gaston</td>
<td>Belmont</td>
</tr>
<tr>
<td>35</td>
<td>C. E. Leatherman</td>
<td>Gaston</td>
<td>Lincoln</td>
</tr>
<tr>
<td>35</td>
<td>Jack L. Rhynne</td>
<td>Gaston</td>
<td>Gaston</td>
</tr>
<tr>
<td>35</td>
<td>Carl J. Stewart, Jr</td>
<td>Gaston</td>
<td>Gaston</td>
</tr>
<tr>
<td>35</td>
<td>Terel Thomas Bostian (R)</td>
<td>Alexander</td>
<td>Rte. 1, Taylorsville</td>
</tr>
<tr>
<td>35</td>
<td>William M. Fulton (R)</td>
<td>Cleveland</td>
<td>Cleveland</td>
</tr>
<tr>
<td>35</td>
<td>Donald R. Kncaid (R)</td>
<td>Cleveland</td>
<td>Cleveland</td>
</tr>
<tr>
<td>35</td>
<td>Robert Z. Falls</td>
<td>Cleveland</td>
<td>Cleveland</td>
</tr>
<tr>
<td>35</td>
<td>Robert A. Jones</td>
<td>Cleveland</td>
<td>Cleveland</td>
</tr>
<tr>
<td>35</td>
<td>W. K. Mauney, Jr</td>
<td>Cleveland</td>
<td>Cleveland</td>
</tr>
<tr>
<td>35</td>
<td>James E. Holshouser, Jr (R)</td>
<td>Watauga</td>
<td>Boone</td>
</tr>
<tr>
<td>35</td>
<td>Hugh Beam</td>
<td>McDowell</td>
<td>Marion</td>
</tr>
<tr>
<td>35</td>
<td>Claude DeBruchl</td>
<td>Buncombe</td>
<td>Rt. 1, Candler</td>
</tr>
<tr>
<td>35</td>
<td>Hershel S. Harkins</td>
<td>Buncombe</td>
<td>Asheville</td>
</tr>
<tr>
<td>35</td>
<td>John S. Stevens</td>
<td>Buncombe</td>
<td>Asheville</td>
</tr>
<tr>
<td>35</td>
<td>J. T. Mayfield (R)</td>
<td>Henderson</td>
<td>Rte. 1, Flat Rock</td>
</tr>
<tr>
<td>35</td>
<td>Ernest B. Messer</td>
<td>Harwood</td>
<td>Canton</td>
</tr>
<tr>
<td>35</td>
<td>Linton B. Helmsley</td>
<td>Madison</td>
<td>Marshall</td>
</tr>
<tr>
<td>35</td>
<td>Charles H. Taylor (R)</td>
<td>Transylvania</td>
<td>Brevard</td>
</tr>
<tr>
<td>35</td>
<td>W. P. Bradley (R)</td>
<td>Clay</td>
<td>Hayesville</td>
</tr>
</tbody>
</table>

Resigned

**ENROLLING AND INDEXING DEPARTMENT**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John C. Brooks</td>
<td>Enrolling Clerk</td>
<td>Raleigh</td>
</tr>
<tr>
<td>William C. Lassiter</td>
<td>Indexer of Laws</td>
<td>Raleigh</td>
</tr>
<tr>
<td>James H. Walker</td>
<td>Indexer of Laws</td>
<td>Raleigh</td>
</tr>
</tbody>
</table>
CONSTITUTION

OF THE

State of North Carolina

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare:

SECTION 1. The equality and rights of persons. That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. Political power and government. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. Internal government of the State. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

SEC. 4. That there is no right to secede. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said Nation, ought to be resisted with the whole power of the State.
Sec. 5. Of allegiance to the United States Government. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Sec. 6. Public debt; bonds issued under Ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Sec. 7. Exclusive emoluments, etc. No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 8. The legislative, executive and judicial powers distinct. The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Sec. 9. Of the power of suspending laws. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 10. Elections free. All elections ought to be free.

Sec. 11. In criminal prosecutions. In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 12. Answers to criminal charges. No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the Legislature shall prescribe, waive indictment in all except capital cases.

Sec. 13. Right of jury. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.
SEC. 14. Excessive bail. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 15. General warrants. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

SEC. 16. Imprisonment for debt. There shall be no imprisonment for debt in this State, except in cases of fraud.

SEC. 17. No persons taken, etc., but by law of land. No person ought to be taken, imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.

SEC. 18. Persons restrained of liberty. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

SEC. 19. Controversies at law respecting property. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

SEC. 20. Freedom of the press. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

SEC. 21. Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended.

SEC. 22. Property qualification. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

SEC. 23. Representation and taxation. The people of the State ought not be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

SEC. 24. Militia and the right to bear arms. A well regulated militia being necessary to the security of a free State, the right of people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

SEC. 25. Right of the people to assemble together. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.
Sec. 26. Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Sec. 27. Education. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 28. Elections should be frequent. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Sec. 29. Recurrence to fundamental principles. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 30. Hereditary emoluments, etc. No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

Sec. 31. Perpetuities, etc. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Sec. 32. Ex post facto laws. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no ex post facto law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Sec. 33. Slavery prohibited. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

Sec. 34. State boundaries. The limits and boundaries of the State shall be and remain as they now are.

Sec. 35. Courts shall be open. All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Sec. 36. Soldiers in time of peace. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

Sec. 37. Treason against the State. Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 38. Other rights of the people. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II

LEGISLATIVE DEPARTMENT

Section 1. Two branches. The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.
SEC. 2. *Time of assembly.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in February next after their election, unless a different day shall be provided by law; and when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

SEC. 3. *Number of Senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot.

SEC. 4. *Senate Districts; Apportionment of Senators.* The Senators shall be elected from districts. The General Assembly shall, at the first regular Session convening after the return of every decennial enumeration taken by order of Congress, revise the Senate Districts and the apportionment of Senators among those districts, subject to the following requirements:

1. Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Senator represents being determined for this purpose by dividing the population of the district he represents by the number of Senators apportioned to that district;

2. Each Senate District shall at all times consist of contiguous territory;

3. No county shall be divided in the formation of a Senate District;

4. When established, the Senate Districts and the apportionment of Senators shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

The duty imposed upon the General Assembly by this Section shall continue until performed.

SEC. 5. *Number of Representatives.* The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

SEC. 6. *Representative Districts; Apportionment of Representatives.* The Representatives shall be elected from districts. The General Assembly shall, at the first regular Session convening after the return of every decennial enumeration taken by order of Congress, revise the Representative Districts and the apportionment of Representatives among those districts, subject to the following requirements:

1. Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Representative represents being determined for this purpose by dividing the population of the district he represents by the number of Representatives apportioned to that district;

2. Each Representative District shall at all times consist of contiguous territory;

3. No county shall be divided in the formation of a Representative District;

4. When established, the Representative Districts and the apportionment of Representatives shall remain unaltered until the return of another decennial enumeration taken by order of Congress.
The duty imposed upon the General Assembly by this Section shall continue until performed.

SEC. 7. Qualifications for Senators. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

SEC. 8. Qualifications for Representatives. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

SEC. 9. Election of officers. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be viva voce.

SEC. 10. Powers in relation to divorce and alimony. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

SEC. 11. Private laws in relation to names of persons, etc. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 12. Thirty days notice shall be given anterior to passage of private laws. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 13. Vacancies. Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

SEC. 14. Revenue. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

SEC. 15. Entails. The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

SEC. 16. Journals. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.
SEC. 17. *Protest.* Any member of either house may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons for his dissent entered on the journal.

SEC. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers.

SEC. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

SEC. 20. *Other senatorial officers.* The Senate shall elect from its membership a President Pro Tempore who shall become President of the Senate upon the failure of the Lieutenant-Governor-elect to qualify, or upon succession by the Lieutenant-Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate. The Senate shall elect its other officers.


SEC. 22 *Powers of the General Assembly.* Each house shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two houses may also jointly adjourn to any future day, or other place.

SEC. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each house before they pass into laws, and shall be signed by the presiding officers of both houses.

SEC. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

SEC. 26. *Yea and nay.* Upon motion made and seconded in either house by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

SEC. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two
years thereafter. But the General Assembly may change the time of holding the elections.

SEC. 28. Compensation of Members and Officers of the General Assembly. The members and officers of the General Assembly shall receive for their services a compensation to be established by the General Assembly. An increase in the compensation of members shall become effective at the beginning of the next regular Session of the General Assembly.

SEC. 29. Limitations upon power of General Assembly to enact private or special legislation. The General Assembly shall not pass any local, private or special act or resolution relating to health, sanitation, and the abatement of nuisances, changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private or special laws enacted by it. Any local, private or special act of resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SEC. 30. Inviolability of sinking funds. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

SEC. 31. Use of funds of Teachers' and State Employees' Retirement System restricted. The General Assembly shall not use or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teachers' and State Employees' Retirement System except for retirement system purposes. The funds for the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State, any State agency, State officer, public officer or employee except for purposes of the Retirement System; Provided, that nothing in this Section shall prohibit the use of said funds for the payment of benefits as authorized by the Teachers' and State Employees' Retirement Law, nor shall anything in this provision prohibit the proper investment of said funds as may be authorized by law.

ARTICLE III
EXECUTIVE DEPARTMENT

SECTION 1. Officers of the Executive Department; terms of office. The Executive Department shall consist of a Governor, in whom shall be vested
the supreme executive power of the State; a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Sec. 2. Qualifications of Governor and Lieutenant-Governor. No person shall be eligible for election to the office of Governor or Lieutenant-Governor, unless he shall have attained the age of 30 years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall a person elected to either of these two offices be eligible for election for the next succeeding term of the same office.

Sec. 3. Returns of elections. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law.

Sec. 4. Oath of office for Governor. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Sec. 5. Duties of Governor. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Sec. 6. Reprieves, commutations and pardons. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor. The terms reprieves, commutations and pardons shall not include paroles. The General Assembly is authorized and empowered to create a Board of Paroles, provide for the appointment of the members thereof, and enact suitable laws defining the
duties and authority of such board to grant, revoke and terminate paroles. The Governor's power of paroles shall continue until July 1, 1955, at which time said power shall cease and shall be vested in such Board of Paroles as may be created by the General Assembly.

Sec. 7. Reports from officers of the Executive Department and of public institutions. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. Commander-in-Chief. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Sec. 9. Extra sessions of the General Assembly. The Governor shall have power on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in Extra Session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Sec. 10. Officers whose appointments are not otherwise provided for. The Governor shall nominate, and by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Sec. 11. Duties of the Lieutenant-Governor. The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

Sec. 12. Succession to office of Governor. The Lieutenant-Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant-Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant-Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

The Governor may, by a written statement filed with the Secretary of State, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. There-
after, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a Joint Session of the General Assembly before it takes final action. When the General Assembly is not in Session, the Council of State, a majority of its members concurring, may convene it in Extra Session for the purpose of proceeding under this paragraph.

Removal of the Governor from office for any other cause shall be by impeachment.

Sec. 13. Duties of other executive officers. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of these officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor be elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first Section of this Article: Provided, that when a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an acting officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to the provisions of this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

Sec. 14. Council of State. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, ex officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any
part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney General shall be, *ex officio,* the legal adviser of the Executive Department.

SEC. 15. Compensation of executive officers. The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by the General Assembly, which shall not be diminished during the time for which they shall have been elected.

SEC. 16. Seal of State. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State", signed by the Governor, and countersigned by the Secretary of State.

SEC. 17. Department of Agriculture, Immigration and Statistics. The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

SEC. 18. Department of Justice. The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney General, and to enact suitable laws defining the authority of the Attorney General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

ARTICLE IV

JUDICIAL DEPARTMENT

SECTION 1. Division of judicial power. The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

SEC. 2. General Court of Justice. The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration; and shall consist of an appellate division, a Superior Court division, and a District Court division.

SEC. 3. Judicial powers of administrative agencies. The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

SEC. 4. Court for the Trial of Impeachments. The House of Representatatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieu-
tenant-Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

SEC. 5. Appellate Division. The Appellate Division of the General Court of Justice shall consist of the Supreme Court and, when established by the General Assembly, an intermediate Court of Appeals.

SEC. 6. Supreme Court.

(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available is authorized to discharge such duties. The General Assembly may provide for the retirement of members of the Supreme Court and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

SEC. 6A. Court of Appeals. The structure, organization, and composition of the Court of Appeals, if established, shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe. The General Assembly may provide for the retirement of members of the Court of Appeals and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

SEC. 7. Superior Courts.

(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.
SEC. 8. District Courts. The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit; but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner provided by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled, for the unexpired term, in a manner provided by law. Vacancies in the office of Magistrate shall be filled, for the unexpired term, in the manner provided for original appointment to the office.

SEC. 9. Assignment of Judges. The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

SEC. 10. Jurisdiction of the General Court of Justice.

(1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the other courts. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; the decisions shall be reported to the next Session of the General Assembly for its action.

(2) Court of Appeals. The Court of Appeals, if established, shall have such appellate jurisdiction as the General Assembly may provide.

(3) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall provide by general law uniformly applicable in every county of the State.

(4) District Courts; Magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.
(6) Appeals. The General Assembly shall, by general law, provide a proper system of appeals: Provided, that appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

SEC. 11. Forms of action; rules of procedure.

(1) Forms of action. There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action.

(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the appellate division. The General Assembly shall have authority to make rules of procedure and practice for the Superior Court and District Court divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court divisions.

SEC. 12. Waiver of jury trial. In all issues of fact joined in any court, the parties in any civil case may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

SEC. 13. Administration. The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

SEC. 14. Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court. Justices of the Supreme Court, Judges of the Court of Appeals, and regular judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may provide.

SEC. 15. Removal of judges and clerks.

(1) Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of Superior Court. Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be removed from office for mental or physical incapacity by Joint Resolution of two-thirds of both houses of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon. Removal from office for any other cause shall be by impeachment.
(2) District Judges and Magistrates. The General Assembly shall provide by general law for the removal of District Judges and Magistrates for misconduct or mental or physical incapacity.

(3) Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Clerks of District Courts shall be removed for such causes and in such manner as the General Assembly may provide by general law. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

Sec. 16. Solicitors and solici.torial districts.

(1) Solicitors. The General Assembly shall, from time to time, divide the State into a convenient number of solici.torial districts, for each of which a Solicitor shall be chosen for a term of four years by the qualified voters thereof, as is prescribed for members of the General Assembly. When the Attorney General determines that there is serious imbalance in the work loads of the Solicitors or that there is other good cause, he shall recommend redistricting to the General Assembly. The Solicitor shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) Prosecution in District Court division. Criminal actions in the District Court division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

Sec. 17. Vacancies. Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than thirty days after such vacancy occurs, when elections shall be held to fill such offices: Provided, that when the unexpired term of any of the offices named in this Article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of said offices shall neglect and fail to qualify, such office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Sec. 18. Revenues and expenses of the judicial department. The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.
SEC. 19. Fees, salaries, and emoluments. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article; but the salaries of judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

SEC. 20. Effect of uniform general law requirement. Where the General Assembly is required by the provisions of this Article to enact only general laws uniformly applicable throughout the State or in every county or local court district thereof, no special, public-local, or private law shall be enacted relating to the subject-matter of those provisions, and every amendment or repeal of any law relating to such subject-matter shall also be general and uniform in its application and effect throughout the State.

SEC. 21. Schedule. Immediately upon the certification by the Governor to the Secretary of State of the amendments constituting this Article, the Supreme Court and the Superior Courts shall be incorporated within the General Court of Justice, as provided in this Article. All Justices of the Supreme Court and Judges of the Superior Court shall continue to serve as such within the General Court of Justice for the remainder of their respective terms.

The statutes and rules governing procedure and practice in the Superior Courts and inferior courts, in force at the time the amendments constituting this Article are ratified by the people, shall continue in force until superseded or repealed by rules of procedure and practice adopted pursuant to Section 11(2) of this Article.

Upon certification of the Governor to the Secretary of State of the amendments constituting this Article, the General Assembly shall proceed as rapidly as practicable, to provide for the creation of local court districts and the establishment of District Courts therein; District Courts shall be established to serve every county of the State by not later than January 1, 1971. As of January 1, 1971, all previously existing courts inferior to the Superior Court shall cease to exist, and cases pending in these courts shall be transferred as provided in the next succeeding paragraph of this Section. Until a District Court has been thus established to serve a county, all of the courts of that county, including the Superior Court, shall continue to be financed and the revenues of these courts shall continue to be paid as they were immediately prior to the certification of the amendments constituting this Article; and the laws and rules governing these courts and appeals from the inferior courts to the Superior Court shall continue in force and shall be deemed to comply with the provisions of this Article.

As soon as a District Court shall have been established for a county, all of the provisions of this Article shall become fully effective with respect to the courts in that county, and all previously existing courts inferior to the Superior Court shall cease to exist. All cases pending in these inferior courts shall be transferred to the appropriate division of the General Court of Justice, and all records of these courts shall be transferred to the appropriate clerk's office pursuant to rule of the Supreme
Court. Judges of these inferior courts, except Mayor's Courts and Justice of the Peace Courts, shall become District Judges and shall serve as such for remainders of their respective terms.

As soon as a District Court has been established to serve every county of the State, all of the provisions of this Article shall become fully effective throughout the State.

ARTICLE V

REVENUE AND TAXATION

SECTION 1. Capitation tax; exemptions. The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars ($2.00), and cities and towns may levy a capitation tax which shall not exceed one dollar ($1.00). No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

SEC. 2. Application of proceeds of State and county capitation tax. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent (25\%\,\textsuperscript{\textdegree}) thereof be appropriated for the latter purpose.

SEC. 3. State taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away. Only the General Assembly shall have the power to classify property and other subjects for taxation, which power shall be exercised only on a State-wide basis. No class or subject shall be taxed except by uniform rule, and every classification shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. The General Assembly's power to classify shall not be delegated, except that the General Assembly may permit the governing boards of counties, cities, and towns to classify trades and professions for local license tax purposes. The General Assembly may also tax trades, professions, franchises, and income: Provided, the rate of tax on income shall not in any case exceed ten per cent (10\%\,\textsuperscript{\textdegree}), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for a married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than two thousand dollars ($2,000.00); to all other persons not less than one thousand dollars ($1,000.00), and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

SEC. 4. Limitations upon the increase of public debts. The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit;
to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Sec. 5. Property exempt from taxation. Property belonging to the State, counties and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding three hundred dollars ($300.00), any personal property. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this Section.

Sec. 6. Taxes levied for counties. The total of the State and county tax on property shall not exceed twenty cents (20¢) on the one hundred dollars ($100.00) value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by Article IX, Section 3, of the Constitution: Provided, further, the State tax shall not exceed five cents (5¢) on the one hundred dollars ($100.00) value of property.

Sec. 7. Acts levying taxes shall state objects, etc. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.
ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

Section 1. Who may vote. Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

Sec. 2. Qualifications of voter. Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this Article, shall be entitled to vote at any election held in this State; provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State’s Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

The General Assembly may, however, reduce the time of residence, preceding a Presidential Election, for a person possessing all other qualifications of a voter, in which such person shall be entitled to vote for the choice of electors for President and Vice President of the United States only. Any person eligible to vote for electors for President and Vice President of the United States by reason of a reduction in time of residence shall not thereby become eligible to hold office in this State.

Sec. 3. Voters to be registered. Every person offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this Article.

Sec. 4. Qualification for registration. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this Section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under Section 2 of this Article.
SEC. 5. Indivisible plan; legislative intent. That this amendment to
the Constitution is presented and adopted as one indivisible plan for the
regulation of the suffrage, with the intent and purpose to so connect the
different parts, and make them so dependent upon each other, that the
whole shall stand or fall together.

SEC. 6. Elections by people and General Assembly. All elections by the
people shall be by ballot, and all elections by the General Assembly shall
be viva voce.

SEC. 7. Eligibility to office; official oath. Every voter in North Carolina
except as in this article disqualified, shall be eligible to office, but before
entering upon the duties of the office, he shall take and subscribe the
following oath:

“I, .................................., do solemnly swear (or affirm) that I will support
and maintain the Constitution and laws of the United States, and the
Constitution and laws of North Carolina not inconsistent therewith, and
that I will faithfully discharge the duties of my office as ..........................
So help me, God.”

SEC. 8. Disqualification for office. The following classes of persons
shall be disqualified for office: First, all persons who shall deny the being
of Almighty God. Second, all persons who shall have been convicted or
confessed their guilt on indictment pending, and whether sentenced or not,
or under judgment suspended, of any treason or felony, or of any other
crime for which the punishment may be imprisonment in the penitentiary,
since becoming citizens of the United States, or of corruption or mal-
practice in office, unless such person shall be restored to the rights of
citizenship in a manner prescribed by law.

SEC. 9. When this Chapter operative. That this amendment to the
Constitution shall go into effect on the first day of July, nineteen hundred
and two, if a majority of votes cast at the next general election shall be
cast in favor of this suffrage amendment.

ARTICLE VII

MUNICIPAL CORPORATIONS

SECTION 1. County officers. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 362, s. 1, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.)

SEC. 2. Duty of county commissioners. It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be ex officio clerk of the board of commissioners.

SEC. 3. Counties to be divided into districts. It shall be the duty of the commissioners first elected in each county to divide the same into con-
venient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

SEC. 4. Townships have corporate powers. Upon the approval of the reports provided for in the foregoing Section by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

SEC. 5. Sheriffs. In each county a Sheriff shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold his office for a period of four years. In case of a vacancy existing for any cause in any Sheriff's office, the governing authority of the county shall fill such vacancy by appointment for the unexpired term.

SEC. 6. No debt or loan except by a majority of voters. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.

SEC. 7. No money drawn except by law. No money shall be drawn from any county or township treasury, except by authority of law.

SEC. 8. Charters to remain in force until legally changed. All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 9. Debts in aid of the rebellion not to be paid. No county, city, town, or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 10. Powers of General Assembly over municipal corporations. The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this Article, and substitute others in their place, except Sections 5, 6, 7, and 9.

ARTICLE VIII
CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. Corporations under general laws. No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiting of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.
SEC. 2. **Debts of corporations, how secured.** Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

SEC. 3. **What corporations shall include.** The term "corporation" as used in this Article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 4. **Legislature to provide for organizing cities, towns, etc.** It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

**ARTICLE IX**

**EDUCATION**

SECTION 1. **Education shall be encouraged.** Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. **General Assembly shall provide for schools; separation of the races.** The General Assembly, at its first Session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

SEC. 3. **Counties to be divided into districts.** Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this Section, they shall be liable to indictment.

SEC. 4. **What property devoted to educational purposes.** The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.
SEC. 5. County school fund; proviso. All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State; Provided, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. Election of trustees, and provisions for maintenance, of the University. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. Benefits of the University. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 8. State Board of Education. The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant-Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in Joint Session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this Section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The
board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

SEC. 9. Powers and Duties of the board. The State Board of Education shall succeed to all the powers and trusts of the President and Directors of The Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers, to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and to make all needful rules and regulations in relation thereto. All the powers enumerated in this Section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

SEC. 10. Agricultural department. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

SEC. 11. Children must attend school. The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

SEC. 12. Education expense grants and local option. Notwithstanding any other provision of this Constitution, the General Assembly may provide for payment of education expense grants from any State or local public funds for the private education of any child for whom no public school is available or for the private education of a child who is assigned against the wishes of his parent, or the person having control of such child, to a public school attended by a child of another race. A grant shall be available only for education in a nonsectarian school, and in the case of a child assigned to a public school attended by a child of another race, a grant shall, in addition, be available only when it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race.

Notwithstanding any other provision of this Constitution, the General Assembly may provide for a uniform system of local option whereby any local option unit, as defined by the General Assembly, may choose by a majority vote of the qualified voters in the unit who vote on the question to suspend or to authorize the suspension of the operation of one or more or all of the public schools in that unit.

No action taken pursuant to the authority of this Section shall in any manner affect the obligation of the State or any political subdivision or agency thereof with respect to any indebtedness heretofore or hereafter created.
HOMESTEADS AND EXEMPTIONS

SECTION 1. Exemptions of personal property. The personal property of any resident of this State, to the value of five hundred dollars ($500.00), to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court, issued for the collection of any debt.

SEC. 2. Homestead. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars ($1,000.00), to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars ($1,000.00), shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

SEC. 3. Homestead exemption from debt. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

SEC. 4. Laborer's lien. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

SEC. 5. Benefit of widow. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

SEC. 6. Property of married women secured to them. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed and conveyed by her subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

SEC. 7. Husband may insure his life for the benefit of wife and children. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all claims of the representatives of her husband, or any of his creditors. And the policy shall not be
subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

**Sec. 8. How deed for homestead may be made.** Nothing contained in the foregoing Sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgment of his wife.

**ARTICLE XI**

**PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES**

**Section 1. Punishments; convict labor; proviso.** The following punishments only shall be known to the laws of this State, viz.: Death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: Provided, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

**Sec. 2. Death punishment.** The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

**Sec. 3. Penitentiary.** The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's prison or penitentiary at some central and accessible point within the State.

**Sec. 4. Houses of correction.** The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

**Sec. 5. Houses of refuge.** A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

**Sec. 6. The sexes are to be separated.** It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons secure the health and comfort of the prisoners and that male and female prisoners be never confined in the same room or cell.

**Sec. 7. Provision for the poor and orphans.** Beneficent provisions for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian state, the General Assembly shall, at its first
session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

SEC. 8. Orphan houses. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.

SEC. 9. Inebriates and idiots. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

SEC. 10. Deaf mutes, blind, and insane. The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

SEC. 11. Self-supporting. It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII

MILITIA

SECTION 1. Who are liable to militia duty. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: Provided, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. Organizing, etc. The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

SEC. 3 Governor commander-in-chief. The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

SEC. 4. Exemptions. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

SECTION 1. Convention, how called. No convention of the people of this State shall ever be called by the General Assembly unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and except the proposition, convention or no convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.
SEC. 2. How the Constitution may be altered. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each house of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

SECTION 1. Indictments. All indictments which shall have been found or may hereafter be found for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

SEC. 2. Penalty for fighting duel. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. Drawing money. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. Mechanic’s lien. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 5. Governor to make appointments. In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

SEC. 6. Seat of government. The permanent seat of government in this State shall be at the City of Raleigh.

SEC. 7. Dual office-holding. No person who shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly: Provided, that nothing herein contained shall extend to officers in the militia, notaries public, commissioners of public charities, or commissioners for special purposes.

SEC. 8. Intermarriage of whites and Negroes prohibited. All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the third generation, inclusive, are hereby forever prohibited.
INDEX

Abuses in assessments and contracting debts by municipal corporations, general assembly
to prevent. A. 8, S. 4.

levying taxes, must state object. A. 5, S. 7.
Agricultural department. A. 3, S. 17.
in connection with university. A. 9, S. 10.
Alimony, general assembly does not secure. A. 2, S. 10.
Allegiance to United States government. A. 1, S. 5.
Alleys, laws authorizing, etc. A. 2, S. 29.
Answer to criminal charge. A. 1, S. 12.
Appellate division, general court of justice. A. 4, S. 5.
Apportionment of senators and representatives. A. 2, SS. 4, 5, 6.
Arms, right to bear. A. 1, S. 24.
Assessment or collection of taxes, extending time for. A. 2, S. 29.
Bail, excessive. A. 1, S. 14.
Ballot, elections to be by. A. 6, S. 6.
Bills of general assembly, read three times. A. 2, S. 23.
Blind provided for. A. 11, S. 10.
Boundaries of state. A. 1, S. 34.
Bridges, laws relating to. A. 2, S. 29.
Capitation tax. A. 5, S. 1.
application of proceeds from. A. 5, S. 2.
exemptions. A. 5, S. 1.
Cemeteries, laws relating to. A. 2, S. 29.
Charities, public. A. 11.
idots and inebriates. A. 11, S. 9.
self-supporting as far as possible. A. 11, S. 11.
organized by legislation. A. 8, S. 4.
Citizenship, restoration to. A. 2, S. 11.
Civil and criminal actions. A. 4, S. 1.
Claims against the state. A. 4, S. 9.
Clerks of superior court, election and terms of. A. 4, S. 7(13).
removal for incapacity or misconduct. A. 4, S. 15(13).
terms of office of. A. 4, S. 17.
Collection of taxes, extending time for. A. 2, S. 29.
Collector of taxes, law relieving. A. 2, S. 29.
Commissioner of agriculture. A. 3, S. 1 and 13.
Commissioner of insurance. A. 3, S. 1 and 13.
Compulsory education, general assembly may provide. A. 9, S. 15.
Concealed weapons, carrying not justified. A. 1, S. 24.
Controversies at law about property. A. 1, S. 19.
Convention, how called. A. 13, S. 1.
Convict labor. A. 11, S. 1.
Corporations, municipal. A. 7.
charters remain in force till legally changed. A. 7, S. 8.
Corporations, other than municipal. A. 8.
depts of, how secured. A. 8, S. 2.
special charters prohibited. A. 8, S. 1.
Correction, houses of. A. 11, S. 4.
Counsel allowed defendant. A. 1, S. 11.
Counties, commissioners divide into districts. A. 7, S. 3.
districts have corporate powers as townships. A. 7, S. 3.
majority of voters necessary to levy taxes, etc. A. 7, S. 6.
money, how drawn from treasury. A. 7, S. 7.
school districts. A. 9, S. 3.
fund. A. 9, S. 5.
County treasurer. A. 7, S. 1.
County commissioners, election and duty of. A. 7, SS. 1, 2.
Court of Appeals.
Judges. A. 4, S. 6A.
election and terms of. A. 4, S. 14.
recall of retired. A. 4, S. 6A.
retirement. A. 4, S. 6A.
salaries. A. 4, S. 19.
vacancies. A. 4, S. 17.
Jurisdiction. A. 4, S. 10(2).
Courts to be open. A. 1, S. 35.
kinds of. A. 4, S. 1.
Criminal and civil action. A. 4, S. 11(1).
prosecutions. A. 1, S. 11.
Criminal charges. answer to. A. 1, S. 12.
Deaf-mutes provided for. A. 11, S. 10.
Death punishment. A. 11, S. 2.
Debt, does not affect homestead. A. 10, S. 3.
county or town cannot contract, except by majority of those voting thereon. A. 7, S. 7.
imprisonment for. A. 1, S. 16.
in aid of rebellion, void. A. 7, S. 12.
restrictions upon increase of public, etc. A. 5, S. 4.
Declaration of rights. A. 1.
Deeds, laws giving effect to. A. 2, S. 29.
Department of agriculture. A. 3, S. 17.
Department of justice. A. 3, S. 18.
Disqualification for office. A. 6, S. 8; A. 14, S. 7.
dueling disqualifies. A. 14, S. 2.
District court.
districts. A. 4, S. 8.
judges. A. 4, S. 8.
jurisdiction. A. 4, S. 10(4).
magistrates. A. 4, S. 8.
prosecution in. A. 4, S. 16(2).
salaries of officers. A. 4, S. 19.
Divorce, general assembly does not grant. A. 2, S. 10.
Education.
county school fund. A. 9, S. 5.
encouraged. A. 1, S. 27; A. 9, S. 1.
expenses. A. 9, S. 8.
officers. A. 9, S. 8.
power of. A. 9, S. 9.
property devoted to. A. 9, SS. 4, 5.
quorum. A. 9, S. 8.
state board of. A. 9, S. 8.
Elections of officers by general assembly, sine re. A. 2, S. 9.
Elections, by people by ballot and by general assembly, sine re. A. 6, S. 6.
fee. A. 1, S. 10.
frequent. A. 1, S. 28.
INDEX TO CONSTITUTION

Electors, qualifications of. A. 6, SS. 1, 2, 3.
registration of. A. 6, SS. 3, 4.
Eligibility to office. A. 6.
Emergency judges. A. 4, S. 7(11).
Emoluments, exclusive, none. A. 1, S. 7.
hereditary. A. 1, S. 30.
Entails to be regulated. A. 2, S. 15.
Enumeration of rights not to impair others retained by people. A. 1, S. 37.
Evidence against himself, criminal not compelled to give. A. 1, S. 11.
department of. A. 3.
distinct. A. 1, S. 8.
officers. A. 3, S. 1.
terms of office of. A. 3, S. 1.
seal of state. A. 3, S. 16.
Exemption, personal property. A. 10, S. 1.
by reason of military duty, etc. A. 12, S. 1.
property of feme covert not liable for husband's debts. A. 10, S. 6.
Ex post facto laws. A. 1, S. 32.
Ferries, laws relating to. A. 2, S. 29.
laws remitting fines, etc. A. 2, S. 29.
Fundamental principles, frequent recurrence to. A. 1, S. 29.
Funds, retirement system safeguarded. A. 2, S. 31.
article seven may be modified or repealed by. A. 7, S. 10.
bills and resolutions read three times. A. 2, S. 23.
compulsory education may be enforced by. A. 9, S. 15.
elections by, to be viva voce. A. 6, S. 6.
entails regulated by. A. 2, S. 15.
journals kept. A. 2, S. 16.
protests entered on. A. 2, S. 17.
General assembly, meeting of, when. A. 2, S. 2.
members, election for, when. A. 2, S. 27.
office a disqualification. A. 14, S. 7.
terms commence with elections. A. 2, S. 25.
municipal corporations controlled by. A. 7, S. 10.
names, personal, not changed by. A. 2, S. 11.
non-navigable streams, laws relating to. A. 2, S. 29.
officers of, election, viva voce. A. 2, S. 9.
president of senate. A. 2, S. 19.
speaker of house. A. 2, S. 18.
powers of. A. 2, S. 22.
in relation to divorce and alimony. A. 2, S. 10.
in relation to private or special legislation. A. 2, S. 29.
representation apportioned by. A. 2, SS. 4, 5.
revenue. A. 2, S. 14.
schools provided by. A. 9, S. 2.
university to be maintained by. A. 9, SS. 6, 7.
yeas and nays. A. 2, SS. 14, 26.

Government allegiance to United States. A. 1, S. 5.
internal of state. A. 1, S. 3.
origin of. A. 1, S. 2.
permanent seat of, remains at Raleigh. A. 14, S. 6.
Governor, commands militia. A. 3, S. 8.
duties performed by lieutenant-governor, when. A. 3, S. 12.
extra sessions called by. A. 3, S. 9.
justices of peace, appointed by, when. A. 7, S. 11.
resident of. A. 3, S. 5.
Health laws, relating to. A. 2, S. 29.
Habeas Corpus. A. 1, S. 21.
Hereditary emoluments. A. 1, S. 30.
Highways, laws authorizing, etc. A. 2, S. 29.
Homestead and exemption. A. 10, S. 2.
benefit of widow in. A. 10, S. 5.
exempted from debt. A. 10, S. 3.
exempted from taxes. A. 5, S. 5.
privy examination of wife to dispose of. A. 10, S. 8.
Houses of correction. A. 11, S. 4.
Houses of refuge. A. 11, S. 5.
House of Representatives, representatives, apportionment, reapportionment. A. 2, S. 5.
oficers of. A. 2, S. 18.
qualification for. A. 2, S. 8.
regulating representative districts. A. 2, S. 6.
terms, begins when. A. 2, S. 25.
Husband can insure life for benefit of family. A. 10, S. 7.
Idiots provided for. A. 11, S. 9.
Immigration, department of. A. 3, S. 17.
Imprisonment for debt. A. 1, S. 16.
except by law, wrong. A. 1, S. 17.
income tax. A. 5, S. 3.
Indictment, waiving of. A. 1, S. 12.
Indictments for crime committed before constitution took effect. A. 14, S. 1.
Insane, provided for. A. 11, S. 10.
Institutions, charitable. A. 11.
penal. A. 11.
public, annual reports from. A. 3, S. 7.
self-supporting as far as possible. A. 11, S. 11.
sexes to be separated. A. 11, S. 6.
Inter-marriage of whites and negroes prohibited. A. 14, S. 8.
internal government of state. A. 1, S. 3.
Judges.
court of appeals. A. 4, S. 6A.
district court. A. 4, S. 8.
superior court. A. 4, S. 7(1).
special or emergency. A. 4, S. 7(1).
INDEX TO CONSTITUTION

Judicial department. A. 4.
administrative agencies. A. 4, S. 3.
appellate division. A. 4, S. 5.
district courts. A. 4, S. 8.
division of judicial power. A. 4, S. 1.
General Assembly not to deprive of jurisdiction. A. 4, S. 1.
revenues and expenses. A. 4., S. 18.
schedule for putting new judicial article in effect. A. 4, S. 21.
Judicial remedy, allowed all. A. 1, S. 35.
Judiciary distinct. A. 1, S. 8.

court of appeals. A. 4, S. 10(2).
district courts. A. 4, S. 10(1).
supreme court of appeals. A. 4, S. 10(3).
supreme court. A. 4, S. 10(1).
waiver. A. 4, S. 10(55)
sacred and inviolable. A. 1, S. 19.
trial by, waived. A. 4, S. 12.
Labor, etc., laws regulating. A. 2, S. 29.
Laborers' and mechanics' lien. A. 14, S. 4.
attaches to homestead. A. 10, S. 4.
Law of land, no person imprisoned, or deprived of life, etc. but by. A. 1, S. 17.
Laws, ex post facto and retrospective. A. 1, S. 32.
private, thirty days' notice before passage. A. 2, S. 12.
Legislative department, distinct. A. 1, S. 8.
Legislature, two branches of. A. 2, S. 1.
provide for organizing towns, etc. A. 8, S. 4.
trials other than jury. A. 1, S. 13.
Legitimation, general assembly can pass general laws for. A. 2, S. 11.
Liberty, deprivation of, except by law. A. 1, S. 17.
restrained of, remedied. A. 1, S. 18.
waivers without evidence, dangerous to. A. 1, S. 15.
when governor. A. 3, S. 12.
Literary fund, board of education to succeed to rights of. A. 9, S. 9.
Local legislation prohibited. A. 2, S. 29.
Magistrates, appointment of. A. 4, S. 8.
appeals from. A. 4, S. 10(3).
jurisdiction. A. 4, S. 10(4).
Manufacturing, laws regulating. A. 2, S. 29.
Marriages between whites and negroes forbidden. A. 14, S. 8.
Married women, husband can insure life for benefit of. A. 10, S. 7.
privy examination of, to dispose of homestead. A. 10, S. 8.
power of attorney, granted to. A. 10, S. 6.
property of, not liable for husband's debts. A. 10, S. 6.
Men, equality, rights of. A. 1, S. 1.
Militia. A. 1, S. 24; A. 12.
exemptions from duty. A. 12, S. 4.
governor commands. A. 3, S. 8; A. 12, S. 3.
organization of. A. 12, S. 2.
who liable to bear arms. A. 12, S. 1.
Mining, laws regulating. A. 2, S. 29.
Money, how drawn from state treasury. A. 14, S. 3.
   county or township treasury. A. 7, S. 7.
   paid into treasury, refunding. A. 2, S. 29.
Monopolies are injurious. A. 1, S. 31.
Mortgages given for price of home, etc. A. 5, S. 3.
Municipal corporations. A. 7.
   cannot contract debt except by majority of those voting thereon. A. 7, S. 7.
   general assembly to provide for organization of; taxation, etc. by. A. 8, S. 4.
   powers of general assembly over. A. 7, S. 10; A. 8, S. 4.
   special charter prohibited. A. 8, S. 4.
Names of cities, towns and townships, laws changing. A. 2, S. 29.
   names, persons, how changed. A. 2, S. 11.
Normal school to be maintained by general assembly at university. A. 9, S. 14.
Notes given for price of home, not taxable. A. 5, S. 3.
Nuisances, laws relating to abatement of. A. 2, S. 29.
Oath of member of general assembly. A. 2, S. 24.
Oath of office. A. 6, S. 7.
Office, cannot hold two. A. 14, S. 7.
   disqualification. A. 6, S. 8.
   dueling disqualifies for. A. 14, S. 2.
   eligibility to. A. 6.
   qualifications, property, none. A. 1, S. 22.
Officers, county. A. 7, SS. 1, 9.
Orphans, houses for. A. 11, S. 8.
   provision for. A. 11, S. 7.
Pay of members of general assembly. A. 2, S. 28.
Peace, soldiers quartered in time of. A. 1, S. 36.
Penitentiary. A. 11, S. 3.
   convict labor. A. 11, S. 1.
   self-supporting as far as possible. A. 11, S. 11.
People, right of to assemble together. A. 1, S. 25.
Perpetuities, injurious. A. 1, S. 31.
   general assembly shall prevent. A. 2, S. 15.
Political power and government. A. 1, S. 2.
   societies in secret dangerous. A. 1, S. 25.
Poll tax. A. 5, S. 1.
Poor, provision for. A. 11, S. 7.
   to suspend laws, injurious. A. 1, S. 9.
Powers, executive, judicial and legislative, distinct. A. 1, S. 8.
   judicial, division of. A. 4, S. 1.
Principles, recurrence to fundamental. A. 1, S. 29.
Prisoners, health and comfort secured. A. 11, S. 6.
Private laws. A. 2, SS. 11, 12.
   local or special legislation. A. 2, S. 29.
Privileges, exclusive, none. A. 1, S. 7.
Property, controversies at law about. A. 1, S. 19.
   deprivation of, except by law, wrongful. A. 1, S. 17.
   devoted to education. A. 9, S. 4.
   exemptions from taxation. A. 5, S. 5.
   qualifications, none. A. 1, S. 22.
Prosecution, criminal. A. 1, S. 11.
Protest, against act or resolves, by whom and when made. A. 2, S. 17.
Public debt, increase of, limitations, etc. A. 5, S. 4.
Public moneys, how drawn. A. 14, S. 3.
Public schools, general assembly to provide for. A. 9, S. 2.
Punishment penal institutions and public charities. A. 11.
    cruel or unusual. A. 1, S. 14; A. 14, S. 1.
Qualifications and election of members of general assembly, each house judge of. A. 2, S. 22.
Rebellion, debt in aid of, not to be paid. A. 7, S. 9.
Recurrence to fundamental principles. A. 1, S. 29.
Refuge, house of. A. 11, S. 5.
Register of deeds. A. 7, S. 1.
Registration of electors. A. 6, SS. 3, 4.
    scruples against bearing arms. A. 12, S. 1.
    of clerks. A. 4, S. 15(3).
Representation and taxation. A. 1, S. 23.
Retrospective laws. A. 1, S. 32.
Revenue. A. 2, S. 14; A. 5.
    of secession, none. A. 1, S. 4.
    to bear arms. A. 1, S. 24.
    to suspend laws, injurious. A. 1, S. 9.
Rights, declaration of. A. 1.
    of men. A. 1, SS. 1, 38.
Salaries and fees of officers of judicial department, general assembly regulates. A. 4, S. 19.
Sanitation, laws relating to. A. 2, S. 29.
School districts, laws establishing or changing lines. A. 2, S. 29.
School, attendance of children. A. 9, S. 11.
    county, divided into districts. A. 9, S. 3.
    expense grants authorized. A. 9, S. 12.
    fund. A. 9, S. 5.
    local option units, may establish. A. 9, S. 12.
    provided by legislature. A. 9, S. 2.
    races separate. A. 9, S. 2.
    term, six months required. A. 9, S. 3.
Seal of State. A. 3, S. 16.
Search warrants without evidence wrong. A. 1, S. 15.
Secession, no right of. A. 1, S. 4.
Senate presiding officer. A. 2, S. 19.
    pro tem, speaker, when elected. A. 2, S. 20.
Senators, number of. A. 2, S. 3.
    president of. A. 2, S. 19.
    qualifications for. A. 2, S. 7.
    regulating senatorial districts. A. 2, S. 4.
    senatorial officers. A. 2, S. 20.
Separation of government powers. A. 1, S. 8.
Sheriffs. A. 7, S. 5.
Slavery prohibited. A. 1, S. 33.
Societies, secret political, dangerous. A. 1, S. 25.
Soldiers, how quartered. A. 1, S. 36.
Solicitor, how elected. A. 4, S. 16.
Special legislation, powers of general assembly as to. A. 2, S. 29.
State boundaries. A. 1, S. 34.
    claims against. A. 4, S. 10(1).
    internal government. A. 1, S. 3.
    Streets, laws authorizing, etc. A. 2, S. 29.
Suffrage and eligibility to office. A. 6.
reports of county school fund to be made. A. 9, S. 5.

Superior court.
   clerk. A. 4, S. 7(3).
   removal. A. 4, S. 15(3).
   districts. A. 4, S. 7(1).
   removal. A. 4, S. 15(1).
   residence. A. 4, S. 1.
   salaries. A. 4, S. 19.
   vacancy. A. 4, S. 17.
jurisdiction. A. 4, S. 10(3).
open at all times except for jury trials. A. 4, S. 7(2).
solicitors and solicitorial districts. A. 4, S. 16.

Supreme court.
jurisdiction. A. 4, S. 10(1).
justices. A. 4, S. 6(1).
   election and terms of. A. 4, S. 14.
   recall of retired. A. 4, S. 6(1).
   retirement. A. 4, S. 6(1).
   removal. A. 4, S. 15(1).
   salaries. A. 4, S. 19.
   vacancies. A. 4, S. 17.

Surveyor, county. A. 7, S. 1.
Suspending laws without consent of representatives, forbidden. A. 1, S. 9.
Taxation, uniform as to each class. A. 5, S. 3.
and revenue. A. 1, S. 23; A. 5.
   except for necessary expenses, not levied by county, city or town without assent of majority
   income. A. 5, S. 3.
   of purchases and sales retrospectively not to be passed. A. 1, S. 32.
   property, exemptions from. A. 5, S. 7.
Taxes, acts to levy, to state object. A. 5, S. 7.
Towns, etc., organized by legislature. A. 8, S. 4.
Townships.
   laws erecting, changing lines. A. 2, S. 29.
Trade, laws regulating. A. 2, S. 29.
Treason against state. A. 1, S. 37.
University, agricultural department of, mechanics, mining and normal instruction connected with
A. 9, S. 14.
   benefits of. A. 9, S. 7.
   general assembly shall maintain. A. 9, S. 7.
   property devoted to. A. 9, S. 7.
other. A. 3, SS. 12, 13; A. 4, S. 17.
Vagrants, houses of correction for. A. 11, S. 4.
Warrants without evidence injurious. A. 1, S. 15.
Whites and negroes cannot intermarry. A. 14, S. 8.
   separated in schools. A. 9, S. 2.
Widow, homestead benefits. A. 10, S. 5.
Wills, laws giving effect to. A. 2, S. 29.
Yea's and nays, when entered. A. 2, SS. 14, 26.
H. B. 25  

CHAPTER 1

AN ACT TO FILL THE VACANCY ON THE COLUMBUS COUNTY BOARD OF EDUCATION AND TO APPOINT A MEMBER TO SAID BOARD.

The General Assembly of North Carolina do enact:

Section 1. Guy W. Freeman, Chadbourn, North Carolina, is hereby appointed as a member of the Columbus County Board of Education to fill the unexpired term in the vacancy created by the resignation of Worth D. Williamson, said unexpired term ending on the first Monday in April, 1969.

Sec. 2. Guy W. Freeman, Chadbourn, North Carolina, is hereby appointed a member of the Columbus County Board of Education for a term of two years beginning on the first Monday in April 1969 and expiring on the first Monday in April 1971, and until his successor is elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1969.

S. B. 21  

CHAPTER 2

AN ACT TO REWRITE CHAPTER 630, SESSION LAWS OF 1967, SO AS TO PROVIDE FOR THE AT LARGE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 630, Session Laws of 1967, is hereby rewritten to read as follows:

Section 1. The County Board of Education of Onslow County shall consist of seven members, to be nominated and elected by the voters of the county, at large, and who shall serve for a term of four years. The term of office of each member shall begin on the first Monday in December, next succeeding his election, and shall continue until a successor has been elected and qualified.

Sec. 2. The terms of the members of the Board of Education of Onslow County shall continue to be staggered. In the primary and general election to be held in Onslow County in 1970, and biennially thereafter, there shall be nominated and elected, at large by voters of the entire county, members of the Board of Education to take the place of the members whose terms next expire.
CHAPTER 2

SESSION LAWS—1969

"Sec. 3. The primary and general election of members of the Onslow County Board of Education shall be conducted in the same manner and under the same laws, rules and regulations as provided for county officers in Chapter 163 of the General Statutes.

"Sec. 4. Vacancies in the membership of the Board of Education, for any cause, shall be filled immediately by the County Executive Committee of the political party of the member causing such vacancy. The person appointed shall serve for the unexpired term and until his successor is elected and qualified.

"Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

"Sec. 6. This Act shall be in full force and effect from and after its ratification."

In the General Assembly read three times and ratified, this the 10th day of February, 1969.

S. B. 9

CHAPTER 3

AN ACT TO REPEAL CHAPTER 338 OF THE SESSION LAWS OF 1963 RELATING TO THE BOUNDARY LINES OF THE LENOIR SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 338 of the Session Laws of 1963 is hereby repealed.

Sec. 2. The boundaries of the Lenoir School Administrative Unit shall remain as they were on January 1, 1969, until altered in the manner prescribed by Chapter 115 of the General Statutes of North Carolina.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1969.

H. B. 23

CHAPTER 4

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF GREENE COUNTY TO CONvey PROPERTY TO THE BOARD OF COMMISSIONERS OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Greene County is hereby authorized to convey, with or without consideration, to the Board of Commissioners of Greene County, that certain tract of land located in the Town of Snow Hill, Greene County, and being more particularly described as follows:

"BEGINNING at a stake on Second Street, in the Town of Snow Hill, North Carolina, at a point 90 feet from the corner of the courthouse property lot, and runs thence with Second Street, in an Easterly direction to a stake on said Street, thence in a Northeasterly direction parallel with the courthouse property lot about 160 feet to C. D. Sauls' line; thence with C. D. Sauls' line in a Northwesterly direction to a stake in said line, thence on a line parallel with the courthouse property lot line about 160 feet to the point of BEGINNING. Said property being the same as conveyed by C. R. Cobb, Commissioner, to the Board of Education of Greene County, on July 8, 1930, as of record appears in Book 157, page 371, Greene County Registry."
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 11th day of February, 1969.

H. B. 24

CHAPTER 5

AN ACT TO EXTEND THE IMMUNITY FOR REPORTING CANCER TO EMPLOYEES OF PHYSICIANS, PATHOLOGISTS, HOSPITALS AND OTHER MEDICAL FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-184.2 is hereby amended to read as follows:
130-184.2. Immunity of persons who report cancer. Any physician, pathologist or their employee, any administrator or other officer or employee of any hospital, clinic, center, sanatorium or other medical facility, of any health department or home for the aged who makes a report, pursuant to this article, to the Central Tumor Registry, to a local health director, or to the State Board of Health shall be immune from any civil or criminal liability that might otherwise be incurred or imposed for so doing, unless such person acted in bad faith or with malicious purpose.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 11th day of February, 1969.

H. B. 40

CHAPTER 6

AN ACT AMENDING CHAPTER 1073 OF THE SESSION LAWS OF 1959, RELATING TO THE ISSUANCE OF PISTOL PERMITS, SO AS TO MAKE THE SAME APPLICABLE TO HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1073 of the Session Laws of 1959 is amended by striking the word "Haywood" in line three thereof.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after ratification.
In the General Assembly read three times and ratified, this the 11th day of February, 1969.

S. B. 23

CHAPTER 7

AN ACT TO AUTHORIZE JOINT APPEALS FROM THE SEVERAL BOARDS OF EQUALIZATION AND REVIEW TO THE STATE BOARD OF ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (3) of G. S. 105-275 is hereby amended by deleting the words and punctuation "Provided, further, that each taxpayer or ownership interest shall file separate and distinct appeals; no joint appeals shall be considered except by and with consent of the State Board of Assessment.", and by substituting the following therefor:
“Provided, further, that taxpayers and ownership interests may file separate and distinct appeals or joint appeals at the election of one or more of the taxpayers. It is the intent of this provision that all owners of a single tract or parcel of property be allowed to join in one appeal, and also that any taxpayer be allowed to include in one appeal all objections timely presented regardless that more than one tract or parcel of property is involved.”

Sec. 2. G. S. 105-329 is hereby amended by deleting the last sentence of the first paragraph thereof and by substituting the following therefor:

“Taxpayers and ownership interests may file separate and distinct appeals or joint appeals at the election of one or more of the taxpayers. It is the intent of this provision that all owners of a single tract or parcel be allowed to join in one appeal, and that any taxpayer be allowed to include in one appeal all objections timely presented regardless that more than one tract or parcel of property is involved.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1969.

H. B. 44

CHAPTER 8

AN ACT TO AMEND THE CHARTER OF THE CITY OF LENOIR, CHAPTER 487 OF THE SESSION LAWS OF 1967, TO FIX THE ORGANIZATION MEETING OF THE CITY COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. Section 3.4 of the Charter of the City of Lenoir, as the same appears in Chapter 487, Session Laws of 1967, is hereby amended by striking out of line 3 thereof the words “ten o’clock on July first next”, and by inserting in lieu thereof the words “the first regular Council meeting”.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1969.

H. B. 56

CHAPTER 9

AN ACT TO MAKE THE EIGHT YEAR STATUTE OF LIMITATIONS ON AD VALOREM TAX REFUNDS CONTAINED IN G. S. 105-405.1 APPLICABLE IN CUMBERLAND COUNTY AND FAYETTEVILLE BY REPEALING CHAPTER 676 OF THE SESSION LAWS OF 1959.

The General Assembly of North Carolina do enact:

Section 1. Chapter 676 of the Session Laws of 1959 is hereby repealed in its entirety.

Sec. 2. This Act does not apply to litigation pending on the effective date of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of February, 1969.

H. B. 76

CHAPTER 10

AN ACT AMENDING G. S. 47-17.1 SO AS TO REQUIRE THAT CERTAIN PAPERS AND DOCUMENTS REGISTERED IN PITTS COUNTY SHOW THEREON THE NAME OF THE DRAFTSMAN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-17.1 is hereby amended by inserting in line 17 thereof after the word "Perquimans" and before the word "Randolph", the word and punctuation "Pitt."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1969.

S. B. 37

CHAPTER 11

AN ACT TO GRANT ZONING AUTHORITY OUTSIDE THE CITY LIMITS TO THE TOWN OF MOUNT PLEASANT IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.2, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3D of the General Statutes, is hereby amended by striking out the period at the end of the next to the last sentence in said section, inserting a comma in lieu thereof, and adding the words "or to the Town of Mount Pleasant in Cabarrus County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1969.

S. B. 39

CHAPTER 12

AN ACT TO AMEND CHAPTER 302 OF THE SESSION LAWS OF 1967, BY CHANGING AND ENLARGING THE MEMBERSHIP OF BOARD OF DIRECTORS AND INCREASING BENEFITS PAYABLE UNDER THE SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 302 of the Session Laws of 1967 is hereby amended by rewriting the Section to read as follows:

"There is hereby established a Supplementary Pension Fund for the Fire Department of the Town of Mount Airy, North Carolina, said fund to be known as the "Mount Airy Firemen's Supplementary Fund", herein after referred to as Supplementary Pension Fund, and said fund to be administered by a board of trustees composed of the City Treasurer of the Town of Mount Airy, the Chief of Fire Department of Mount Airy and three (3) members of said board to be
CHAPTER 12  
SESSION LAWS—1969

elected annually from the membership of the Mount Airy Fire Department by a majority vote of its members."

Sec. 2. Section 4 of Chapter 302 of the Session Laws of 1967 is hereby amended by rewriting the Section to read as follows:
"Any member who has served 30 years as a fireman in the Mount Airy Fire Department and has attained age 55 years shall be entitled to receive retirement benefits from the "Supplementary Pension Fund"; said monthly pension shall be computed on the basis of $1.25 per month for each year of service in the department."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1969.

H. B. 32  
CHAPTER 13
AN ACT TO MODIFY THE MOTOR VEHICLE RESTRICTIONS PERTAINING TO PASSING AT RAILROAD INTERSECTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-150(c) is hereby amended by deleting in line 2 following the words "direction at any" the words "steam or electric".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1969.

H. B. 77  
CHAPTER 14
AN ACT AMENDING G. S. 30-15 SO AS TO INCREASE THE YEAR'S ALLOWANCE OF A SURVIVING SPOUSE TO TWO THOUSAND DOLLARS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 30-15 is hereby amended by striking the words and figures "one thousand dollars ($1,000.00)" in line 5 thereof, and substituting in lieu thereof the words and figures "two thousand dollars ($2,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969 and shall be applicable only to estates of persons dying on or after July 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of February, 1969.
CHAPTER 15

AN ACT TO AMEND G. S. 105-345 RELATING TO AD VALOREM PROPERTY TAX PENALTIES AND DISCOUNTS IN THE TOWN OF DREXEL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"Notwithstanding any other provisions of this Section, the Board of Aldermen of the Town of Drexel, by resolution adopted by said Board, is authorized to defer acceptance of prepayments of taxes until the first day of July, and to provide that any taxpayer who makes a prepayment of taxes in the Town of Drexel on or after the first day of July and on or before the thirtieth day following the mailing of the tax notice shall be entitled to a discount of one per cent (1%); that thereafter and before the first day of the following February, the tax shall be paid at par or face value; that when the tax is paid during the month of February next after the tax is due and payable there shall be added to the tax interest at the rate of one per cent (1%); that when the tax is paid during the month of March next after the tax is due and payable there shall be added to the tax interest at the rate of two per cent (2%); that when the tax is paid on or after the first day of April next after the tax is due and payable, the rate of interest shall be, in addition to said two per cent (2%); one-half of one per cent (1/2 of 1%) per month or fraction thereof from said day until paid on the principal amount of such tax; and that the date of mailing of tax notices shall be determined from the record of mailing of tax notices as prepared and certified by the tax supervisor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1969.

CHAPTER 16

AN ACT TO AMEND SECTION 7 OF CHAPTER 413 OF 1963 SESSION LAWS, RELATING TO THE TOWN OF MORGANTON BOARD OF ALCOHOLIC BEVERAGE CONTROL, SO AS TO INCREASE THE SHARE OF NET PROFITS ALLOCABLE TO FINDING ALCOHOLISM CAUSES AND CURES AND TO BROADEN SCOPE OF ACTIVITIES AUTHORIZED THEREFOR AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 413 of the 1963 Session Laws of North Carolina is hereby amended by:

In line 22 of Section 7 thereof, striking out the words "nor more than five percent (5%)" and inserting in lieu thereof the words "and not more than ten percent (10%)."

Sec. 2. At end of Section 7 thereof, adding the following:

"As used in this chapter the words ‘finding the causes and cures of alcoholism’ shall include, but not be limited to, maintenance and operation of an alcoholism information center and education and fact-dissemination to the general public, construction and operation of alcoholism clinics, alcoholism research, and prevention, diagnosis, counseling, treatment and rehabilitation (including vocational training
or retraining) of alcoholics and their family members directly affected by alcoholism, as well as those kinds of programs, purposes or activities set out in Sections 122-35.13 through 122-35.17, inclusive, of North Carolina General Statutes, and to pay costs thereof. The Board of Alcoholic Beverage Control may effectuate all or any of these purposes or programs itself, through a council on alcoholism, by contract with private enterprise, or in conjunction with any other authorized local, state or federal governmental unit, agency or department approved or selected by it.*

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.

S. B. 20

CHAPTER 17

AN ACT TO AMEND CHAPTER 272 OF THE PUBLIC-LOCAL LAWS OF 1929 SO AS TO ALLOW THE EXECUTIVE COMMITTEE TO SET THE SALARY OF THE WINSTON-SALEM AND FORSYTH COUNTY PEACE OFFICERS’ PROTECTIVE ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 272 of the Public-Local Laws of 1929 is hereby amended by striking out the words "twenty-five dollars per month" in lines three and four and inserting in lieu thereof the words "such as prescribed by the Executive Committee of this Fund."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective retroactively from and after January 1, 1968.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.

S. B. 64

CHAPTER 18

AN ACT TO AMEND G. S. 1-239 (b) SO AS TO PERMIT WAIVER OF NOTICE BY ATTORNEYS OF RECORD IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-239 (b), as the same appears in the 1967 Cumulative Supplement to the 1953 Recompiled Volume 1A of the General Statutes, is hereby amended by striking out the period at the end thereof, inserting a semicolon, and adding the following words:

"provided, further, that the attorney of record may waive said notice, and said monies shall be paid by the Clerk of Superior Court, by signing the judgment dock-
et."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.
S. B. 89

CHAPTER 19

AN ACT TO AMEND CHAPTER 614, SESSION LAWS OF 1965, AND G. S. 153-9(17) RELATING TO NOTICE OF CLOSING OF STREETS IN THE CITY OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 614, Session Laws of 1965, is hereby amended by striking out the words "City of" and by inserting in lieu thereof the words "Cities of Sanford and".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.

H. B. 64

CHAPTER 20

AN ACT TO AMEND G. S. 143-117 RELATING TO PAYMENT OF COSTS BY PATIENTS AT CERTAIN STATE INSTITUTIONS SO AS TO INCLUDE THE NORTH CAROLINA SANATORIUM SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-117, as the same appears in the 1967 Cumulative Supplement to the General Statutes, is hereby amended by striking out in lines 8 and 9 the following words: "and the North Carolina Sanatorium for the Treatment of Tuberculosis at Sanatorium" and insert in lieu thereof the following words "North Carolina Sanatorium at McCain, Western North Carolina Sanatorium at Black Mountain, Eastern North Carolina Sanatorium at Wilson, and Gravely Sanatorium at Chapel Hill, North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.

H. B. 96

CHAPTER 21

AN ACT TO AMEND CHAPTER 48 OF THE GENERAL STATUTES TO PERMIT CHANGING THE NAME OF AN ADOPTED PERSON WHO IS TWENTY-ONE (21) OR MORE YEARS OF AGE.

The General Assembly of North Carolina do enact:

Section 1. SHORT TITLE. This Act shall be known as the Adopted Persons' Change of Name Act of 1969.

Sec. 2. G. S. 48-29 (a), as it appears in the 1967 Supplement to Volume 2A of the General Statutes, is hereby amended by changing the period at the end of the first sentence to a comma and by adding, after the comma, the following:

"but in the case of any child who has reached the age of twenty-one (21) years, the child's written consent to the change of name also must be filed with the clerk."

Sec. 3. The caption of G. S. 48-36, as it appears in the 1967 Supplement to Volume 2A of the General Statutes is amended by changing the period at the end
to a semicolon and by adding after the semicolon, the following:

"Change of name; Clerk's certificate and record; Notation on birth certificate; New birth certificate."

Sec. 4. G. S. 48-36 (c) is amended by adding a comma after the designation "(b)" in the first line and by inserting, after the added comma, the following:

"(d) and (e)."

Sec. 5. G. S. 48-36 is further amended by adding after subsection (c), a new subsection as follows:

"(d) Except in the case of a change of name in accordance with subsection (e) of this section, at the time of or subsequent to the entry of the order of adoption, the clerk may for proper cause shown and upon written application of the adoptive parents and the person adopted, issue an order changing the name of the person adopted from his true name to the name applied for. The order shall contain the true name, the county of birth, the date of birth, the full name of the person to be adopted, his county of birth, his date of birth, the full name of his parents as shown on his birth certificate, and the name sought to be adopted. The clerk shall issue to the person adopted a certificate under his hand and seal of office, stating the change made in the name, and shall record the applications and order on the docket of special proceedings in his court. He shall forward a copy of the change of name order to the State Registrar of Vital Statistics if the person adopted was born in North Carolina. Upon receipt of the order, the State Registrar shall note the change of name specified in the order on the birth certificate of the person adopted, and shall notify the Register of Deeds of the county of birth of the person adopted."

Sec. 6. G. S. 48-36 is further amended by adding, immediately after the new subsection (d), another new subsection as follows:

"(e) If requested in the application for the change of name filed by the adoptive parents and the person adopted the clerk may, for good cause shown, before or after the entry of the order of adoption, decree a change of name in accordance with and subject to all the provisions of G. S. 48-29 except G. S. 48-29 (d) relating to children born outside the State."

Sec. 7. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 8. This Act shall be in effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.

S. B. 45

CHAPTER 22

AN ACT TO AMEND G. S. 14-128 AND G. S. 14-134.1 SO AS TO INCREASE PENALTY FOR VIOLATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-128, as the same appears in the 1967 Cumulative Supplement to Vol. 1B of the General Statutes, is hereby amended by deleting in lines 7 and 8 the words "not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days:" and by inserting in lieu thereof the following: "not exceeding five hundred dollars ($500.00) or imprisoned not exceeding six (6) months, or both in the discretion of the Court.".
Sec. 2. G. S. 14-134.1, as it appears in the 1967 Cumulative Supplement to Vol. 1B of the General Statutes, is hereby amended by inserting the word "or County" immediately after the word "corporation" in line 3, and immediately after the word "municipality" in line 8. Further amend G. S. 14-134.1 by rewriting the last two lines to read as follows: "A violation of this Section shall constitute a misdemeanor and punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment of not more than six (6) months, or both, in the discretion of the Court."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective October 1, 1969.

In the General Assembly read three times and ratified, this the 26th day of February, 1969.

H. B. 69

CHAPTER 23

AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUTES TO PROVIDE THAT POLICEMEN AND FIREMEN WHO ARE NON-RESIDENTS MAY BE EMPLOYED.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-20 is hereby rewritten to read as follows:

"Sec. 160-20. The governing body of any municipality is hereby authorized to employ police officers, and the persons so employed may reside outside the corporate limits of the municipality."

Sec. 2. Article 11. Chapter 160. of the General Statutes is hereby amended by adding a new Section immediately following GS 160-115, to be designated GS 160-115.1, and to read as follows:

"Sec. 160-115.1 Firemen: residence. The governing body of every incorporated city and town are authorized to employ members of the fire department and to prescribe their duties. Persons employed as members of the fire department may reside outside the corporate limits of the municipality."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1969.

H. B. 9

CHAPTER 24

AN ACT TO AMEND GS163-46 SO AS TO INCREASE THE COMPENSATION FOR PRECINCT REGISTRARS AND JUDGES.

The General Assembly of North Carolina do enact:

Section 1. GS 163-46, as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby amended by deleting the words and figures "fifteen dollars ($15.00)" from line 2, and inserting in lieu thereof the words and figures "twenty dollars ($20.00)."

Further amend said section by deleting in line 6 the words and figures "ten dollars ($10.00)" and inserting in lieu thereof the words and figures "fifteen dollars ($15.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
CHAPTER 24

SESSION LAWS—1969

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 88

CHAPTER 25

AN ACT AUTHORIZING THE CITY OF GREENSBORO TO CONVEY A FEE SIMPLE DETERMINABLE ESTATE IN 10.41 ACRES OF LAND TO THE GREENSBORO POLICE CLUB, INCORPORATED.

The General Assembly of North Carolina do enact:

Section 1. Upon a finding that the hereinafter described tract or parcel of land is not needed by the City of Greensboro for governmental purposes, the City Council of the City of Greensboro may, by resolution, authorize and direct the conveyance of a fee simple determinable estate in said tract or parcel of land to Greensboro Police Club, Incorporated, a nonprofit corporation, without remuneration and without publication or advertising for bids but with the expressed understanding, condition and in consideration that said property shall be used in accordance with the specific purposes outlined in the Articles of Incorporation, including amendments thereto, and, more specifically, for the purpose of police training, skills and related activities for police officers of the City of Greensboro in aid of the performance of their duties as law enforcement officers.

Sec. 2. At such time as the hereinafter described tract or parcel of land ceases to be used for the purposes as hereinabove set forth or the Greensboro Police Club, Incorporated, becomes dissolved or otherwise inactive, then at that time the title to said tract or parcel of land shall automatically, by operation of law and without re-entry or suit on its part, be revested in the City of Greensboro, its successors or assigns, along with all privileges, structures and appurtenances thereunto belonging, forever.

Sec. 3. The above referred to tract or parcel of land is hereby described as follows:

BEGINNING at a concrete monument, said monument marking the southwest corner of property acquired by the City of Greensboro from John A. Barringer, as recorded in Deed Book 10, page 543, Guilford County Registry, and running thence North 07 deg. 25 min. East 876.46 feet to a concrete monument; thence South 85 deg. 08 min. East 406.43 feet to an iron pipe; thence South 21 deg. 31 min. East 207.01 feet to a point; thence South 02 deg. 26 min. West 462.08 feet to a point; thence South 28 deg. 7 min. West 83.28 feet to a point; thence South 06 deg. 50 min. West 176.11 feet to a stone monument; thence North 82 deg. 29 min. West 519.07 feet to the point of BEGINNING.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.
H. B. 107  

CHAPTER 26

AN ACT TO MAKE HOKE COUNTY "STOCK LAW TERRITORY".

The General Assembly of North Carolina do enact:

Section 1. Hoke County shall be, and is hereby declared to be, "Stock Law Territory," and shall be subject to all the provisions of G. S. 68-15, G. S. 68-23 through G. S. 68-31, and G. S. 68-36 through G. S. 68-38.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 123  

CHAPTER 27

AN ACT TO AUTHORIZE AND EMPOWER THE MARION CITY BOARD OF EDUCATION TO CONVEY THE MOUNTAIN VIEW HIGH SCHOOL PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Marion City Board of Education is hereby authorized and empowered to transfer and convey, with or without consideration, the Mountain View High School Property to the Board of County Commissioners of McDowell County.

Sec. 2. The conveyance of said property by the Marion City Board of Education to the Board of Commissioners of McDowell County shall be at private sale and conveyance and without any public advertisement or auction, and the said Board of Education is authorized to execute a deed conveying said property, and such other documents or legal papers as may be necessary to make such transfer or conveyance of land effective, and to vest title in the Board of County Commissioners of McDowell County.

Sec. 3. The lands which are the subject of the conveyance herein provided for in this Act are described as follows:

FIRST TRACT: On the old Crooked Creek Road: BEGINNING at a stake on the North bank of the Crooked Creek Road and the Southeast corner of Lot No. 2 of the Elliott-Morgan-Bennett partition and the Southwest corner of Lot No. 3 of the said partition, and runs with the North bank of said Road North 45 deg. 10 min. East 51 feet to a stake, W. H. Hawkins' corner; thence North 31 deg. West 200 feet to a stake, said Hawkins' corner; thence South 45 deg. 10 min. West with Hawkins' line and line of Lot No. 3 of said partition. 51 feet to a stake, the Northwest corner of said Lot No. 3 and the Northeast corner of said Lot No. 2; thence South 31 deg. West, with the line of said Lots Nos. 2 and 3, 200 feet to the BEGINNING, and being the same tract of land described in that certain deed from Zora Pressley Swepson and husband, Ed Swepson and Carrie Pressley and husband, Sam Pressley, to County Board of Education of McDowell County, dated July 30, 1921, and which is recorded in Deed Book 59, at page 446, of McDowell County Deed Records.

SECOND TRACT: On the old Crooked Creek Road: BEGINNING at a stake on the North side of the Crooked Creek Road at the Southeast corner of the Elliott-Morgan-Bennett partition and the Southwest corner of Lot No. 2 of said
partition and runs North 37 deg. 20 min. East with said Road 153.7 feet to a stake, the Southeast corner of said Lot No. 2 and the Southwest corner of said Lot No. 3 of said partition; thence North 31 deg. West, with the line of said Lot No. 2 and said Lot No. 3, 200 feet to a stake, the Northeast corner of said Lot No. 2 and the Northwest corner of said Lot No. 3 and in the line of the W. H. Hawkins' land; thence South 37 deg. 20 min. West, with the line of said Lot No. 2 and the line of the W. H. Hawkins' land, 153.7 feet to a stake, the Northwest corner of said Lot No. 2 and the Northeast corner of Lot No. 1 of said partition; thence South 31 deg. East 200 feet with the line of said Lot No. 1 and said Lot No. 2, to the BEGINNING, being Lot No. 2 of said partition, and being the same tract of land described in that certain deed from T. Croom Callicutt, to County Board of Education of McDowell County, dated July 15, 1921, and which is recorded in Deed Book 59, at page 452, of McDowell County Deed Records.

THIRD TRACT: On the old Crooked Creek Road: BEGINNING on a stake on the North bank of the Crooked Creek Road at a point North 45 deg. 10 min. East of and 51 feet from the Southeast corner of Lot No. 2 of the Elliott-Morgan-Bennett partition (known as the John L. Elliott lot) and runs North 45 deg. 10 min. East with the North bank of said Crooked Creek Road 102.7 feet to a stake, the Southeast corner of Lot No. 3 of said partition (known as the Murray M. Davis lot) and the Southwest corner of Lot No. 4 of said partition (known as the Morgan and Bennett lot); thence North 31 deg. West, with the line of said Lots Nos. 3 and 4, 200 feet to a stake, the Northwest corner of said Lot No. 3 and the Northwest corner of said Lot No. 4, thence continuing the same course 61 feet to a stake; thence South 45 deg. 10 min. West 153.7 feet to a stake; thence South 37 deg. 20 min. West 153.7 feet to a stake at a point North 31 West of and 61 feet distant from the Northwest corner of said lot No. 2; thence South 31 deg. East 61 feet to a stake, the Northwest corner of Lot No. 2; thence North 37 deg. 20 min. East, with the line of said Lot No. 2, now known as the T. C. Callicutt lot, 153.7 feet to a stake, the Northeast corner of said Lot No. 2; thence 51 feet to a stake in said line, Northeast corner of the Zora Pressley lot; thence South 31 deg. East, with the line of the Zora Pressley lot, 200 feet to the BEGINNING, and being the same tract of land described in that certain deed from W. H. Hawkins and wife, Fannie Hawkins, to County Board of Education of McDowell County, dated July 22, 1921, and which is recorded in Deed Book 59, at page 484, of McDowell County Deed Records.

FOURTH TRACT: BEGINNING on an iron spike in the middle of the main track of the Southern Railroad, it being the Northwest corner of that certain tract of land belonging to Otis L. Broyhill Furniture Company, formerly known as McDowell Furniture Company, which is described in a deed from W. R. Chambers, Trustee of W. H. Hawkins, to McDowell Furniture Company, dated November 8, 1937, and recorded in Deed Book 83, at page 204 of McDowell County Deed Records, said iron spike also being located 312 feet in a Southwesterly direction, measured along said railroad track, from Mile Post No. 100 on said railroad track, and runs thence South 39 deg. East, with the Otis L. Broyhill Furniture Company line, 280 feet to an iron stake, corner between said Furniture Company and W. H. Hawkins; thence South 64 deg. West 130 feet to an iron stake; thence South 45 deg. East 290 feet to an iron stake on the North margin of the old Crooked Creek Road; thence along and with the North margin of said

14
road South 45 deg. West 115 feet to an iron stake, the present Southeast corner of the school house property; thence North 31 deg. West 261 feet to an iron stake, its corner; thence with the line of the school house property South 45 deg. 10 min. West 153.7 feet to a stake; thence with said school property South 37 deg. 20 min. West 153.7 feet to an iron stake; thence South 31 deg. East 61 feet to an iron pin; thence South 37 deg. 30 min. West 47.7 feet to an iron stake; thence South 47 deg. 50 min. West 106 feet to an iron stake; thence North 30 deg. West 64 feet to an iron stake; thence South 60 deg. West 82-1/2 feet to an iron stake; thence South 30 deg. East 57-3/4 feet to an iron stake; thence South 57 deg. West 214-1/2 feet to an iron stake. East end of a 12 foot alley; thence, with the East end of said 12 foot alley, North 30 deg. West 12 feet to the Northern margin of said alley; thence along the Northern margin of said alley South 57 deg. West 107-1/4 feet to an iron pin in the Bessie Montgomery line; thence with her line North 23 deg. 30 min. West 298 feet to an iron pin in the center line of the Southern Railroad; thence with the center line of said railroad North 46 deg. 30 min. East 955 feet to the BEGINNING, and being the same tract of land described in that certain deed from W. H. Hawkins and wife, F. C. Hawkins, to Robert W. Proctor, et al, constituting and being the Board of Trustees of Marion City Administrative Unit of McDowell County, North Carolina, dated November 22, 1949, and which is recorded in Deed Book 110, page 142, of McDowell County Deed Records.

FIFTH TRACT: BEGINNING at a concrete monument. Greenlee Corpening's Northwest corner, and runs thence South 68 deg. West 144 feet to a concrete monument, a Hudgins School corner; thence North 30 deg. West 100 feet to a stake; thence North 60 deg. East 82-1/2 feet to an iron stake; thence South 30 deg. East 64 feet to an iron stake; thence North 47 deg. 50 min. East 66.7 feet to an iron stake; thence South 30 deg. East 62 feet to the BEGINNING, let the same contain what it may, and being the same tract of land described in that certain deed from Norman J. Callicutt and wife, Cora Callicutt to Eugene Cross, Jr. et al, constituting and being the Board of Trustees of the Marion City Administrative Unit of McDowell County, North Carolina, dated August 15, 1953, and which is recorded in Deed Book 126, at page 69, of McDowell County Deed Records.

SIXTH TRACT: BEGINNING on an iron stake in the North margin of the old Crooked Creek Road, it being the Southeast corner of that certain tract of land described in a deed from W. H. Hawkins and wife, F. C. Hawkins, to the Trustees of the Marion City Administrative Unit, dated November 22, 1949, and recorded in Deed Book 110, at page 142, of McDowell County Deed Records, and runs thence, with the line of said tract North 45 deg. West 290 feet to an iron stake, another corner of said tract; thence North 64 deg. East 130 feet to a stake in the line of the Otis L. Broyhill Furniture Company; thence, with said line, South 39 deg. East 9 feet to a stake, corner of said Otis L. Broyhill Furniture Company; thence with said Furniture Company's line North 65 deg. East 368 feet to a stake; thence South 42 deg. East 147 feet to a stake in the North margin of said old Crooked Creek Road; thence, with the North margin of said road, South 44 deg. West 457 feet to the BEGINNING, let the same contain what it may, and being the same tract of land described in that certain deed from W. H. Hawkins and wife, F. C. Hawkins, to Joseph L. Noyes, et al, as Trustees of the Marion City Administrative Unit of McDowell County, North Carolina.  

15
dated April 20, 1956, and which is recorded in Deed Book 137, at page 364, of McDowell County Deed Records. SAID tracts of land being subject to all easements and right-of-ways now owned and heretofore acquired by Duke Power Company, and also subject to all easements and right-of-ways heretofore acquired and now owned by Southern Railroad Company.

EXCEPTING AND RESERVING from said tracts of land the following:

(a) All of that certain tract of land described in a deed from the Marion City Board of Education to Otis L. Broyhill Furniture Company, dated May 5, 1959, and recorded in Deed Book 152, at page 616, of McDowell County Deed Records, which tract of land is described by metes and bounds as follows:

BEGINNING on a concrete monument, the present Southwest corner of the Broyhill Furniture Company property, and runs thence South 65 deg. West 208 feet to a stake; thence North 43 deg. 30 min. West 226 feet to a stake in the center of the main line track of the Southern Railroad Company; thence, with the center of said main line track, North 46 deg. 30 min. East 230 feet to a stake, the present Northwest corner of the property of the Broyhill Furniture Company; thence with the property line of Broyhill Furniture Company, South 39 deg. East 289 feet to the BEGINNING, containing 1.30 acres, more or less.

(b) All of that certain parcel of land described in a deed from the Marion City Board of Education to Otis L. Broyhill Furniture Company, dated November 14, 1962, and which is recorded in Deed Book 171, at page 121, of McDowell County Deed Records, which said tract of land is described by metes and bounds as follows:

BEGINNING on an iron stake located North 43 deg. 30 min. West 42 feet from a concrete marker which is the Southwest corner of that certain tract of land described in a deed from Marion City Board of Education to Otis L. Broyhill Furniture Company, dated May 5, 1959, and recorded in Deed Book 152, at page 616, of McDowell County Deed Records, and runs thence North 43 deg. 30 min. West 182 feet to a stake in the center of the main line of the Southern Railroad Company; thence, with the center of said main line track, South 47 deg. West 290 feet to a stake; thence South 43 deg. 30 min. East 100 feet to a stake; thence North 63 deg. 30 min. East 302 feet to the BEGINNING.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 124

CHAPTER 28

AN ACT AUTHORIZING THE CITY OF WHITEVILLE AND THE WHITEVILLE AIRPORT AUTHORITY TO CONVEY AIRPORT PROPERTY TO COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Whiteville in Columbus County and the governing body of the Whiteville Airport Authority are hereby authorized and empowered to release, quitclaim and convey in fee all of the real and personal property, held, owned, leased or managed by the Whiteville Airport Authority, to Columbus County, without consideration, said real property consisting of approxi-
mately sixty-nine acres, more particularly described in the deed thereof to the City of Whiteville, dated September 12, 1963, and recorded in Book 232 at Page 431, in the Office of the Register of Deeds of Columbus County.

Sec. 2. Upon the completion of the transfer of all real and personal property, as authorized in Section 1, the Whiteville Airport Authority shall be deemed abolished.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 139  CHAPTER 29
AN ACT AMENDING AND SUPPLEMENTING ALL LAWS AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF BONDS, NOTES OR OTHER OBLIGATIONS OF A UNIT WITHIN THE MEANING OF THE LOCAL GOVERNMENT ACT TO PROVIDE FOR THE USE OF FACSIMILE SEALS AND SIGNATURES.

The General Assembly of North Carolina do enact:

Section 1. All laws, whether general, local, private or special, authorizing and providing for the issuance of bonds, notes or other obligations of a unit within the meaning of G. S. 159-2, a part of the Local Government Act, as it may be amended from time to time, are hereby amended and supplemented to provide that the governing body of a unit may, in its discretion, authorize (a) the imprinting of a facsimile of the seal of the unit on any bond, note or other obligation of the unit in lieu of physically affixing such seal thereon and (b) the execution of any bond, note or other obligation by facsimile rather than manual signatures; provided, however, that at least one manual signature must appear on every bond, note or other obligation which signature may be the manual signature of the representative of the Local Government Commission to the certificate of the Commission on such bond, note or other obligation.

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted by any other law.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 170  CHAPTER 30
AN ACT TO AUTHORIZE THE MONROE CITY BOARD OF EDUCATION TO CONVEY CERTAIN PROPERTY TO THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provision of law, the Monroe City Board of Education is hereby authorized to convey to the City of Monroe, at public or private sale, with or without consideration, the land and buildings, or buildings, or any part thereof, comprising the Winchester Avenue school site, and to execute and deliver any and all documents, including warranty deeds, necessary to give effect to such conveyance.
CHAPTER 30   SESSION LAWS—1969

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 22     CHAPTER 31

AN ACT TO IMPROVE AND PROVIDE PUBLIC SCHOOLS OF A HIGHER STANDARD FOR THE RESIDENTS OF SCOTLAND NECK IN HALIFAX COUNTY, TO ESTABLISH THE SCOTLAND NECK CITY ADMINISTRATIVE UNIT, TO PROVIDE FOR THE ADMINISTRATION OF THE PUBLIC SCHOOLS IN SAID ADMINISTRATIVE UNIT, TO LEVY A SPECIAL TAX FOR THE PUBLIC SCHOOLS OF SAID ADMINISTRATIVE UNIT, ALL OF WHICH SHALL BE SUBJECT TO THE APPROVAL OF THE VOTERS IN A REFERENDUM OR SPECIAL ELECTION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby classified and established a public school administrative unit to be known and designated as the Scotland Neck City Administrative Unit which shall consist of the territory or area lying and being within the boundaries or corporate limits of the Town of Scotland Neck in Halifax County, and the boundaries of said Scotland Neck City Administrative Unit shall be coterminous with the present corporate limits or boundaries of the Town of Scotland Neck. The governing board of said Scotland Neck City Administrative Unit shall be known and designated as the Scotland Neck City Board of Education, and said Scotland Neck City Board of Education (hereinafter referred to as: Board) shall have and exercise all of the powers, duties, privileges and authority granted and applicable to city administrative units and city boards of education as set forth in Chapter 115 of the General Statutes, as amended.

Sec. 2. The Board shall consist of five members appointed by the governing authority of the Town of Scotland Neck, and said five members shall hold office until the next regular municipal election of the Town of Scotland Neck to be held in May, 1971. At the regular election for Mayor and Commissioners of the Town of Scotland Neck to be held in May 1971, there shall be elected five members of the Board, and three persons so elected who receive the highest number of votes shall hold office for four years and the two persons elected who receive the next highest number of votes shall hold office for two years, and thereafter all members of the Board so elected, as successors, shall hold office for four years. All members of the Board shall hold their offices until their successors are elected and qualified. All members of the Board shall be eligible to hold public office as required by the Constitution and laws of the State.

Sec. 3. All members of the Board shall be elected by the qualified voters of the Town of Scotland Neck and said election shall be held and conducted by the governing authority of the Town of Scotland Neck and by its election officials and pursuant to the same laws, rules and regulations as are applicable to the election of the municipal officials of the Town of Scotland Neck, and the results shall be certified in the same manner. The election of members of the Board shall be held at the same time and place as applicable to the election of the Mayor and Board of Commissioners of the Town of Scotland Neck and in accordance with the expira-
tion of terms of office of members of the Board. The members of the Board so elected shall be inducted into office on the first Monday following the date of election, and the expense of the election of the members of the Board shall be paid by the Board.

Sec. 4. At the first meeting of the Board appointed as above set forth and of a new Board elected as herein provided, the Board shall organize by electing one of its members as chairman for a period of one year, or until his successor is elected and qualified. The chairman shall preside at the meetings of the Board, and in the event of his absence or sickness, the Board may appoint one of its members as temporary chairman. The Scotland Neck City Superintendent of Schools shall be ex officio secretary to his Board and shall keep the minutes of the Board but shall have no vote. If there exists a vacancy in the office of Superintendent, then the Board may appoint one of its members to serve temporarily as secretary to the Board. All vacancies in the membership of the Board by death, resignation, removal, change of residence or otherwise shall be filled by appointment by the governing authority of the Town of Scotland Neck of a person to serve for the unexpired term and until the next regular election for members of the Board when a successor shall be elected.

Sec. 5. All public school property, both real and personal, and all buildings, facilities, and equipment used for public school purposes, located within the corporate limits of Scotland Neck and within the boundaries set forth in Section 1 of this Act, and all records, books, moneys budgeted for said facilities, accounts, papers, documents and property of any description, shall become the property of Scotland Neck City Administrative Unit or the Board; all real estate belonging to the public schools located within the above-described boundaries is hereby granted, made over to, and automatically by force of this Act conveyed to the Board from the County public school authorities. The Board of Education of Halifax County is authorized and directed to execute any and all deeds, bills of sale, assignments or other documents that may be necessary to completely vest title to all such property in the Board.

Sec. 6. Subject to the approval of the voters residing within the boundaries set forth in Section 1 of this Act, or within the corporate limits of the Town of Scotland Neck, as hereinafter provided, the governing authority of the Town of Scotland Neck, in addition to all other taxes, is authorized and directed to levy annually a supplemental tax not to exceed Fifty Cents (50c) on each One Hundred ($100.00) Dollars of the assessed value of the real and personal property taxable in said Town of Scotland Neck. The amount or rate of said tax shall be determined by the Board and said tax shall be collected by the Tax Collector of the Town of Scotland Neck and paid to the Treasurer of the Board. The Board may use the proceeds of the tax so collected to supplement any object or item in the school budget as fixed by law or to supplement any object or item in the Current Expense Fund or Capital Outlay Fund as fixed by law.

Sec. 7. Within ten days from the date of the ratification of this Act it shall be the duty of the governing authority of the Town of Scotland Neck to call a referendum or special election upon the question of whether or not said Scotland Neck City Administrative Unit and its administrative board shall be established and whether or not the special tax herein provided shall be levied and collected for the purposes herein provided. The notice of the special election shall be published once a week for two successive weeks in some newspaper published in the Town of Scotland Neck or having a general circulation in the Town of Scotland Neck. The notice shall contain a brief statement of the purpose of the special election,
the area in which it shall be held, and that a vote by a majority of those voting in favor of this Act will establish the Scotland Neck City Administrative Unit and its Administrative Board as herein set forth, and that an annual tax not to exceed Fifty Cents (50c) on the assessed valuation of real and personal property, according to each One Hundred Dollars ($100.00) valuation, the rate to be fixed by the Board, will be levied as a supplemental tax in the Town of Scotland Neck, for the purpose of supplementing any lawful public school budgetary item. A new registration of voters shall not be required and in all respects the laws and regulations under which the municipal elections of the Town of Scotland Neck are held shall apply to said special election. The governing authority of the Town of Scotland Neck shall have the authority to enact reasonable rules and regulations for the necessary election books, records and other documents for such special election and to fix the necessary details of said special election.

Sec. 8. In said referendum or special election a ballot in form substantially as follows shall be used: VOTE FOR ONE:

☐ FOR creating and establishing Scotland Neck City Administrative Unit with administrative Board to operate public schools of said Unit and for supplemental tax not to exceed Fifty Cents (50c) on the assessed valuation of real and personal property according to each One Hundred Dollars ($100.00) valuation for objects of school budget.

☐ AGAINST creating and establishing Scotland Neck City Administrative Unit with administrative Board to operate public schools of said Unit and against supplemental tax not to exceed Fifty Cents (50c) on the assessed valuation of real and personal property according to each One Hundred Dollars ($100.00) valuation for objects of school budget.

If a majority of the qualified voters voting at such referendum or special election vote in favor of establishing Scotland Neck City Administrative Unit, for creation of administrative Board to operate public schools of said Unit and for special supplemental tax as herein set forth, then this Act shall become effective and operative as to all its provisions upon the date said special election results are canvassed and the result judicially determined, otherwise to be null and void. The expense of said referendum or special election shall be paid by the governing authority of the Town of Scotland Neck but if said Unit and Board are established, then said Town of Scotland Neck shall be reimbursed by the Board for said expense as soon as possible.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect according to its provisions from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.
S. B. 55  

CHAPTER 32
AN ACT TO AMEND CHAPTER 120 OF THE GENERAL STATUTES SO AS TO ESTABLISH THE LEGISLATIVE INTERN PROGRAM COUNCIL, AND TO ENABLE SUCH COUNCIL TO PROMULGATE AND ADOPT A PLAN FOR LEGISLATIVE INTERNS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 120 of the General Statutes of North Carolina is hereby amended by adding after the present Article 10 thereof a new Article to be designated as Article 11 and reading as follows:

"Article 11

"Legislative Intern Program Council

"Section 120-56. Legislative Intern Program Council Created. There is hereby created the Legislative Intern Program Council which shall consist of the President of the Senate, the Speaker of the House of Representatives and the Chairman of the Department of Politics at North Carolina State University. Such Council shall establish a program for legislative interns for both Houses of the General Assembly.

"Section 120-57. Legislative Intern Program Council to Promulgate a Plan for the Use of Legislative Interns. The Legislative Intern Program Council is hereby empowered and is directed to promulgate for each Session of the General Assembly a plan providing for the selection, tenure, duties and compensation of legislative interns. Such plan shall become effective when it has been adopted by the Legislative Intern Program Council."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 130

CHAPTER 33
AN ACT TO AMEND CHAPTER 601 OF THE SESSION LAWS OF NORTH CAROLINA FOR THE YEAR 1947, AS AMENDED, AUTHORIZING THE CITY MANAGER OF WINSTON-SALEM TO EXECUTE CONTRACTS, BONDS AND ALL OTHER LEGAL INSTRUMENTS, EXCEPT DEEDS, IN THE NAME AND ON BEHALF OF THE CITY.

The General Assembly of North Carolina do enact:

Section 1. Sec. 5 of Chapter 601 of the 1947 Session Laws of North Carolina, as amended by Chapter 27 of the 1949 Session Laws of North Carolina, is hereby amended by deleting the period at the end of subsection (5) and inserting in lieu thereof a semicolon followed by the word "and" and by adding a new subsection immediately thereafter to read as follows:

"(6) have authority, when authorized by the Board of Aldermen, to execute in the name and on behalf of the City contracts, bonds, and other legal instruments, except deeds."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. B. 149

CHAPTER 34

AN ACT TO AMEND THE MINIMUM WAGE ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 95-87, as the same appears in the 1967 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words and figures "one dollar ($1.00)" in line two and inserting in lieu thereof the words and figures "one dollar and twenty-five cents ($1.25)".

Sec. 2. G. S. 95-86, as the same appears in the 1965 Replacement Volume of the General Statutes, is hereby amended by striking out Subdivision h of Subsection (3) of said section, relettering the following subdivisions appropriately, and by adding a new subsection (5) to read as follows:

"(5) In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum (50%) of the applicable minimum wage rate, except that in the case of an employee who (either himself or acting through his representative) shows to the satisfaction of the Commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this sentence, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 4th day of March, 1969.

H. B. 131

CHAPTER 35

AN ACT TO AMEND G. S. 160-181.9 RELATING TO DEFINITIONS OF OPEN SPACE AREAS, AND G. S. 160-181.10 TO DELETE FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.9 is hereby amended by adding a new paragraph at the end thereof, to read as follows:

"For the purpose of this Article 'open space' or 'open area' and the 'public use and enjoyment' of interests or rights in real property shall also include open space land and open space uses. The term 'open space land' means any undeveloped or predominantly undeveloped land in an urban area which has value for one or more of the following purposes: (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic or scenic purposes. The term 'open space uses' means any use of open space land for (1) park and recreational purposes, (2) conservation of land and other natural resources, or (3) historic or scenic purposes."

Sec. 2. G. S. 160-181.10 is hereby amended by deleting the words "Forsyth County" in line 3 thereof.
Sec. 3. Chapter 740, Session Laws of 1965, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1969.

H. B. 57

CHAPTER 36

AN ACT GRANTING ORDINANCE-MAKING AUTHORITY TO COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 153-9 (55) of the General Statutes of North Carolina is rewritten to read as follows:

"(55) To Adopt Ordinances for the Better Government of the County.—To adopt ordinances to prevent and abate nuisances, whether on public or private property; ordinances supervising, regulating, or suppressing or prohibiting in the interest of public morals, comfort, safety, convenience and welfare, public recreations, amusements and entertainments, and all things detrimental to the public good; and ordinances in exercise of the general police power not inconsistent with the Constitution and laws of the State or the Constitution and laws of the United States. Nothing herein shall affect the authority of local boards of health to adopt rules and regulations for the protection and promotion of public health. Nothing herein shall confer upon any county any power or authority (not now possessed by such county) relating to the regulation or control of streets and highways, or of the rights of way or rights of passage of public utilities, electric membership corporations or public agencies of the State, or of the use of or traffic upon or through such streets, highways, or rights of way or passage. Ordinances adopted pursuant to this subdivision shall apply throughout the county, except that such ordinances shall not be applicable within the corporate limits or jurisdiction of any municipality which has conducted the most recent election required by its charter or the general law, whichever is applicable, unless the governing body thereof shall, by resolution, agree to such ordinance.

Ordinances adopted pursuant to this subdivision shall be passed on two readings, both being read at regularly scheduled meetings of said Board. Following passage on first reading, the board of commissioners shall publish a notice in some newspaper published in the county, or, if none, in some newspaper having a general circulation in the county, calling a public hearing on the ordinance, stating where an official copy thereof may be inspected or obtained, the title or substance of the ordinance, and, in the discretion of the board, the full text of the ordinance. The hearing shall be held not later than 15 days following passage on first reading. Following the public hearing, but not earlier than 30 days after passage of the ordinance on first reading, the ordinance shall be read for the second time. If the ordinance shall pass its second reading, the board shall cause the full text of the ordinance to be published in some newspaper published in the county, or, if none, in some newspaper having a general circulation in the county, and the ordinance shall take effect not earlier than 20 days following this second publication, unless the board shall fix a later date.

The board of commissioners shall cause the clerk to the board to keep an ordinance book which shall be separate from the commissioners' minute book and in
which shall be recorded all ordinances adopted pursuant to this subdivision together with the certificates of publication furnished pursuant to G. S. Section 1-598. No ordinance shall be effective until recorded, indexed, and published as hereinabove required, and failure to comply with these requirements shall be a defense to any criminal action under G. S. 14-4 for violation of a county ordinance.

Sec. 2. Section 14-4 of the General Statutes of North Carolina is rewritten to read as follows:

"Section 14-4. Violation of local ordinances misdemeanor.—If any person shall violate an ordinance of a county, city, or town, he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars ($50.00), or imprisoned for not more than thirty days."

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1969.

H. B. 84

CHAPTER 37

AN ACT AMENDING G. S. 20-11(b) RELATING TO AUTOMOBILE OPERATORS LEARNERS' PERMITS SO AS TO PERMIT NIGHT DRIVING WITH SUCH PERMIT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-11(b) is amended by striking from the sixth line thereof the words "during daylight hours."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1969.

H. B. 133

CHAPTER 38

AN ACT TO REPEAL CHAPTER 503 OF THE SESSION LAWS OF 1953 RELATING TO THE RECORDER'S COURT AT MOORESVILLE, IREDELL COUNTY, AND TO AMEND CHAPTER 613 PUBLIC-LOCAL LAWS 1913.

The General Assembly of North Carolina do enact:

Section 1. Chapter 613 of the Public-Local Laws, Regular Session, 1913, is amended by adding to Section 7 of that Chapter the following subsection:

"(5) When any person shall request a trial by jury, the case shall automatically be transferred to the Superior Court of Iredell County for trial."

Sec. 2. Chapter 503, Session Laws of 1953, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1969.
H. B. 181

CHAPTER 39

AN ACT TO AMEND G. S. 31-1 TO AUTHORIZE ANY PERSON OF SOUND MIND, AND 18 YEARS OF AGE OR OVER, TO MAKE A WILL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 31-1 is hereby amended by rewriting the Section to read as follows:

"G. S. 31-1. Who may make will.—Any person of sound mind, and 18 years of age or over, may make a will."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 6th day of March, 1969.

H. B. 58

CHAPTER 40

AN ACT TO AMEND G.S. 24-10 RELATING TO 7% INTEREST ON RESIDENTIAL LOANS SO AS TO PERMIT 7% INTEREST ON CERTAIN CHURCH BUILDING AND IMPROVEMENT LOANS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 24-10, as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1D of the General Statutes, is hereby amended by striking out the period at the end of the first sentence, inserting a comma in lieu thereof, and adding the words "or where such loan is either a direct reduction loan or a construction or improvement loan and such loan in either instance is secured by a mortgage or deed of trust upon church property."

Sec. 2. G. S. 24-10, as referred to above, is hereby further amended by adding a new Subdivision (4) at the end of the Section to read as follows:

"(4) The term 'church property' shall mean a building or buildings owned by church organizations and used for a church, educational building, pastor's home, or any other building used directly or indirectly for church purposes."

Sec. 3. G. S. 24-10, as above referred to, is hereby amended by striking out the Section title "Residential loans" and inserting in lieu thereof the words "Residential or church loans".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1969.

H. B. 82

CHAPTER 41

AN ACT TO AMEND GS 53-91 TO AUTHORIZE LOANS IN EXCESS OF $2500 TO OFFICERS OF BANKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-91, as the same appears in the 1967 Cumulative Supplement to Volume 2B of the General Statutes, is hereby amended by deleting in line seventeen (17) the words 'twenty-five hundred dollars' and the figure '(\$2500.00)' and inserting in lieu thereof the words 'forty-five thousand dollars' and the figure '(\$45,000.00)'.

25
CHAPTER 41  
SESSION LAWS—1969

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 7th day of March, 1969.

H. B. 145  
CHAPTER 42

AN ACT TO AMEND CHAPTER 93B OF THE GENERAL STATUTES TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO FILE ANNUAL REPORTS WITH THE ATTORNEY GENERAL'S OFFICE

The General Assembly of North Carolina do enact:

Section 1. G. S. 93B-2 is hereby amended by inserting in the first line thereof, immediately after the word "State", the following: "and with the Attorney General".
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 7th day of March, 1969.

H. B. 161  
CHAPTER 43

AN ACT APPLICABLE TO WINSTON-SALEM ONLY, AMENDING G. S. 160-175.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-175 as it appears in Volume 3D (Replacement 1964) of the General Statutes is hereby amended by deleting the word "fifteen" from the last sentence and inserting in lieu thereof the word "ten".
Sec. 2. This Act shall apply to the City of Winston-Salem only.
Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 7th day of March, 1969.

S. B. 34  
CHAPTER 44

AN ACT TO AMEND VARIOUS SECTIONS OF THE GENERAL STATUTES TO TAKE INTO ACCOUNT THE EXISTENCE OF THE COURT OF APPEALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-84 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears, and by deleting the word "term" in the third sentence, and inserting in lieu thereof the word "session".
Sec. 2. G. S. 1-235 is amended by deleting from the first sentence the words "clerk of the Supreme Court." and inserting in lieu thereof the words "appropriate clerk of the Appellate Division."; by deleting from line 3 the words "that court" and inserting in lieu thereof the words "one of the courts of that Division,"; and by deleting from the last sentence the words "Supreme Court" and inserting in lieu thereof the words "appellate court".

26
Sec. 3. G. S. 1-270 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 4. G. S. 1-284 is amended by inserting in the first line after the word "clerk" the words "or appropriate official of the trial tribunal,"; by deleting from the first sentence the words "clerk of the Supreme Court" and inserting in lieu thereof the words "appropriate clerk of the Appellate Division"; by inserting after the word "clerk," in the second sentence the words "or appropriate official of the trial tribunal,"; and by deleting from the last sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 5. G. S. 1-285 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 6. G. S. 1-287 is amended by deleting from the second sentence the words "clerk of the Supreme Court" and inserting in lieu thereof the words "appropriate clerk of the Appellate Division".

Sec. 7. G. S. 1-287.1 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 8. G.S. 1-288 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 9. G. S. 1-296 is amended by deleting from the last line the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 10. G. S. 1-297 is amended by deleting from the third sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 11. G. S. 1-298 is amended by deleting from the last line the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 12. G. S. 1-500 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 13. G. S. 1-529 is amended by deleting from the first sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 14. G. S. 5-2 is amended by deleting from the first sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 15. G. S. 5-3 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 16. G. S. 5-6 is rewritten to read as follows:

"G. S. 5-6 Courts and officers empowered to punish. Every justice of the peace, referee, commissioner, judge of a court inferior to the superior court, magistrate, or judge, justice, or clerk of the General Court of Justice, or member of the board of Commissioners of each county, or member of the Utilities Commission or Industrial Commission, has the power to punish for contempt while sitting for the trial of causes or while engaged in official duties."

Sec. 17. G. S. 6-4 is amended by deleting from the first line the words "The clerks of the Supreme, superior and criminal courts," and inserting in lieu thereof the words "The clerks of the General Court of Justice and of inferior courts,"

Sec. 18. G. S. 6-6 is amended by inserting in the second line the words "judges of the Court of Appeals," after the words "Supreme Court,"

Sec. 19. G. S. 6-33 is amended by deleting from the first sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 20. G. S. 6-34 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.
Sec. 21. G. S. 6-38 is amended by deleting from the first line the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 22. G. S. 8-55 is amended by deleting from the first sentence the words "If any justice of the peace, magistrate of police, mayor of a town, or judge of the Supreme or superior courts" and inserting in lieu thereof the words "If any justice, judge or magistrate of the General Court of Justice, or justice of the peace, or mayor of a town".

Sec. 23. G. S. 8-83 is amended by inserting in subsection (7) the words "judge of the Court of Appeals," after the words "justice of the Supreme Court,"

Sec. 24. G. S. 8-84 is amended by inserting in subparagraphs (2) and (3) the words "judge of the Court of Appeals," after the words "justice of the Supreme Court".

Sec. 25. G. S. 11-7.1 is rewritten to read as follows:

"G. S. 11-7.1. Who may administer oaths of office. (a) Except as otherwise specifically required by statute, an oath of office may be administered by:

(1) A justice, judge, magistrate, clerk, assistant clerk, or deputy clerk of the General Court of Justice;
(2) The Secretary of State;
(3) A judge or clerk of a court inferior to the superior court, including justices of the peace;
(4) A notary public.

(b) The administration of an oath by any judge of the Court of Appeals prior to the ratification of this section is hereby validated."

Sec. 26. G. S. 14-241 is amended by deleting from the third line the words "Supreme Court reports" and inserting in lieu thereof the words "Appellate Division Reports".

Sec. 27. G. S. 15-18 is amended by deleting the words "The Chief Justice and the associate justices of the Supreme Court, the judges of the superior court, judges of criminal courts," and inserting in lieu thereof the words "Any justice, judge, or magistrate of the General Court of Justice,"

Sec. 28. G. S. 15-21 is amended by deleting the words "justice of the Supreme Court, or by any judge of the superior court, or of a criminal court" and inserting in lieu thereof the words "justice, judge, clerk, or magistrate of the General Court of Justice, or any judge of a criminal court"

Sec. 29. G. S. 15-22 is amended by deleting from the last sentence the words "justice of the Supreme Court" and inserting in lieu thereof the words "justices or judges of the Appellate Division".

Sec. 30. G. S. 15-48 is amended by deleting from the first sentence the words "judge of the Superior, superior, or criminal courts" and inserting in lieu thereof the words "justice or judge of the General Court of Justice, or any judge of a criminal court".

Sec. 31. G. S. 15-49 is amended by deleting from the first sentence the words "Any justice of the Supreme Court, or any judge of the Superior court or of any criminal court," and inserting in lieu thereof the words "any justice, judge, or magistrate of the General Court of Justice, or any judge of a criminal court,"

Sec. 32. G. S. 15-85 is amended by deleting the words "judge of the Supreme or Superior court" and inserting in lieu thereof the words "justice or judge of the General Court of Justice."

Sec. 33. G. S. 15-102 is amended by rewriting subsection (1) to read as follows:
"(1) Any justice or judge of the General Court of Justice, in all cases."

Sec. 34. G. S. 15-103 is amended by rewriting that part of the sentence which precedes the semicolon to read as follows: "Any justice or judge of the General Court of Justice has power to fix and take bail for persons committed to prison charged with crime in all cases;".

Sec. 35. G. S. 15-179 is amended by deleting from the first line the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 36. G. S. 15-180 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 37. G. S. 15-183.1 is amended by deleting from the first sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 38. G. S. 15-184 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 39. G. S. 15-185 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 40. G. S. 15-186 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 41. G. S. 17-6 is amended by rewriting subparagraph (1) to read as follows: "(1) To any one of the justices or judges of the Appellate Division"

Sec. 42. G. S. 17-8 is amended by deleting the words "When the Supreme or superior court, or any judge of either," and inserting in lieu thereof the words "When the Appellate Division or Superior Court Division, or any judge of either division."

Sec. 43. G. S. 17-41 is amended by deleting from the last line the words "judge of the Supreme or superior court" and inserting in lieu thereof the words "justice or judge of the General Court of Justice".

Sec. 44. G. S. 35-48 is amended by deleting from the fourth paragraph the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 45. G. S. 35-50 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears and by deleting from the last line of the second paragraph the word "said", which directly precedes the words "Supreme Court".

Sec. 46. G. S. 36-14 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 47. G. S. 40-19 is amended by deleting from the first sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 48. G. S. 43-11 is amended by deleting from the last sentence of sub-paragraph (c) the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 49. G. S. 43-17.1 is amended by deleting from the last sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 50. G. S. 45-21.34 is amended by deleting from the last line the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 51. G. S. 45-21.35 is amended by deleting from the last line the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 52. G. S. 47-1 is amended by deleting from the last sentence the words "The several Justices of the Supreme Court, the several judges of the superior court, commissioners of affidavits appointed by the Governor of this State, the Clerk of
the Supreme Court, the several clerks of the superior court, the deputy clerks of the superior court, the several clerks of the criminal courts," and inserting in lieu thereof the words "The justices, judges, magistrates, clerks, assistant clerks, and deputy clerks of the General Court of Justice, the judges and clerks of courts inferior to the superior court, commissioners of affidavits appointed by the Governor of this State,"

Sec. 53. G. S. 47-7 is amended by deleting from the second sentence the words "judge of the superior court or justice of the Supreme Court," and inserting in lieu thereof the words "justice or judge of the General Court of Justice,"

Sec. 54. G. S. 52-6 is amended by rewriting subparagraph (c) to read as follows: "(c) Such certifying officer must be a justice, judge, magistrate, clerk, assistant clerk, or deputy clerk of the General Court of Justice, or judge of a court inferior to the superior court, or justice of the peace or the equivalent or corresponding officers of the state, territory, or foreign country where the acknowledgement and examination is made."

Sec. 55. G. S. 58-9.3 is amended by deleting from subparagraph (d) the words "Supreme Court of North Carolina" and inserting in lieu thereof the words "Appellate Division of the General Court of Justice"

Sec. 56. G. S. 75-10 is amended by deleting from the second sentence the words "judge of the supreme or superior court," and inserting in lieu thereof the words "any justice or judge of the Appellate or Superior Court Divisions."

Sec. 57. G. S. 75-12 is amended by deleting from the first sentence the words "judge of the Supreme or superior court," and inserting in lieu thereof the words "justice or judge of the Appellate or Superior Court Division."

Sec. 58. G. S. 84-1 is amended by deleting the words "justice of the supreme or judge of the superior court," and inserting in lieu thereof the words "justice of the Supreme Court, judge of the Court of Appeals, or judge of the Superior Court,"

Sec. 59. G. S. 84-2 is rewritten to read as follows:

"G. S. 84-2 Persons disqualified. No justice, judge, full-time solicitor, full-time assistant solicitor, prosecutor, full-time assistant prosecutor, clerk, deputy or assistant clerk of the General Court of Justice, nor register of deeds, nor sheriff, nor any justice of the peace shall practice law. Persons violating this provision shall be guilty of a misdemeanor and fined not less than two hundred dollars."

Sec. 60. G. S. 84-16 is amended by rewriting the third paragraph to read as follows:

"The honorary members shall be:
(1) The Justices and Judges of the Appellate and Superior Court Divisions of the General Court of Justice;
(2) All former justices and judges of the above named courts resident in North Carolina, but not engaged in the practice of law;
(3) The judges of the district courts of the United States and of the circuit court of appeals resident in North Carolina."

Sec. 61. G. S. 84-28 is amended by deleting from subsections (e) and (f) of subparagraph (b) the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears

Sec. 62. G. S. 84-31 is amended by deleting from the first sentence the words "supreme courts" and inserting in lieu thereof the words "appellate court division of the General Court of Justice"
Sec. 63. G.S. 96-4 is amended by deleting from subparagraphs (n) and (o) the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 64. G.S. 98-14 is amended by deleting from subsection (6) the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 65. G.S. 105-241.4 is amended by deleting from the third paragraph the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 66. G.S. 105-266.1 is amended by deleting from subparagraph (d) the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 67. G.S. 106-266.17 is amended by deleting from the last sentence the words "Supreme Court of North Carolina" and inserting in lieu thereof the words "Appellate Division of the General Court of Justice".

Sec. 68. G.S. 106-549.59 is amended by deleting from the last paragraph the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 69. G.S. 113-206 is amended by deleting from subparagraph (d) the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 70. G.S. 113-404 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 71. G.S. 115-87 is amended by deleting from the second paragraph the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 72. G.S. 115-88 is amended by deleting from the last sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division", and by deleting the word "term" wherever it appears and inserting in lieu thereof the word "session".

Sec. 73. G.S. 115-179 is amended by deleting from the last sentence the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 74. G.S. 135-1 is amended by inserting in the first sentence of subsection (10) the words "judge of the Court of Appeals," after the words "justice of the Supreme Court".

Sec. 75. G.S. 143-62 is rewritten to read as follows:

"G.S. 143-62. Law applicable to printing Appellate Division Reports not affected.
"Nothing in this article shall be construed as changing or interfering with the method of printing or contracting for the printing of the Appellate Division Reports as provided in G.S. 7A-6."

Sec. 76. G.S. 143-316 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 77. G.S. 147-77 is amended by deleting the words "clerk of the Supreme Court," and inserting in lieu thereof the words "clerks of the Supreme Court and Court of Appeals".

Sec. 78. G.S. 156-88 is amended by deleting from the first paragraph the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 79. G.S. 160-214 is amended by deleting the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever the former appears.

Sec. 80. G.S. 163-1 is amended by deleting from the first column of the table the words "Justices of the Supreme Court" and inserting in lieu thereof the words "Justices and Judges of the Appellate Division".

31
Sec. 81. G. S. 163-9 is amended by inserting in the first sentence the words ", judge of the Court of Appeals," after the words "Supreme Court".

Sec. 82. G. S. 163-77 is amended by deleting from the third paragraph the words "]Supreme Court" and inserting in lieu thereof the words "Appellate Division".

Sec. 83. G. S. 163-106 is amended by inserting in subparagraph (c) the words "Judges of the Court of Appeals," after the words "Justices of the Supreme Court," and by inserting in subparagraph (d) the words "two or more vacancies for judge of the Court of Appeals," after the words "Supreme Court."

Sec. 84. G. S. 163-107 is amended in subparagraph (a) by deleting from the table lines four, five, six, and seven of the first column and the information in the second column to the right thereof and by inserting in lieu thereof in the first column the words "All Justices, Judges, and Solicitors of the General Court of Justice" and in the second column the words "One percent (1%) of the annual salary of the office sought".

Sec. 85. G. S. 163-111 is amended in subsection (1) of subparagraph (c) by deleting from the table lines four, five, six, and nine and inserting in lieu thereof the words "Justices, Judges, or Solicitors of the General Court of Justice."

Sec. 86. G. S. 163-177 is amended by deleting from the table after the first colon lines five, six, seven, and eight and inserting in lieu thereof the words "Justices, Judges, and Solicitors of the General Court of Justice."

Sec. 87. G. S. 163-192 is amended by inserting in subsection (1) of subparagraph (a) the words "judges of the Court of Appeals," after the words "justices of the Supreme Court," and by inserting in subsection (2) of subparagraph (b) the words "judges of the Court of Appeals," after the words "justices of the Supreme Court."

Sec. 88. G. S. 163-194 is amended by deleting from the table lines two, three, four, and five and inserting in lieu thereof the words "Justices, Judges, and Solicitors of the General Court of Justice."

Sec. 89. G. S. 114-8 is repealed.

Sec. 90. Partial Invalidity. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 91. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1969.

S. B. 67

CHAPTER 45

AN ACT TO AUTHORIZE THE DEDICATION OF STREETS IN PARTITION PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 46 of the General Statutes is hereby amended by inserting the following section therein:

"Sec. 46-17.1 Dedication of Streets. Upon motion of any party or the Commissioners appointed to make division, the clerk may authorize the Commissioners to propose and report the dedication of such portions of the land as are necessary as a means of access to any share, or is otherwise advisable for public or private high-
ways, streets or alleys, and such proposal shall be acted upon by the clerk as a part of the report and, if approved, shall constitute a dedication. No interest of a minor or other person under disability shall be affected thereby until such dedication is approved by a judge of the Superior Court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1969.

S. B. 88

CHAPTER 46

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF MOUNT AIRY TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID TOWN AND TO PRESCRIBE THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Mount Airy may at any time, notwithstanding the time any other election is to be held in the town or county, call an election for the purpose of submitting the question as to whether or not town Alcoholic Beverage Control Stores may be operated in said town. At said election, if a majority of the votes cast shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in said town. If a majority of the votes cast in said election shall be against the operation of such stores, no such stores shall be set up and operated in the town under the provisions of this Act.

Sec. 2. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said Alcoholic Beverage Control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Alcoholic Beverage Control Stores", "Against Town Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town of Mount Airy shall mark in the voting square to the left of the words, "For Town Alcoholic Beverage Control Stores", printed on the ballot; and those opposed to the town Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words, "Against Town Alcoholic Beverage Control Stores". Except as otherwise herein provided, if a special election is called, the election authorized shall be conducted under the same statutes, rules, and regulations applicable to general elections for the Town Board of Commissioners of the Town of Mount Airy, and the cost thereof shall be paid from the general fund of the Town of Mount Airy.

Sec. 3. If the operation of town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Board of Commissioners of the Town of Mount Airy shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Mount Airy Board of Alcoholic Control". The members and chairman of said board shall be designated by the mayor and governing body of the town and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period
of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each and until their successors are appointed and qualified. Any vacancy shall be filled by the town board of commissioners for the unexpired term. Compensation of the members of said Town Board of Alcoholic Control shall be fixed by the Board of Commissioners of Mount Airy.

Sec. 4. The said Town of Mount Airy Board of Alcoholic Control shall have all the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control, except 18-45:15 relating to law enforcement and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Mount Airy Board of Alcoholic Control and the operation of any town Alcoholic Beverage Control Stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears in said Article, it shall include the Town of Mount Airy Board of Alcoholic Control. The Town of Mount Airy Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 5. Out of the net revenue remaining after the payment of all costs and operating expenses, and after retaining a sufficient and proper working capital, the Board of Commissioners of the Town of Mount Airy shall distribute said net revenue as follows:

90% to the General Fund of the Town of Mount Airy.

10% to the Town of Mount Airy to be used exclusively for law enforcement purposes.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1969.

S. B. 110

CHAPTER 47

AN ACT TO AUTHORIZE THE USE OF SCHOOL BUSES AS NEEDED FOR INSTRUCTIONAL PROGRAMS AND TO TRANSPORT PUPILS WITH SPECIAL NEEDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-183 is hereby amended by adding a new subsection (4.5) as follows:

"(4.5) County or city boards of education, under such rules and regulations as they shall adopt, may permit the use and operation of school buses for the transportation of pupils and instructional personnel as the board deems necessary to serve the instructional programs of the schools. Included in the use permitted by this section is the transportation of children with special needs, such as mentally retarded children and children with physical defects, and children enrolled in programs
that require transportation from the school grounds during the school day, such as special vocational or occupational programs. On any such trip, a city or county-owned school bus shall not be taken out of the State.

If state funds are inadequate to pay for the transportation approved by the local board of education, local funds may be used for these purposes. County or city boards of education shall determine that funds are available to such boards for the transportation of children to and from the school to which they are assigned for the entire school year before authorizing the use and operation of school buses for other services deemed necessary to serve the instructional program of the schools.

Sec. 2. G.S. 115-183(5) is hereby amended by striking the first sentence therefrom.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from July 1, 1969.

In the General Assembly read three times and ratified, this the 7th day of March, 1969.

H. B. 127

CHAPTER 48

AN ACT TO AMEND GS 160-61.1, RELATING TO THE AUTHORITY OF MUNICIPALITIES TO EXECUTE WARRANTY DEEDS, SO AS TO MAKE IT APPLICABLE TO MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-61.1(c), as it appears in the 1964 Replacement Volume 3D of the General Statutes, is hereby amended by inserting the word "Moore" immediately after the word "Lenoir" and before the word "Nash" in line five thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.

H. B. 212

CHAPTER 49

AN ACT TO AMEND ARTICLE 16 OF CHAPTER 106 RELATING TO BOTTLING OF SOFT DRINKS SO AS TO PROVIDE FOR REGULATION THEREOF BY THE DEPARTMENT OF AGRICULTURE.

The General Assembly of North Carolina do enact:

Section 1. Article 16 of Chapter 106 of the General Statutes is amended by adding thereto a new section to be designated as G. S. 106-184.1 and to read as follows:

"G. S. 106-184.1. The Board of Agriculture shall have authority to make rules and regulations for the enforcement of this Article. The Board shall have authority to delegate the responsibility for determining the amount of any ingredients which may be used in the manufacture of soft drinks in order that soft drinks will comply with the North Carolina Food, Drug and Cosmetic Act and insofar as is practicable, federal law and regulations. No ingredient shall be used in the manufacture of soft drinks without the prior approval of the Board of Agriculture or such other person as is designated by the Board of Agriculture. The Board shall by regulation
provide for appeals from the ruling of the Board or such other person designated by the Board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.

H. B. 97

CHAPTER 50

AN ACT AMENDING G. S. 20-179 SO AS TO LIMIT THE FIRST AND SECOND OFFENSES OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS TO SIX MONTHS IMPRISONMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-179 is hereby amended by adding after the figure ($100.00) on line 4 the words, "nor more than five hundred dollars ($500.00)," and by adding after the word "days" on line 5 the words, "nor more than six months,". And further is amended by adding after the figure ($200.00) on line 8 the words, "nor more than five hundred dollars ($500.00)," and on line 8 by deleting the word, "six" and inserting in lieu thereof, the word, "two" and after the word "months" on line 8 the words, "nor more than six months,". These amendments are to this statute as it appears in the 1967 Supplement.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.

S. B. 35

CHAPTER 51

AN ACT TO AMEND G. S. 113-120.3 TO INCREASE PENALTY FOR MUTILATION, DESTRUCTION OF POSTED SIGNS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-120.3 is hereby amended by deleting from the last two lines the following: "fifteen dollars ($15.00)", and by inserting in lieu thereof the words "one hundred ($100.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.
AN ACT TO GIVE THE MEMBERS OF THE POLICE DEPARTMENTS OF ALL CITIES, TOWNS AND MUNICIPALITIES IN RICHMOND COUNTY THE AUTHORITY TO MAKE ARRESTS AND SERVE CRIMINAL PROCESS IN THE TERRITORIES OUTSIDE THE CORPORATE LIMITS FOR A DISTANCE OF TWO AND ONE-HALF MILES.

The General Assembly of North Carolina do enact:

Section 1. In all cities, towns and municipalities within Richmond County the members of the police departments and police officers shall have the power and authority to make arrests of all persons as allowed by law, either with or without warrants as allowed by law, in all the territories covered by a distance of two and one-half miles outside of and beyond the corporate limits of said cities, towns and municipalities in Richmond County.

Sec. 2. In addition to making arrests as provided by Section 1 of this Act the members of the various police departments and the policemen of the various cities, towns and municipalities in Richmond County are authorized and empowered to serve any and all criminal process, including search warrants, peace warrants or any form of criminal process, in all the territories or lands beyond the corporate limits of said cities, towns and municipalities for a distance of two and one-half miles, and such peace officers may pursue persons committing criminal offenses within the corporate limits for a distance of two and one-half miles outside the corporate limits for the purpose of making arrests either with or without warrants.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.

AN ACT TO AMEND G. S. 160-181.2 SO AS TO INCLUDE THE CITY OF HAMLET IN THE EXTRATERRITORIAL JURISDICTION FOR ZONING PROVISIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.2, the last paragraph, is hereby amended by inserting before the comma following the word "Richmond" the words "except Hamlet".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.

AN ACT FIXING THE SALARIES OF THE COUNTY COMMISSIONERS OF PITTS COUNTY AT ONE HUNDRED FIFTY DOLLARS ($150.00) PER MONTH.

The General Assembly of North Carolina do enact:

Section 1. Chapter 492 of the Session Laws of 1961 is hereby amended by rewriting Section 4 thereof to read as follows:
"Sec. 4. The salaries of the members of the Board of County Commissioners of Pitt County shall be the sum of One Hundred Fifty Dollars ($150.00) per month for each member. The aforesaid salary shall be paid for the performance of the duties of said officials and shall be paid monthly at the regular time for payment of other county officials of Pitt County."

Sec. 2. This Act shall apply to Pitt County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.

S. B. 123

CHAPTER 55

AN ACT PLACING CASWELL COUNTY UNDER THE GENERAL LAWS RELATING TO COUNTY FISCAL CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Chapters 330 and 331 of the Session Laws of 1967 are repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1969.

S. B. 124

CHAPTER 56

AN ACT RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For attendance at the regular monthly meetings of the Board of County Commissioners of Caswell County, the members of the Board may receive an annual salary of twelve hundred dollars ($1200.00), payable in equal monthly installments. The Chairman of the Board of County Commissioners may receive an annual salary of fifteen hundred dollars ($1500.00), payable in equal monthly installments, for attending such regular meetings.

In addition to the compensation for the Chairman and members of the Board prescribed in the first paragraph of this Act, the members of the Board may receive the sum of fifteen dollars ($15.00) and the Chairman of the Board may receive the sum of twenty dollars ($20.00) for each special meeting of the Board held in excess of regular monthly meetings.

In addition to the compensation hereinabove prescribed, the Chairman of the Board of County Commissioners may receive the sum of four hundred dollars ($400.00) annually for necessary travel expenses while engaged in official business of the county.

In addition to the compensation hereinabove described, the members of the Board of County Commissioners shall receive the sum of seven cents (7¢) per mile for necessary travel while engaged in official business of the county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.
In the General Assembly read three times and ratified, this the 10th day of March, 1969.

S. B. 136

CHAPTER 57

AN ACT TO REWRITE ARTICLE 46 OF CHAPTER 143 OF THE GENERAL STATUTES, RELATING TO THE GOVERNOR'S COMMITTEE ON LAW AND ORDER.

The General Assembly of North Carolina do enact:

Section 1. Article 46, Chapter 143 of the General Statutes, as the same appears in the 1967 Cumulative Supplement to Volume 3C, is hereby rewritten to read as follows:

"Article 46

Governor's Committee on Law and Order

"Sec. 143-400. Committee created; membership; chairman. There is hereby created the Governor's Committee on Law and Order, the membership of which shall consist of the following:

The Governor
The Attorney General
The Director of the State Bureau of Investigation
The Commander of the State Highway Patrol
The Director of the Department of Administration
The Chairman of the North Carolina Good Neighbor Council
The Director of the Administrative Office of the Courts
The Commissioner of Corrections
The Chairman of the Board of Paroles
The Director of the Probation Commission
The Adjutant General of the North Carolina National Guard
The Commissioner of Motor Vehicles
One Sheriff, appointed by the Governor
Two Police executives, appointed by the Governor
One Judge of Superior Court, appointed by the Governor
One Judge of District Court, appointed by the Governor
One Solicitor of Superior Court, appointed by the Governor
Two citizens of North Carolina with a knowledge of the juvenile delinquency system, appointed by the Governor.

Three officials representing local government in North Carolina, appointed by the Governor.

One member of the North Carolina State Bar specializing in the defense of criminal cases, appointed by the Governor.
CHAPTER 57  SESSION LAWS—1969

Two citizens of North Carolina not officials of State or local government, appointed by the Governor.

All members who are appointed by the Governor shall serve for terms of one year from the date of their appointment, but shall be eligible for reappointment by the Governor. All other members shall serve during the tenure of their public office.

All members who are public officers shall serve ex officio and shall perform their duties on the Committee in addition to their regular duties imposed by law.

The Governor shall be chairman of the Committee, except that, in the event he shall deem it advisable, he may name another member of the Committee to serve as chairman at the pleasure of the Governor.

Any person receiving a salary from the State of North Carolina shall not receive a salary for service on the committee.

"Sec. 143-402. Duties of Committee. The Committee shall:

(1) Coordinate the activities of responsible State and local law enforcement agencies.

(2) Make studies and recommendations for the improvement of law enforcement and criminal justice.

(3) Encourage public support and respect for law and order.

(4) Seek ways to continue to make North Carolina a safe and secure State for its citizens.

In pursuance of these duties, the Committee may:

(1) Accept gifts, bequests, devises, grants, matching funds or other considerations from either private or governmental sources for use in promoting its work.

(2) Make grants for use in pursuing its objectives, under such conditions as are deemed necessary by the Committee.

Counties and municipalities are hereby authorized to contract with other counties and municipalities, the State and Federal government and their agencies; to accept, receive and disburse any funds, grants or services made available for planning, training, developing, and implementing programs for law enforcement agencies; to create joint agencies to act for and on behalf of the participating counties and municipalities in carrying out the programs herein authorized; to make application for, receive, administer, and expend Federal grant funds; and to appropriate and expend available funds, either tax or nontax, as may be deemed necessary to carry out the programs herein authorized.

"Sec. 143-402.1. Executive director. The Governor may appoint and fix the salary of an Executive Director who shall serve at the pleasure of the Governor.

"Sec 143-402.2. Staff and consultants. The Executive Director, within budget appropriation and subject to the approval of the Governor, may employ and fix the compensation of such other personnel and consultants as are desirable and necessary."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 10th day of March, 1969.

S. B. 90

CHAPTER 58

AN ACT TO AMEND CHAPTER 989, SESSION LAWS OF 1967, TO CLARIFY ELECTION PROCEDURES IN ANNEXED AREAS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 989, Session Laws of 1967, is hereby amended by adding a new paragraph at the end of Sec. 9, to read as follows:

"The qualified voters residing in any area, territory, or subdivision annexed pursuant to this Act shall be entitled to participate in all elections conducted in the City of Raleigh, and any election conducted in such area shall be held under the same statutes, rules and regulations as are applicable to any election held in the City of Raleigh. The Board of Elections shall do all things necessary to provide for the orderly holding of elections in the area annexed under this Act, including the arrangement of precincts, either within the annexed area, or combining with existing precincts in the City of Raleigh."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1969.

H. B. 75

CHAPTER 59

AN ACT TO AMEND G. S. 20-114.1 MAKING UNLAWFUL THE ACT OF DISOBEYING THE DIRECTIONS OF AN OFFICER DIRECTING TRAFFIC.

The General Assembly of North Carolina do enact:

Section 1. N.C.G.S. 20-114.1 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is amended by rewriting same to read as follows:

"G. S. 20-114.1(a). No person shall willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer invested by law with authority to direct, control or regulate traffic, which order or direction related to the control of traffic.

(b) In addition to other law enforcement officers, uniformed regular and volunteer firemen may direct traffic and enforce traffic laws and ordinances at the scene of fires in connection with their duties as firemen, and uniformed regular and volunteer members of a rescue squad may direct and enforce traffic laws and ordinances at the scene of accidents in connection with their duties. Except as herein provided, firemen and members of rescue squads shall not be considered law enforcement officers."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1969.
H. B. 85

CHAPTER 60

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BELHAVEN, CHAPTER 246 OF THE PRIVATE LAWS OF 1907, TO ESTABLISH THE POSITION OF TOWN MANAGER.

The General Assembly of North Carolina do enact:

Section 1. Chapter 246 of the Private Laws of 1907, as amended, is hereby further amended by inserting therein a new Section to be designated Section 19A and to read as follows:

"Sec. 19A. The board of aldermen shall appoint a Town Manager who shall be the administrative head of the Town government responsible for the supervision and administration of all departments and employees except the Town Attorney and the Fire Chief and Fire Department. The Town Manager shall be appointed with regard to merit only, and he need not be a resident of the Town at the time of his appointment. He shall hold office during the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance.

"The Town Manager so appointed shall (1) be the administrative head of the Town government; (2) see that within the Town the laws of the State and the ordinances, resolutions and regulations of the board of aldermen are faithfully executed; (3) attend all meetings of the board of aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the board of aldermen from time to time upon the affairs of the Town, and keep the board fully advised of the Town's financial condition and its future financial needs; (5) appoint and remove all employees of the Town, except the Town Attorney, the Fire Chief, and other employees of the Fire Department; and all appointments and removals of department heads made by the Manager shall be reported to the board of aldermen at its next succeeding meeting; and, (6) perform all other duties as may be required by the board of aldermen."

Sec. 2. Upon ratification of this Act, Section 19A of Chapter 246 of the Private Laws of 1907 shall become effective and shall remain so unless repealed in the manner herein authorized.

Upon receipt of a valid petition, bearing the signatures of at least 15 per cent of the whole number of registered voters who participated in the most recent Town election, requesting a referendum on the question of repealing Section 19A of Chapter 246 of the Private Laws of 1907, as enacted by Section 1 of this Act, the board of aldermen of the Town of Belhaven shall call and conduct such a referendum within 180 days following receipt of such petition. Any referendum conducted under authority of this Section shall be conducted and the result thereof determined and declared by the board of aldermen in the manner provided by law for the election of the Mayor and the board of aldermen. In any such referendum ballots shall be provided containing the words "For Town Manager Form of Government," and "Against Town Manager Form of Government." If a majority of the votes cast in such referendum shall be cast "For Town Manager Form of Government," then Section 19A of Chapter 246 of the Private Laws of 1907 shall continue in full force and effect. If a majority of the votes cast in such referendum shall be cast "Against Town Manager Form of Government," then from and after July 1 next following such referendum, Section 19A of Chapter 246 of the Private Laws of 1907 shall have no force and effect, and the board of aldermen of the Town of Belhaven shall have all powers then granted by general law to provide for the administration of
the government of the Town. No petition requesting a referendum under authority of this Section shall be valid if received within three years next following any other referendum conducted under authority of this Section.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1969.

H. B. 150

CHAPTER 61

AN ACT TO INCREASE THE COMPENSATION OF THE COUNTY COMMISSIONERS OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 914 of the 1961 Session Laws, Section 1, is hereby amended to read as follows:

Section 1. The Board of County Commissioners of Wilson County is authorized and empowered by a majority vote of the duly elected members of said board to fix the compensation of the chairman and members thereof; provided, that the salary of the chairman of said board of county commissioners shall not exceed the sum of one hundred fifty dollars ($150.00) per month and the salaries of the members of said board shall not exceed the sum of one hundred dollars ($100.00) per month for each commissioner.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after December 1, 1968.

In the General Assembly read three times and ratified, this the 12th day of March, 1969.

H. B. 177

CHAPTER 62


The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 148 of the 1963 Session Laws as amended by Section 1 of Chapter 152 of the 1967 Session Laws is hereby amended to read as follows:

"At the regular municipal election on the first Tuesday after the first Monday in May, 1969, there shall be elected five members of the Board of Commissioners of the Town of Nags Head whose terms of office shall begin on the next succeeding Monday following such election, the three candidates receiving the highest vote at said election shall serve for a term of four years and until their successors are duly elected and qualified and the two candidates receiving the next highest votes shall serve for a term of two years and until their successors are duly elected and qualified. Biennially thereafter at the regular biennial municipal elections there
shall be elected as many members as there are terms expiring for a term of four
years. Any such election shall be held in accordance with the provisions of the
General Laws relating to municipal elections provided that all candidates shall file
notice of their candidacy with the Town Clerk and Treasurer on or before the 20th
day of April preceding any such election and at the time of filing such notice shall
pay to the Town Clerk and Treasurer a filing fee of Ten Dollars ($10.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of
March, 1969.

H. B. 180

CHAPTER 63

AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. Section 110 of Chapter 232 of the Private Laws of 1927, as amended,
is hereby amended by adding, at the end thereof, two new paragraphs, as follows:

"In any instance in which the City accumulates or produces a quantity of
any particular article or commodity which, in the opinion of the Board of Alder-
men, is surplus to the needs of the City and should be sold, the Board of Alder-
men may, by ordinance, establish standard units and unit prices at which such
articles or commodities shall be sold and authorize the sale thereof by the City
to the public, without advertisement or bidding.

"The Board of Aldermen may rent or lease from others such property, real
or personal, as may from time to time be needed for any lawful public purpose
upon such terms and conditions as the Board deems to be in the best interest
of the City, without public advertisement or bidding. Property owned by the
City may be leased or rented for any public purpose or for a purpose that is
incidental to a public purpose for which the property is held, upon such terms
and conditions as the Board of Aldermen deems to be in the best interest of
the City, without public advertisement or bidding."

Sec. 2. The authority contained herein shall be in addition to any authority
which the Board of Aldermen of the City of Winston-Salem may have under any
other law, public, or private.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of
March, 1969.

H. B. 192

CHAPTER 64

AN ACT AMENDING G. S. 153-9(35 1/2) and 153-9(35 3/4) RELATING TO THE
AUTHORITY OF BOARDS OF COUNTY COMMISSIONERS TO EXPEND
NONTAX AND TAX REVENUES FOR SOIL AND WATER CONSERVATION
SO AS TO MAKE SAID STATUTES APPLICABLE TO NEW HANOVER
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(35 1/2), as the same appears in the 1967 Supplement
to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended
by inserting after the word "Nash" and before the word "Northampton", in line thirteen thereof, the word "New Hanover".

Sec. 2. G.S. 153-9:3/4, as the same appears in the 1967 Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by inserting after the word "Nash" and before the word "Northampton", in line seven of the second paragraph thereof, the word "New Hanover".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1969.

H. B. 194

CHAPTER 65

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 713, Session Laws of 1965, being the Charter of the City of Charlotte, is hereby amended as follows:

(a) Section 2.42 is hereby amended by deleting the word "10th" in the fourth line and substituting in lieu thereof, the word "14th".

(b) Section 2.45 is hereby amended by deleting the entire section and substituting in lieu thereof the following:

"Names on Ballots Listed Alphabetically. In both the primary and regular elections, the ballots containing the names of the respective candidates shall be printed so that the names of the opposing candidates for any office are listed in alphabetical order."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1969.

H. B. 196

CHAPTER 66

AN ACT TO AMEND G. S. 105-345, FIXING DISCOUNTS FOR PREPAYMENT OF TAXES IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345 is hereby amended by adding the following subsection at the end thereof:

"However, subsections (1), (2) and (6) thereof shall not apply to taxes levied by Wilkes County, and should any taxpayer of Wilkes County make prepayment of his taxes during the month of November or prior thereto, following the levy of such taxes, he shall be entitled to the following discounts:

If paid prior to or during the month of September, two per cent (2%);
If paid during the month of October, one per cent (1%);
If paid during the month of November, one-half per cent (1 1/2%);
If paid during the month of December or January, such taxes shall be payable at par or face amount."

45
Sec. 2. All laws and clauses of laws in conflict with the provision of this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective from and after its ratification. In the General Assembly read three times and ratified, this the 11th day of March, 1969.

H. B. 101

CHAPTER 67

AN ACT CREATING THE CHARLOTTE-MECKLENBURG CHARTER COMMISSION AND PROVIDING FOR AN ELECTION UPON THE CONSOLIDATION OF THE GOVERNMENTS OF THE MUNICIPALITIES WITHIN, AND THE COUNTY OF, MECKLENBURG.

The General Assembly of North Carolina do enact:

Section 1. Creation. There is hereby created the Charlotte-Mecklenburg Charter Commission. The Commission shall have the duty:

(a) to study the powers, duties, functions, responsibilities and organizational structures and arrangements of all local governmental units and agencies in Mecklenburg County;

(b) to prepare a report on its studies and findings, setting forth a general plan of local government for Mecklenburg County;

(c) to prepare a proposed charter that provides for the reorganization and reallocation of local governmental powers, duties, functions and responsibilities into a single government for Mecklenburg County. The plan of government proposed, however, shall be so devised that the towns of Cornelius, Davidson, Huntersville, Matthews, and Pineville, or any of them, may, by vote of their citizens as provided in Section 10 of this Act, withdraw from the new government prior to the date on which it becomes effective. Furthermore, any plan of government proposed shall also contain a procedure by which a municipality that initially elects to withdraw may, at a future date, elect to become an integral part of the new government;

(d) to submit the proposed charter to the voters of Mecklenburg County in a referendum as provided in Section 10 of this Act; and

(e) to prepare drafts of proposed constitutional amendments and legislation amending general statutes and special Acts of the General Assembly as may be necessary to the adoption of the plan of government the Commission recommends.

Sec. 2. Membership (a) Commission. The Charlotte-Mecklenburg Charter Commission shall be constituted as follows:

(1) a chairman, who shall be appointed jointly by the Mayor of Charlotte and the Chairman of the Board of Commissioners of Mecklenburg County; provided however, in the event they fail to agree upon a joint appointment of a chairman within thirty days after the appointment of the Charter Commission, then the members of the Charter Commission shall meet and elect a chairman;

(2) one member each appointed by the Mayors of Cornelius, Davidson, Huntersville, Matthews and Pineville, with the approval of their respective governing boards;

(3) five members appointed by the Mayor of Charlotte, with the approval of the City Council;
(4) five members appointed by the Chairman of the Board of Commissioners of Mecklenburg County, with the approval of the Board of Commissioners, of whom three shall be residents of Charlotte and two shall be residents of the unincorporated area of the county; and

(5) the Mayor of the City of Charlotte and the Chairman of the Board of Commissioners of Mecklenburg County, who shall serve as ex officio members without a vote.

(b) Citizen's Review Committee. There shall also be appointed a Citizen's Review Committee, which shall be composed of fifty members and a chairman, chosen as follows:

(1) two members each appointed by the Mayors of Cornelius, Davidson, Huntersville, Matthews, and Pineville;
(2) twenty members appointed by the Mayor of Charlotte;
(3) twenty members appointed by the Chairman of the Board of Commissioners of Mecklenburg County; and
(4) the Chairman of the Charter Commission, who shall be Chairman of the Citizen's Review Committee.

Upon completion of the proposed charter, the Charter Commission shall submit the charter to the Citizen's Review Committee. The members of the Committee shall have sixty days in which to study the charter and submit to the Charter Commission in writing any recommendations for modification of the charter. The Citizen's Review Committee shall also be available during the period in which the charter is being drafted to aid the Charter Commission in any manner which the Commission may request.

(c) No person shall be excluded from membership on the Charter Commission or on the Citizen's Review Committee or on any special committees appointed by the Charter Commission by reason of holding elective or appointive office.

(d) All appointments to the Charter Commission and the Citizen's Review Committee shall be made within sixty days after ratification of this Act. Vacancies in the membership of the Commission and the Committee, including the office of Chairman, shall be filled by the original appointing official. In the event any original appointment is not made by the designated appointing official, or in the event any vacancy in the Commission's or the Committee's membership exists for more than thirty days because of the failure of the appropriate appointing official to fill such a vacancy, the Chairman of the Commission may make the original appointment or fill the vacancy. Terms of members of the Commission and the Committee shall be for the duration of the Commission and the Committee. The Commission and the Committee shall cease to exist on March 1, 1973, or upon the date on which any new government becomes effective, whichever comes first.

Sec. 3. Compensation. (a) The members of the Commission shall not receive per diem or other compensation for their services, but they shall be reimbursed for their actual and necessary expenses incurred in performance of their official duties with the Commission. Actual and necessary expenses shall be presumed to be ten dollars ($10.00) for each meeting attended, unless a member shall submit evidence demonstrating higher expenses.

(b) The members of the Citizen's Review Committee, and the members of any special committees appointed by the Commission, shall not receive per diem or other compensation for their services. The Charter Commission shall decide for what
expenses and to what extent members of the Citizen's Review Committee and any special committees shall be reimbursed.

Sec. 4. Organization. Within ninety days after ratification of this Act, the Chairman of the Charter Commission shall call a meeting of the Commission for the purpose of organization. At this organizational meeting, the Commission shall elect from among its members a vice chairman, a secretary, a treasurer, and such other officers as the Commission may determine, all of whom shall serve at the will of the Commission. Vacancies in any office elected under this Section shall be filled by the Commission from among its members.

For the purpose of carrying out its duties, the Commission shall have the authority to appoint such special committees, with such membership as it desires.

The Commission is empowered to adopt rules of procedure with respect to the conduct of its affairs as it may deem appropriate.

Sec. 5. Meetings. The Commission shall hold regular meetings at places and dates to be determined by the Commission, but in any event, the Commission shall meet at least once monthly until its work is completed. Special meetings may be called by the chairman upon his own initiative and must be called by him if requested by three or more members of the Commission. The chairman shall notify in writing all Commission members of any special meeting at least three days prior to any such meeting. Meetings may be held inside or outside Mecklenburg County, and shall be open to the public.

Sec. 6. Staff. The Commission is empowered to employ personnel to assist it and to contract with persons, firms or corporations for special and technical services and studies.

Sec. 7. Financing. (a) The Commission shall prepare an annual budget and request appropriations based thereon from Mecklenburg County and the City of Charlotte. All expenditures shall be in conformity with the budget; however, the budget may be amended from time to time as the Commission finds necessary. It is intended that the county and the city share equally in meeting expenses of the Commission. The Commission is also authorized to accept gifts from any person, firm or corporation, upon terms acceptable to the Commission. Appropriations to the Commission from the city and county may be made from any funds available to the city and county, and an appropriation to this Commission is hereby declared to be a necessary expense within the meaning of Article VII, Section 6, and for a special purpose within the meaning of Article V, Section 6, of the North Carolina Constitution.

(b) The Treasurer of the Commission shall have authority to collect, deposit, and disburse all funds of the Commission. All monies received by the Commission shall be deposited in a separate account, shall be earmarked for use by the Commission, and shall be paid out only on checks signed by the Treasurer or the Commission’s accountant and countersigned by either the Chairman or by another member designated by the Commission. The Commission may require the Treasurer, the Commission's accountant, the Chairman or the designated member or any two or more of them to deposit a surety bond to be paid for by the Commission on terms set by the Commission.

(c) The Commission may contract with either Mecklenburg County, the City of Charlotte, or private persons or firms for provision of accounting services. Generally accepted accounting principles shall be followed.
Sec. 8. Cooperation of Units. Mecklenburg County, the City of Charlotte, and the Towns of Cornelius, Davidson, Huntersville, Matthews, and Pineville, and all other local governmental units or agencies in Mecklenburg County shall make available to the Commission any records, reports, or information the Commission requests; and they are hereby authorized to assist the Commission through gifts of necessary supplies and equipment, and temporary loans of personnel.

Sec. 9. Hearings. (a) Upon completion of the proposed charter, and after making any changes deemed desirable as a result of the recommendations of the Citizen's Review Committee, the Commission shall meet with the governing bodies of Mecklenburg County, the City of Charlotte, and the Towns of Cornelius, Davidson, Huntersville, Matthews and Pineville, either separately or jointly, in order to present such charter to the governing bodies. After making any changes deemed desirable as a result of the above meetings, the Commission shall hold one or more public hearings on the proposed charter. The notice of public hearings shall (1) fix the date, time and place of the hearing or hearings; (2) state the purpose of the hearings; and (3) state that the Commission report and text of the charter will be available for public inspection in the office of the County Manager of Mecklenburg County and in the offices of the Clerk of each municipality in the county at least 14 days prior to the date of the first hearing. Such notice shall be published daily in a newspaper of county-wide circulation for two successive weeks prior to the first hearing.

(b) At least 14 days prior to the date of the first hearing, the Commission shall deposit in the office of the County Manager of Mecklenburg County and in the offices of the City Clerks of Charlotte, Cornelius, Davidson, Huntersville, Matthews, and Pineville, copies of its report and the proposed charter. These copies shall be available for public inspection. In addition, the Commission shall have authority to publish the charter, or summary thereof, for such public distribution as it deems desirable, and to take such further steps it deems desirable in order to acquaint the public generally with its recommendations.

Sec. 10. Charter Vote. (a) After making any changes deemed desirable as a result of the public hearings prescribed in Section 9, the Commission shall submit the proposed charter to the voters of Mecklenburg County in a county-wide referendum on a date to be set by the Commission, but not earlier than December 1, 1970. An affirmative majority of the voters in the county voting in the election shall be necessary for approval. The election shall be conducted by the Mecklenburg County Board of Elections, and expenses directly involved in the election shall be shared equally by Mecklenburg County and the City of Charlotte. The form of the ballot shall be substantially as follows:

☐ For charter proposed by Charlotte-Mecklenburg Charter Commission
☐ Against charter proposed by Charlotte-Mecklenburg Charter Commission

(b) If the new plan of government is approved in the county-wide referendum, the governing boards of the Towns of Cornelius, Davidson, Huntersville, Matthews, and Pineville are hereby directed to submit to the voters in each town the question of whether the town shall withdraw from the new government prior to the date on which it becomes effective. The referendum in each town shall be held within 120 days after the date of the county-wide referendum. The referendum in each town shall be called by the governing body of that town and conducted by the Mecklenburg County Board of Elections, and all expenses involved in the conduct of the referendum shall be met by the town. The form of the ballot shall be substantially as follows:
 CHAPTER 67  

SESSION LAWS—1969

☐ For withdrawal from the new consolidated government of Mecklenburg County
☐ Against withdrawal from the new consolidated government of Mecklenburg County

An affirmative majority of those voting in each town in that election shall be necessary for the withdrawal of a town from the new government. The results of each referendum shall be certified by the governing board of each town to the governing board of the new government.

Sec. 11. Effective Date of New Government. The Commission shall set the date on which any new government will become effective. Provided, that no new government shall become effective until approved by the voters of Mecklenburg County in accordance with Section 10 of this Act, and until any charter so approved is enacted into law by the General Assembly.

Sec. 12. Transition. The charter shall provide transitional steps for the transfer of responsibilities, property, revenues, and obligations from existing governments to the new government. This may be accomplished in a single step, or in stages as the Commission deems desirable. The charter shall provide for the election of the first governing board of the new government, and shall provide for the extension of the terms of office of all existing officers, without further elections, until their offices are eliminated or replaced by offices under the new government.

Sec. 13. If any provision of this Act is held invalid, such invalidity shall not affect other provisions of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1969.

H. B. 146

CHAPTER 68

AN ACT AUTHORIZING THE WARREN COUNTY ABC BOARD TO SELL WINES HAVING ALCOHOLIC CONTENT OF LESS THAN FOURTEEN PERCENT (14%).

The General Assembly of North Carolina do enact:

Section 1. The Warren County Alcoholic Control Board is hereby authorized to purchase and sell, in addition to other wines county boards are authorized to sell, wines having an alcoholic content of less than fourteen percent (14%) as defined in G. S. 18-64.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1969.
CHAPTER 69

AN ACT TO AMEND ARTICLES 11, 13 and 14 OF CHAPTER 54 OF THE GENERAL STATUTES RELATING TO THE POWERS, OFFICERS AND SUPERVISION OF CREDIT UNIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-86 is amended by adding thereto a new subdivision as follows:

"7. They may be invested in the North Carolina Mutual Deposit Guaranty Associations."

Sec. 2. G. S. 54-90 is amended by striking therefrom the words "capital and liabilities" appearing in lines 5, 9 and 13 thereof and substituting in lieu thereof in lines 5, 9 and 13, the words "corporation's outstanding loans".

Sec. 3. G. S. 54-91 is amended by striking from the second line thereof the words "semiannually or annually".

Sec. 4. G. S. 54-91 is further amended by striking therefrom all of said Section appearing after the colon in line 9 thereof and substituting in lieu thereof the following:

"provided that in any one year not more than twenty-five percent (25%) of the undivided earnings may be used to pay a dividend and the remainder of said dividend shall be paid from the current year's earnings."

Sec. 5. G. S. 54-103 is amended by striking therefrom the words "up to the unsecured limit, or in excess of such limit if such excess is fully secured by unpledged shares in the credit union." in lines 14 and 15 thereof, and substituting in lieu thereof the following: ".secured and unsecured, up to the legal limit."

Sec. 6. G. S. 54-106 (c) is rewritten to read as follows:

"(c) Fees to be paid to the office of Administrator of Credit Unions.—Each credit union subject to supervision and examination by the Administrator of Credit Unions, including credit unions in process of voluntary liquidation, shall pay into the office of the Administrator of credit unions twice each year, in the months of January and July, supervision and examination fees.

The Commissioner of Agriculture, shall, on or before December 1 of each year, determine and fix the scale of supervisory and examination fees to be assessed during the next calendar year. However, when the costs of any examination exceed the annual fees assessed and paid by the credit union, the Administrator of Credit Unions may, in his discretion, invoke the provisions of Section 54-107, giving due consideration to the time and expense incident to such examination, and the ability of the credit union to pay such additional fees. The additional fees, if assessed by the Administrator, in his discretion, shall be paid by each credit union promptly after the completion of the examination; provided that such additional fee shall not exceed the estimated cost of such examination.

No credit union shall be required to pay any supervisory fee until the expiration of twelve months from the date of the issuance of a certificate of incorporation to such credit union.

Sec. 7. G. S. 54-107 is amended by striking the words "more than two times" in lines 10-11 thereof.

Sec. 8. The last sentence of G. S. 54-107 is hereby rewritten to read as follows:

"The Administrator may designate an independent auditing firm to do the work"
under his direction and supervision, with the cost to be paid by the credit union involved."

Sec. 9. G. S. 54-87 is amended by striking the words and figures "seven hundred fifty dollars ($750.00)" in line 4 thereof and substituting in lieu thereof "fifteen hundred dollars ($1500.00)".

Sec. 10. G. S. 54-90 is further amended by striking from line 13 thereof the words "ten per centum (10%) of the capital and liabilities" and substituting in lieu thereof the words "seven percentum (7%) of the outstanding loans".

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1969.

H. B. 31

CHAPTER 70

AN ACT RELATING TO THE RECEIPT OF UNORDERED MERCHANDISE SO AS TO PROVIDE THAT THE RECIPIENT THEREOF IS NOT LIABLE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Unless otherwise agreed, where unsolicited goods are delivered by mail or common carrier to a person, he has a right to refuse to accept delivery of the goods and is not bound to return such goods to the sender. If such unsolicited goods are addressed to and intended for the recipient, they shall be deemed a gift to the recipient, who may use them or dispose of them in any manner without any obligation to the sender.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 13th day of March, 1969.

S. B. 190

CHAPTER 71

AN ACT TO AMEND CHAPTER 716, SESSION LAWS OF 1947, RELATING TO THE NOMINATION AND ELECTION OF THE MEMBERS OF THE CONCORD CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 716, Session Laws of 1947, is hereby rewritten to read as follows:

"Sec. 3. At the election next ensuing for election of Aldermen and Mayor for the City of Concord, and biennially thereafter, there shall be elected by the qualified voters of the City of Concord on a non-partisan basis the members of the Concord City Board of Education. Said Board membership shall consist of the number equal to the number of wards in the City of Concord at the time of the nomination of said members plus one additional member who shall be designated as the member-at-large. Each member, except said member-at-large, shall be a resident of each existing ward."
"The majority, and if there be an even number, at least one-half of the candidates, including the member-at-large, receiving the largest number of votes shall be declared elected for a term of four years. The remaining candidates receiving the next largest number of votes shall be declared elected for a term of two years. Thereafter, biennially, there shall be elected members of the Concord City Board of Education to succeed the members whose terms next expire, and all terms of office shall thereafter be for a term of four years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1969.

H. B. 109

CHAPTER 72

AN ACT TO INCORPORATE THE VILLAGE OF WHISPERING PINES IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following provisions of law shall constitute the Charter of the Village of Whispering Pines:

THE CHARTER OF THE VILLAGE OF WHISPERING PINES

ARTICLE I. INCORPORATION AND CORPORATE POWERS.

Section 1.1. General Powers. The inhabitants within the boundaries as established in ARTICLE III of Chapter 1 of this Charter or as hereafter established in the manner provided by law, shall be a body politic and corporate by the name "Village of Whispering Pines, Moore County, North Carolina", and under that name shall have perpetual succession: may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Charter, the Village of Whispering Pines shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever as now provided for Cities and Towns in the General Statutes of North Carolina and otherwise authorized by law. The following shall be deemed to be a part of the powers conferred upon the Village of Whispering Pines by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, such land, right of way, privilege, or easement necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvement; and also to acquire an excess over that needed for any such improvement,
and to sell or lease such excess property with restrictions, in order to protect and preserve the improvements.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the Village or of the revenues thereof, or of both, including the case of a public utility, if deemed desirable by the Village, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

(6) Policemen employed by the Village, when in pursuit of a criminal charged with the commission of any crime or who has committed any crime in the presence of any such officer within the corporate limits of said Village of Whispering Pines, may continuously follow and pursue such criminal to any part of North Carolina, and may arrest him; the said policeman to have and be bound by the same rules in this respect as members of the Highway Patrol, the sheriff or his deputies of the County of Moore and other law enforcement officers with County-wide jurisdiction to apprehend all offenders against the State within limits of the Village, and to carry them before the proper tribunal, and for such duty they shall have the same fees as now established, for Deputies Sheriff of Moore County.

(7) The governing body of the Village shall have power to sell at public or private sale any real estate owned by the Village, after first determining that said property is no longer needed for any public purpose of the Village, and if the governing body should determine to make such transaction by private sale, it must first establish the fact that the price offered for said property and confirmed by the governing body is fair and reasonable and in the best interest of the Village, and in the event the sale is made by public outcry, then the same shall be conducted in accordance with the procedures as provided in the General Statutes of North Carolina.

(8) The governing body of the Village is hereby authorized and empowered to execute and deliver conveyances to any property, whether acquired by tax or assessment foreclosure or otherwise, with full covenants of warranty, whenever in the discretion of said governing body it is to the best interest of said Village to convey by warranty deed.

(9) Members of the said governing body are hereby relieved of any personal or individual liability by reason of the execution of any such conveyances with covenants of warranty.

(10) Except as otherwise provided in this Act, the governing body of the Village shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Section 1.2. Enumerated Powers Not Exclusive. The enumeration of particular powers as set forth in this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or appropriate to the exercises of its powers, it is intended that the Village of Whispering Pines shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the Village whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in the manner provided by ordinance or resolution of the governing body of the Village.
Section 1.3. Corporate Limits. The corporate limits of the Village of Whispering Pines shall be as follows:

BEGINNING at the intersection of the north line of State Road No. 1843 with the west line of State Road No. 1842, said Road No. 1843 leading from Lakeview of Knollwood Airport and Road No. 1842 leading from Road No. 1843 to the Whispering Pines Country Club, running thence from the beginning with the west line of State Road No. 1842 in a northerly direction to a line of Whispering Pines, Inc., 38.97 acre, Mary K. Blue tract; thence with the Whispering Pines line, S 76-05 W 234.29 feet to a concrete monument; thence N 14-55 W 1549.15 feet to a concrete monument, a corner of Whispering Pines; thence S 58-11 W 1935 feet to a concrete monument; thence S 79-16 W 820.5 feet to a concrete monument; thence S 1-04 E 995.1 feet to a concrete monument; thence S 67-31 W 1373.8 feet to a concrete monument; thence N 43-21 W 867.2 feet to a concrete monument; thence N 39-35 W 1471.0 feet to a concrete monument on the southwest side of State Road No. 1841; thence N 52-30 W about 80 feet to the northwest line of the road in a northeasterly direction about 1550 feet to the King property; thence with King's line N 27-35 W 429 feet to his corner; thence with King's line N 54-25 E 254 feet to King and Hodges common corner; thence with Hodges line N 64-35 E 495 feet to a monument in the west line of Sunset Drive; thence continuing with Hodges lines S 45-35 E 244.0 feet to a concrete monument, N 88-35 E 241.0 feet to a point in State Road No. 1841 (old Pee Dee Road), then along the road N 60-35 E 298.1 feet; thence leaving the road S 27-25 E 310.5 feet to a concrete monument; thence S 72-40 W 876.0 feet; thence S 51-09 W 231.0 feet; thence N 27-35 W 106.5 feet to King's corner in Hodges line, located in State Road No. 1841; thence with King's line S 56-23 W 262.6 feet to the west line of State Road No. 1841; thence returning along the west line of the road in a southwesterly direction about 1550 feet to the Whispering Pines lines; thence with it N 52-30 W about 125 feet to a concrete monument; thence N 50-53 E 324.0 feet to a concrete monument; thence N 17-20 E 2787.8 feet to a concrete monument; thence with the Whispering Pines property line N 72-44 W 420.0 feet to a concrete monument; thence N 17-16 E 651.1 feet to a concrete monument; thence S 76-58 E 421.1 feet to an iron stake on the south side of Little River; thence S 77-07 E 734.0 feet to a monument; thence N 68-05 E 89.1 feet to a monument; thence S 71-04 E 675.0 feet to a monument; thence S 11-31 E 128.6 feet to a monument; thence S 72-55 E 1213.0 feet to a corner with Ferguson at State Road No. 1841; thence N 24-50 E 305.5 feet to a corner on the west side of State Road 1841; thence with King's line S 65-11 E 682.4 feet; thence N 78-10 E 394.9 feet; thence N 31-43 E 302.3 feet to King's corner; thence continuing with King, N 73-17 W 878.0 feet to a concrete monument; thence with the King line S 89-21 W about 200 feet to the west line of State Road No. 1841; thence with the west line of the road in a northerly direction crossing Little River a distance of about 2200 feet to a point opposite the west corner of Lot 89B, Section Five, Whispering Pines; thence N 32-33 E 60 feet to the west corner of Lot 89B; thence N 32-33 E 455.2 feet to a concrete monument; thence N 52-33 E 740 feet to a concrete monument; thence N 88-03 E 769.7 feet to a monument; thence S 3-03 W 200.0 feet to a monument; thence N 87-28 E 716.05 feet to a concrete monument in the line of the Whispering Pines; Deaton Tract; thence with the Deaton tract line N 23 W about 300 feet to an iron stake; thence N 65 W 525.6 feet to an iron stake; thence S 85
CHAPTER 72  
SESSION LAWS—1969

E 176.6 feet to an iron stake; thence S 77-30 E 1324.0 feet crossing Grindstone branch to an iron stake; thence S 13-41 W about 560 feet to a corner of Lot 66B and 67B, Whispering Pines, Section Three; S 69-42 E 907.73 feet to a monument; thence N 76-37 E 397.3 feet to a monument in the northwest line of Lake View Drive; thence along the line of Lake View Drive easterly about 900 feet to the run of Little Creek; thence up the run of Little Creek about 450 feet to the northwest corner of Lot 52B, Whispering Pines, Section One; thence N 75-41 E 591.33 feet to a monument; thence N 86-46 E 607.03 feet to a monument; thence S 44-19 E 748.69 feet to a monument; thence S 78-39 E 448.5 feet to the north line of Lake View Drive; thence easterly with the line of Lake View Drive a distance of 206.64 feet to the southwest corner of Lot 14B, Whispering Pines, Section One; thence N 13-36 E 163.31 feet to a monument; thence N 80-08 E 298.65 feet to a monument; thence S 35-43 E 167.37 feet to the north line of Lake View Drive; thence with the West line of a 2.06 acre tract N 27-05 E 309.2 feet; thence with the north line of the 2.06 acres, S 75-04 E 361.0 feet; thence with the east line 2.06 acres S 45 W 148.5 feet to the northwest corner of lot 54B; thence S 46-01 E 315.21 feet to a monument; thence S 80-09 E 376.0 feet to a monument; thence S 72-22 E 60.23 feet to a monument; thence S 60-40 E 149.62 feet to the west line of State Road No. 1802; thence with the line of the road in a southerly direction about 1300 feet to the run of Little River; thence down the run of the river about 2200 feet to the mouth of a branch; thence up the branch in a southerly direction about 700 feet to a canal; thence up the canal southwesterly about 600 feet to a corner of the Whispering Pines 'Bibey tract', thence with the lines of the Whispering Pines' "Bibey tract", N 85-37 W 155 feet; thence S 18-23 W 1149.5 feet; thence N 70-51 W 1353 feet; thence S 42-56 W 167.15 feet; thence S 16-51 W 165.7 feet; thence S 3-40 W 557.8 feet to a corner near the end of a small dam; thence S 80-00 W 1406 feet to the center of State Road No. 1802; thence along the center of the road N 7-59 W 264 feet, N 2.53 E 385 feet, N 12-58 E 308 feet, N 23-11 E 360 feet and N 32-42 E 311 feet to the intersection of Road No. 1802 with Road No. 1842; thence continuing with the center of Road No. 1802, N 42-16 E 234.7 feet N 45-42 E 1148.8 feet, N 53-39 E 218.4 feet, and N 59-50 E 168.50 feet to a corner of the Whispering Pines, Inc., C. S. Bibey tract; thence with the Whispering Pines line N 15-16 W 365.3 feet to an iron stake, J. S. Bibey's corner in the Whispering Pines line; thence as the Bibey's Whispering Pines line, S 67-24 W 1931.3 feet to a concrete monument; thence S 66-45 W 808.45 feet to a concrete monument; thence S 0-47 E 324.65 feet to a concrete monument, the north corner of Lot 424B, Whispering Pines, Section Four; thence continuing S 0-47 E about 300 feet to the center of State Road No. 1842; thence along the center of the road in an easterly direction about 1200 feet to the center of State Road No. 1802; thence returning along the center of State Road No. 1802 S 32-42 W 311 feet, S 23-11 W 360 feet, S 12-58 W 308 feet, S 2-53 W 385 feet and S 7-59 E 264 feet to the Bibey corner; thence continuing along the center of the road, S 12-49 E 328.5 feet, S 11-24 E 1420.3 feet and S 9-24 E 234.3 feet to a corner of the Whispering Pines' Tarlton tract; thence S 84-52 W 567.6 feet to an iron stake; thence N 9-07 W 234 feet to an iron stake; thence S 84-53 W 835 feet to a monument in the south line of Lot 11B, Section Six, Whispering Pines; thence N 43-38 W 51.1 feet to S. R. Ransdell's corner of 0.46 acres, thence with the 0.46 acre line S 84-53 W 471.3 feet to a concrete monument; thence S 33-39 W 353.57 feet to a concrete monument; Rans-
dell's corner with Whispering Pines; thence S 7-02 W 900 feet to a concrete monument, Randsell corner with Whispering Pines; thence S 82-48 E about 850 feet to Randsell's corner; thence with Randsell S 2-54 W about 930 feet to the south line of State Road No. 1843; thence with the south line of the road about 1400 feet in a westerly direction to a point opposite A. E. Darnell's, southeast corner of his home lote; thence crossing the road to Darnell's corner and with his east line N 17-24 E 411.25 feet to a monument, Darnell's northeast corner; thence N 72-36 W 183.31 feet to Darnell's northwest corner; thence with Darnell's west line S 17-24 W 399.57 feet to the north line of State Road No. 1843, thence continuing S 17-34 W 60 feet to the South line of the road; thence along the south line of the road in a westerly direction about 1400 feet to a point where the west line of State Road No. 1842 extended south intersects the south line of State Road No. 1843; thence in a northerly direction about 60 feet to the BEGINNING.

ARTICLE II. GOVERNING BODY

Section 2.1. Control Vested in Village Council. The government of the Village and general management and control of all its affairs shall be vested in a Village Council, which shall be elected and shall exercise its power in the manner herein and in Chapter Two, ARTICLE VI, set forth, except that the manager shall have the authority hereinafter specified.

Section 2.2. Number and Election of Village Council. The Village Council shall consist of five members, who shall be elected at large by and from the qualified voters of the Village for a term of two years and until their successors are elected and qualified. The initial officers of the Village of Whispering Pines shall consist of five (5) Councilmen, to wit: Robert E. Carey, A. B. Hardee, J. W. Leverton, Jr., Carson A. Roberts and William H. Toussaint, who shall elect from their number a President, and they shall proceed to organize the Village government in accordance with this Charter and the General Statutes of North Carolina. They shall serve until the next regular municipal election on May 6, 1969 and until their successors are elected and qualified as hereinbefore provided.

Section 2.3. Power and Organization of Village Council. All the legislative powers of the Village shall be vested in the Village Council. The Village Council elected as aforesaid shall meet at 10:00 o'clock in the forenoon on Wednesday after the first Monday of May in each election year, and the members of the Village Council whose terms of office then begin shall severally take oath before the Village Clerk, a Magistrate, Judge or other duly constituted officer authorized to administer oaths, to perform faithfully the duties of their respective offices. The Village Council shall thereupon be organized by the choice from its members of a President, who shall hold his office during the term for which he was elected a member of the Village Council, and a President pro tempore, who shall hold his office during the pleasure of the Village Council. The organization of the Village Council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of one or more of the members; provided, that at least three of the persons entitled to be members of the Village Council are present to take oath as aforesaid. Any member entitled to take the aforesaid oath, who is not present at the time fixed therefor, may take oath at any time thereafter, provided, the taking of such oath is not unreasonably delayed.
Section 2.4. President of Council. The President of the Council shall have all of the same powers, authority, duties and responsibilities as provided for mayor under "Plan D" form of government as set forth in Chapter 160 of the General Statutes of North Carolina.

Section 2.5. Meetings Regulated. The Village Council shall fix suitable times for its regular meetings. The President, the President Pro tempore of the Village Council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by a person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the Village Council may also be held at any time when all the members of the Council are present and consent thereto.

Section 2.6. Quorum and Conduct of Business. A majority of the members of the Village Council shall constitute a quorum. Its meetings shall be public, and the President who shall be the official head of the Village, shall, if present, preside and shall have the same power as the other members of the Council to vote upon measures coming before it, but shall have no power to veto. In the absence of the President, the President Pro tempore of the Village Council shall preside, and in the absence of body, a Chairman Pro tempore shall be chosen. The Village Clerk shall be ex officio clerk of the Village Council, and shall keep records of its proceedings; but in case of the Clerk's temporary absence, or in case of a vacancy in this office, the Village Council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of the duties of that office, and may act as Clerk of the Village Council until a Village Clerk is chosen and qualified. All final votes of the Village Council involving the expenditure of Fifty Dollars ($50.00) or over shall be by "yeas" and "nays" and shall be entered on the records. On request of one member, the vote shall be by "yeas" and "nays", and shall be entered upon the records. Three affirmative votes at least shall be necessary for the passage of any order, ordinance, or resolution, unless otherwise specified by the General Statutes of North Carolina.

Section 2.7. Vacancies in Council. Vacancies in the Village Council shall be filled by the remaining members of the Council for the remainder of the unexpired terms.

Section 2.8. Election of President. The President shall be elected by the Council from among its own members, and shall hold office during the term for which he has been elected to the Council. In case of a vacancy in the office of President, the remaining members of the Council shall choose from their own number his successor for the unexpired term.

Section 2.9. Salaries of President and Council. The President shall receive for his services such salary as the Village Council shall from time to time by ordinance determine, but in no event shall he receive more than Six Hundred Dollars ($600.00) per annum, and he shall receive no other compensation from the Village. His salary shall not be increased or diminished during the term for which he is elected. The Council may, by vote of not less than three members, taken by all of the "yeas" and "nays", establish a salary for its members, but in no event shall it exceed Three Hundred Dollars ($300.00) per annum per member. Such salary may be reduced, but no increase therein shall be made to take effect during the year in which the increase is voted.
Section 2.10. Election of Treasurer; Salary. The President and Council may elect from their membership a Treasurer by the method outlined above, and in addition to the salary allowed as a member of the Council, such Treasurer may be paid for his service such amount as the Council may determine to be proper, and commensurate with his duties and responsibilities.

ARTICLE III. MANAGER.

Section 3.1. Appointment. The Village Council may appoint a manager, who shall be the administrative head of the Village government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the Village when appointed. He shall hold office during the pleasure of the Village Council, and shall receive such compensation as it shall fix by ordinance. He must become a resident of the Village as soon as conveniently possible following the time of his selection.

Section 3.2. Powers and Duties of Manager. The manager shall (1) be the administrative head of the Village government; (2) see that within the Village the laws of the State and the ordinances, resolutions, and regulations of Council are faithfully executed; (3) attend all meetings of the Council, and recommend for adoption such measures as he shall deem proper and necessary for the government and operation of the Village; (4) make reports to the Council from time to time upon the affairs of the Village, keep the Council fully advised of the Village's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the Village.

Section 3.3. Appointment or Removal of Officers. Such Village officers and employees as the Council shall determine are necessary for the proper administration of the Village shall be appointed by the manager, and any such officer or employee may be removed by him; but the manager shall report every such appointment and removal to the Council at the next meeting thereof following such appointment or removal.

Section 3.4. Control of Officers and Employees. The officers and employees of the Village shall perform such duties as may be required of them by the manager, under general regulations of the Village Council.

ARTICLE IV. NOMINATIONS AND ELECTIONS.

Section 4.1. Nominations. The years for regular elections prescribed by the General Statutes of North Carolina, the Village Council shall call and give two weeks notice of a Village caucus to be held for the purpose of nominating candidates for the office of Village Council.

Section 4.2. Caucus. The Village caucus shall meet at a place designated by the Village Council within the corporate limits of the Village or at a convenient place nearby on a date set at least 30 days prior to the date of the municipal elections as established by the General Statutes of North Carolina, at which time the President shall convene the meeting and a Chairman of the caucus shall be elected, a Secretary of the caucus shall be elected and such other Clerks and officers as are necessary to carry out the functions of the caucus shall be elected by the caucus or designated by the Chairman.

Section 4.3. Caucus Rules. The rules and regulations for the conduct and operation of the caucus shall be promulgated by the Village Council and may be changed
from time to time by the Council, provided, proper notice is given to the residents of the Village of such changes.

Section 4.4. Municipal Elections. The regular election for the choice of members of the Village Council shall be held on Tuesday following the first Monday in May in odd numbered years. The Village Council may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Section 4.5. Conduct of Elections. All elections shall be conducted in accordance with the General Statutes of North Carolina relating to municipal elections, except as otherwise herein provided.

Section 4.6. Candidates for Village Council. Any qualified elector of the Village may become a candidate for the Village Council by filing a statement of such candidacy as provided for in this Article. On each statement of candidacy filed shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. All statements shall be filed by the candidate with the Village Clerk not earlier than 90 days nor later than 30 days before the election and shall be in substantially the following form:

"I, the undersigned elector of the Village of Whispering Pines, hereby declare that I am a candidate for the office of Village Council, to be voted for at the election to be held on the ___ day of ______, 19___.

"If elected I hereby agree to serve for the term of office as set forth in the Charter of the Village of Whispering Pines."

Signature of Candidate

Date of filing: ____________________________

This statement was filed by ____________________________

whose address is ____________________________

Signature of Village Clerk

(A qualified elector shall be any person who is registered to vote in the Village elections or who is eligible to be registered at the time of filing as a candidate.)

Section 4.7. Filing Fee. Each candidate for Village Council shall pay a filing fee of Five Dollars ($5.00). The Village Clerk shall take and preserve each statement filed. No statement shall be accepted by the Clerk if not signed by the candidate in person, or if it is determined that the candidate is not a qualified elector. Any candidate may withdraw his statement of candidacy not later than the last day for filing by filing notice of withdrawal with the Village Clerk. The statement of each candidate for Village Council shall be preserved by the Village Clerk until the expiration of the term of office for which he has filed.

Section 4.8. Ballots. When printed ballots are used for Village elections, the names of candidates for Village Council in accordance with the provisions of this Chapter, except such as have been withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as
there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When voting machines are used for Village elections, the names of candidates for Village Council shall be inserted in the proper place on each machine in alphabetical order, ranging from left to right as the voter faces the machine.

Section 4.9. Election of Village Council. All members of the Village Council shall be elected at large. Every voter shall be entitled to vote for as many candidates as there are members to be elected to the Village Council. All candidates up to the number to be elected, who receive the largest number of votes shall be declared elected.

Section 4.10. Oath of Office. Every officer of the Village shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Village Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, and that I will, in all respects, observe the provisions of the Charter and Ordinances of the Village of Whispering Pines, and will faithfully discharge the duties of the office of Village Council (or such other office to which he may be elected or appointed)."

ARTICLE V. MISCELLANEOUS PROVISIONS.

Section 5.1. Publicity of Records. All records and accounts of every office and department of the Village shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the Village Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Section 5.2. Personal Interest. No member of the Village Council nor any officer or employee of the Village shall have a financial interest, direct or indirect, in any contract with the Village, or be financially interested, directly or indirectly, in the sale of the Village of any land, materials, supplies or services, except on behalf of the Village as an officer or employee. Any willful violation of this Article shall constitute malfeasance in office, and any officer or employee of the Village found guilty thereof shall thereby forfeit his office or position. Any violation of this Article with the knowledge expressed or implied of the person or corporation contracting with the Village shall render the contract voidable by the Village Council.

Sec. 2. If any part of this Charter shall be declared invalid by a court of competent jurisdiction such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, insofar as the Village of Whispering Pines may be affected thereby.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1969.
CHAPTER 73

AN ACT TO AMEND THE REGULATIONS PERTAINING TO THE SALE OF FIREARMS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-404 is hereby amended by deleting in line 7 the period following the word "firearms" and adding the following words: "if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

H. B. 128

CHAPTER 74

AN ACT TO AMEND CHAPTER 666 OF THE SESSION LAWS OF 1967 TO CHANGE THE CLOSING FILING DATE FROM SATURDAY TO FRIDAY FOR CANDIDATES FOR THE MONROE CITY SCHOOL BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 666 of the Session Laws of 1967 is hereby amended by striking out the word "Saturday" immediately following the word "sixth" in line 2 and inserting the word "Friday" in lieu thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

H. B. 240

CHAPTER 75

AN ACT TO REGULATE THE USE OF FIREARMS IN FIELD TRIALS AND IN TRAINING DOGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-104 is hereby amended by rewriting the proviso to the sixth sentence thereof, the said proviso beginning in the twenty-fifth line of page 47 of the 1967 Supplement to Volume 3A, to read as follows:

"Provided, that no shotgun or rifle be used and that no game birds or game animals shall be taken during the closed season by reason thereof."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

62
CHAPTER 76

AN ACT TO AMEND CHAPTER 982 OF THE SESSION LAWS OF 1963, TO REPEAL SECTION 2 OF CHAPTER 1062 OF THE SESSION LAWS OF 1967, AND TO ALLOCATE THE PROFITS EARNED BY THE HAMLET BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 1062 of the 1967 Session Laws is hereby repealed.

Sec. 2. Chapter 182, Session Laws of 1963, is hereby amended by deleting all of Section 6 and in lieu thereof inserting the following:

"Sec. 6. The net profits earned by the Town of Hamlet Board of Alcoholic Control shall be determined by quarterly audits and within 20 days thereafter allocated by the Board and paid as follows:

(a) Fifty percent (50%) shall be paid into the General Fund of the Town of Hamlet.

(b) Fifteen percent (15%) shall be paid to the Town of Hamlet to be used only for the purpose of establishing, maintaining and operating a supervised recreation system for the city either by the City Council or a Board of Commission appointed for the purpose by the City Council as authorized by Chapter 160, Article 12 of the General Statutes of North Carolina.

(c) Three percent (3%) shall be paid to the Town of Hamlet to be used to buy books for the Hamlet Library.

(d) Three percent (3%) shall be paid to the Hamlet Rescue Squad to be used for the purchase of equipment and operating expenses.

(e) Three percent (3%) shall be paid to the Town of Hamlet Fire Department and used for the purchase of small equipment desired by the firemen.

(f) Four percent (4%) shall be paid to the Town of Hamlet and divided by the city treasurer equally among the policemen and officers of the Hamlet Police Department. These funds are to be paid to the policemen and officers in addition to their regular salaries within 30 days after received.

(g) Two percent (2%) shall be paid to the Richmond County Board of Education and used by that Board exclusively for the Rohanen School Band. In the event Rohanen High School is consolidated into another school, then these funds shall be used by the Board of Education for the benefit of the band in the school into which Rohanen High School is consolidated.

(h) Three percent (3%) shall be paid to Richmond County Board of Education to be used for the bands of schools located in Marks Creek Township. In the event a school located in Marks Creek Township is consolidated into another school, then that school's funds under this Act shall be used for the benefit of the band of the consolidated school.

(i) Ten percent (10%) shall be paid to the treasurer of Richmond County and by the treasurer paid to Richmond Technical Institute. In the event that institute should become a community college or change its name, it shall continue to receive these funds.
(j) Two percent (2%) shall be paid to the General Fund of Richmond County to be used only for the purpose of establishing, maintaining, equipping and operating a supervised recreation system in East Rockingham and Wolf Pit Township as authorized by Chapter 160 Article 12 of the General Statutes of North Carolina either by the Richmond County Board of Commissioners or a Board appointed by the county commissioners for that purpose. None of these funds shall be used for the purchase of real estate.

(k) Two percent (2%) shall be paid to the Sheriff of Richmond County and divided by him among the regular full time deputies of the Richmond County Sheriff's Department. These funds are to be in addition to the regular salaries of the deputies.

(l) One percent (1%) shall be paid to the Town of Ellerbe to be used exclusively for the purchase of small equipment desired by members of the fire department.

(m) One percent (1%) shall be paid to the Town of Hoffman to be used exclusively for the benefit of its fire department.

(n) One percent (1%) shall be paid to the Treasurer of the Cardova Volunteer Fire Department to be used for the benefit of the fire department."

Sec. 3. Partial invalidity. If any provision of this Act or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect the other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provision of this Act are declared to be severable.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

S. B. 155

CHAPTER 77

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF BESSEMER CITY TO DETERMINE WHETHER WINE AND BEER MAY BE LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES OPERATED IN THE TOWN OF BESSEMER CITY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Bessemer City is hereby authorized, in its discretion, to call a special election to be held on the question of whether wine and beer may be sold and whether Alcoholic Beverage Control Stores may be operated in the Town of Bessemer City. The governing body may call the special election to be held on such date as it may determine. The cost of the special election shall be paid from the general fund of the Town.

Sec. 2. A new registration for voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Bessemer City.

Sec. 3. In the event a special election is called under the provisions of Section 1 of this Act, there shall be submitted to the qualified voters of the Town of Bessemer City at said election the question of whether wine and beer may be legally sold
and Alcoholic Beverage Control Stores operated in the Town of Bessemer City. In said election, a ballot shall be used upon which shall be printed "FOR the legal sale of wine and beer and Alcoholic Beverage Control Stores" and "AGAINST the legal sale of wine and beer and Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores and the legal sale of wine and beer in the Town of Bessemer City shall mark in the voting squares to the left of the words "FOR the legal sale of wine and beer and Alcoholic Beverage Control Stores" printed on the ballot, and those opposed to the legal sale of wine and beer and the operation of Alcoholic Beverage Control Stores shall mark in the voting squares to the left of the words "AGAINST the legal sale of wine and beer and Alcoholic Beverage Control Stores" printed on the ballot.

If a majority of votes cast in such election shall be for the legal sale of wine and beer and the operation of Alcoholic Beverage Control Stores in the Town of Bessemer City, it shall be legal for wine and beer to be sold in the Town of Bessemer City and for Alcoholic Beverage Control Stores to be set up and operated in said Town. If a majority of the votes cast in such election shall be against the legal sale of wine and beer and Alcoholic Beverage Control Stores, no such sale of wine and beer nor such stores shall be set up or operated in the Town of Bessemer City under the provisions of this Act.

Sec. 4. If a majority of the votes cast in such election shall be for the legal sale of beer and wine, then the governing body of the Town of Bessemer City shall issue only "off" premises license to sell beer and wine as defined in G. S. 18-64, as provided in Chapter 18 of the General Statutes, notwithstanding any public, special, local or private Act to the contrary whether passed before or after the ratification of this Act.

Sec. 5. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores" the Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same and within said three months the Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said Board and convert the same into cash and the same be deposited in the general fund of the Town of Bessemer City. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the Town of Bessemer City in force and effect prior to the authorization to operate Alcoholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores."

Sec. 6. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the governing body of the Town of Bessemer City shall immediately create a Town Board of Alcoholic Beverage Control, to be composed of a chairman and not less than two other members nor more than four other members who shall be well known for their good character, ability and business acumen. Said Board shall be known and designated as the "Town of Bessemer City Board of Alcoholic Beverage Control". The chairman of said Board shall be designated by the governing body of the Town of Bessemer City and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Beverage Control shall be designated by the governing body of the Town of Bessemer City, and one member shall serve for his first term a period
CHAPTER 77  SESSION LAWS—1969

of two years, and the other member shall serve for his first term a period of one year; all terms shall begin with the date of appointment, and after the same term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the governing body of the Town of Bessemer City. Any vacancy shall be filled by the governing body of the Town of Bessemer City for the unexpired term. If the governing body of the Town of Bessemer City, in its discretion, deems it necessary to have more than a Chairman and two other members, their tenure shall be determined by the governing body of the Town of Bessemer City.

Sec. 7. The Town Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for County Boards of Alcoholic Control by G. S. 18-45, except the powers contained in G. S. 18-45(15), and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are County Boards of Alcoholic Control set forth in G. S. 18-39. The Town of Bessemer City Board of Alcoholic Beverage Control shall be subject to the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word “County” Board of Alcoholic Control appears in said Article, it shall apply to and include the Town of Bessemer City Board of Alcoholic Control. The Town of Bessemer City Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem necessary and fix their compensation. The per diem and subsistence allowance for members of the Town of Bessemer City Board of Alcoholic Beverage Control shall be fixed by the governing body of the Town of Bessemer City.

Sec. 8. The Town of Bessemer City Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs and operating expenses and retain a sufficient and proper working capital, the amount thereof to be determined by the Town Board of Alcoholic Beverage Control. The remaining revenue, as determined by quarterly audit, shall be paid quarterly by the Town of Bessemer City Board of Alcoholic Beverage Control into the general fund of the Town of Bessemer City. The governing body of the Town of Bessemer City is hereby authorized to expend revenue derived from the operation of the Alcoholic Beverage Control Stores for any and all governmental purposes for which it may expend tax and nontax revenue.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

S. B. 182  CHAPTER 78

AN ACT TO VALIDATE THE PUBLICATION OF NOTICE OF A SPECIAL BOND ELECTION TO BE HELD IN THE CITY OF SANFORD EVEN THOUGH THE DATES BETWEEN THE FIRST AND LAST PUBLICATION OF SUCH NOTICE IS LESS THAN THIRTY DAYS.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the fact that a special water and sewer bond election is to be held on March 29, 1969 in the City of Sanford, pursuant to which notice was to be published in the newspaper on three days with at least one week between publications, and notwithstanding the fact that by error in computation
of the publication date, it is impossible to complete the publication on the date
set for the election, the publication of said special election is hereby validated as
if the same had been duly published on three occasions with intervals of at least
one week between said publications and an interval of thirty days from the first
publication to the date of said election. It is the intention of this Act that the bond
election to be held on March 29, 1969 in the City of Sanford shall in no wise be
invalidated by the fact that publication of notice is not in compliance with the Reso-
lution of the County Board of Elections or with any requirement of the General
Statutes of North Carolina relative to publication.

Sec. 2. This Act shall apply to Lee County only.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of
March, 1969.

S. B. 36

CHAPTER 79

AN ACT TO AMEND G. S. 153-10.1 TO AUTHORIZE THE BOARD OF COUNTY
COMMISSIONERS OF ROBESON COUNTY TO REGULATE GARBAGE DIS-
POSAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1, as the same appears in the 1967 Cumulative Supple-
ment to Volume 3C of the General Statutes, is hereby amended by inserting the
word "Robeson" immediately after the word "Polk" in the third line of the second
paragraph thereof.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of
March, 1969.

S. B. 44

CHAPTER 80

AN ACT TO FIX A UNIFORM SCHEDULE OF FEES TO BE CHARGED BY THE
REGISTERS OF DEEDS THROUGHOUT NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 161-10 is rewritten in its entirety to read as follows:

"Sec. 161-10. Uniform fees of registers of deeds.

(a) In the performance of his duties, the register of deeds shall collect the follow-
ing fees which shall be uniform throughout the State:

1. Instruments in General: for registering or filing any instrument for which
no other provision is made by this section, whether written, printed, or typewritten,
the fee shall be two dollars ($2.00) for the first page, which page shall not exceed
eight and one-half inches by fourteen inches, plus one dollar ($1.00) for each addition-
al page or fraction thereof. A page exceeding eight and one-half inches by fourteen
inches shall be considered two pages.

2. Marriage Licenses: for issuing a license - five dollars ($5.00); for issuing a
delayed certificate with one certified copy - five dollars ($5.00); and for a proceeding
for correction of names in application, license or certificate, with one certified copy - five dollars ($5.00).

3. Plats: for each original or revised plat recorded - five dollars ($5.00); for furnishing a certified copy of a plat - two dollars ($2.00).

4. Right-of-way Plans: for each original or amended plan and profile sheet recorded - five dollars ($5.00). This fee is to be collected from the State Highway Commission.

5. Registration of birth certificate four years or more after birth: for preparation of necessary papers when birth to be registered in another county - $2.50; for registration when necessary papers prepared in another county, with one certified copy - $2.50; for preparation of necessary papers and registration in the same county, with one certified copy - five dollars ($5.00).

6. Amendment of Birth or Death Record: for preparation of amendment and effecting correction - one dollar ($1.00).

7. Certified Copies: for furnishing a certified copy of any instrument for which no other provision is made by this section - one dollar ($1.00) per page or fraction thereof.

8. Comparing Copy for Certification: for comparing and certifying a copy of any instrument filed for registration, when the copy is furnished by the party filing the instrument for registration and at the time of filing thereof - one dollar ($1.00).

9. Uncertified Copies: When, as a convenience to the public, the register of deeds supplies uncertified copies of instruments, he may charge fees that in his discretion bear a reasonable relation to the quality of copies supplied and the cost of purchasing and maintaining copying equipment. These fees may be changed from time to time, but the amount of these fees shall at all times be prominently posted in his office.

10. Acknowledgment: for taking an acknowledgment, oath, or affirmation or for the performance of any notarial act - fifty cents ($.50). This fee shall not be charged if the act is performed as a part of one of the services for which a fee is provided by this subsection; except that this fee shall be charged in addition to the fees for registering, filing or recording instruments or plats as provided by items one and three of this subsection.

11. Liens for Internal Revenue: for recording a federal tax lien - two dollars ($2.00); for filing a certificate of discharge - two dollars ($2.00). These fees are to be collected from the United States.

12. Uniform Commercial Code: Such fees as are provided for in Chapter 25, Article 9, part 4, of the General Statutes.

13. Torrens Registration: such fees as are provided in G. S. 43-5.

14. Master Forms: such fees as are provided in G. S. 47-21.

15. Probate: for certification of instruments for registration as provided in G. S. 47-14 - fifty cents ($.50).

(b) The uniform fees set forth in this section are complete and exclusive and no other fees shall be charged by the register of deeds.

c) These fees shall be collected in every case prior to filing, registration, recorda-
tion, certification or other service rendered by the register of deeds unless by law it is provided that the service shall be rendered without charge."

Section 2. G. S. 161-11 is rewritten in its entirety to read as follows:

"Sec. 161-11. Per diem as clerk to the board of county commissioners. The register of deeds shall be allowed, while and when acting as clerk to the board of county commissioners, such per diem as the board may allow."

Section 3. G. S. 130-70 is amended by striking the last sentence thereof which is as follows:

"The register of deeds may make duplicates, copies or abstracts of such records, for which he shall be entitled to a fee of fifty (50) cents per copy."

Section 4. G. S. 153-9(12a), as the same appears in the supplement to Volume 3C of the General Statutes, is amended by striking therefrom the words and comma "registers of deeds."

Section 5. G. S. 161-22.1 is amended by striking therefrom the last paragraph thereof which is as follows:

"For indexing and cross-indexing as grantors the names of persons described in this section, the register of deeds shall be allowed a fee of ten (10) cents. The provisions of this section shall not be construed to repeal any local act, fixing a different fee for such indexing or cross-indexing."

Section 6. G. S. 161-10.1, G. S. 161.10.2, G. S. 2-28 and G. S. 51-20 are repealed.

Section 7. G. S. 161-25 is amended by striking therefrom the last sentence thereof which is as follows:

"Upon payment of a fee of one dollar the register of deeds or county auditor shall furnish to anyone making application therefor a certified copy of said list of statutes."

Section 8. G. S. 130-56 is amended by striking therefrom the last paragraph thereof which is as follows:

"The register of deeds shall be entitled to a fee of one dollar ($1.00) for such registration, to include the issuance of one certified copy, and a fee of fifty (50) cents for each additional certified copy issued by him, to be paid by the applicant."

Section 9. G. S. 130-57 is amended by striking therefrom the last sentence of the first paragraph which is as follows:

"The register of deeds shall be entitled to a fee of fifty (50) cents for each acknowledgment, oath, affirmation, or other notarial act performed by him, when such acknowledgment, oath, affirmation, or other notarial act is sealed with his official seal, such fee or fees to be paid by the applicant."

Section 10. G. S. 44-66 is rewritten in its entirety to read as follows:

"When a notice of such tax lien is filed, the register of deeds shall forthwith enter the same in alphabetical federal lien tax index to be provided by the board of county commissioners, showing on one line the name and residence of the taxpayer named in such notice, the collector's serial number of such notice, the date and hour of filing, and the amount of tax and penalty assessed. He shall file and keep all original notices so filed in numerical order in a file or files to be provided by the board of county commissioners and designated federal tax lien notices. The fees provided by G. S. 161-10 for the filing of notices and certificates shall be charged to the United States."

Section 11. G. S. 47-113 is rewritten in its entirety to read as follows:
"Any person desiring a certified copy of any such discharge, or certificate of lost discharge, registered under the provisions of this article shall apply for the same to the register of deeds of the county in which such discharge or certificate of lost discharge is registered. The register of deeds shall furnish certified copies of instruments registered under this article without charge to any member or former member of the armed forces of the United States who applies therefor."

Section 12. G. S. 51-21 is amended by striking the last paragraph thereof which is as follows:

"The register of deeds shall issue the certificates provided for in this section upon the payment of a fee of one dollar and fifty cents ($1.50) for each such certificate."

Section 13. G. S. 136-19.4(e), as the same appears in the supplement to Volume 3B of the General Statutes, is rewritten to read as follows:

"(e) The register of deeds in each county shall collect a fee from the State Highway Commission of five dollars ($5.00) for each original or amended plan and profile sheet recorded."

Section 14. Nothing in this Act shall prevent any register of deeds whose compensation is derived from fees from retaining those fees as heretofore provided by law except that the amount of such fees shall be determined as provided herein.

Section 15. All laws and clauses of laws in conflict with the provisions of this Act, including the portions of all local laws setting the fees of registers of deeds or authorizing the county commissioners to set the fees, are hereby repealed.

Section 16. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

S. B. 48

CHAPTER 81

AN ACT TO MAKE IT A FELONY FOR A PERSON TO REMOVE A CHILD FROM THIS STATE WHEN A COURT HAS AWARDED CUSTODY TO ANOTHER PERSON.

The General Assembly of North Carolina do enact:

Section 1. When any court of competent jurisdiction in this State shall have awarded custody of a child under the age of sixteen years, it shall be a felony for any person with the intent to violate the court order to take or transport, or cause to be taken or transported, any such child from any point within this State to any point outside the limits of this State or to keep any such child outside the limits of this State. Such crime shall be punishable by a fine in the discretion of the court or by imprisonment in the State's prison for not more than three years, in the discretion of the court, or by both such fine and imprisonment. Provided that keeping a child outside the limits of the State in violation of a court order for a period in excess of seventy-two hours shall be prima facie evidence that the person charged intended to violate the order at the time of taking.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.
S. B. 118

CHAPTER 82

AN ACT TO PROVIDE FOR FILLING VACANCIES ON THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-6, as the same appears in the 1967 Cumulative Supplement to Volume 3C of the General Statutes of North Carolina, is amended by inserting after the comma following the word "Perquimans" and before the word "Pitt" in line 9, the word "Person".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

S. B. 131

CHAPTER 83

AN ACT TO VALIDATE THE ACTS OF CERTAIN NOTARIES WHERE THE NOTARY SEAL INCORRECTLY CONTAINED THE NAME OF ANOTHER STATE.

The General Assembly of North Carolina do enact:

Section 1. The notarial acts of any person heretofore duly commissioned as a notary public in this State, who used in performing such acts a seal correctly containing the name of the notary and the proper county but mistakenly containing the abbreviation for the State of Georgia instead of North Carolina, are hereby validated and given the same legal effect as if such misprint or incorrect designation of the State had not appeared on the seal or seal imprint so used.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

H. B. 60

CHAPTER 84

AN ACT TO AUTHORIZE AND MAKE UNIFORM THE PROCEDURE MAKING A GIFT OF ALL OR PART OF A HUMAN BODY AFTER DEATH FOR SPECIFIED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90 of the General Statutes is hereby amended by inserting the following new Article 15A immediately after Article 15 thereof and immediately before Article 16 thereof to read as follows:

"Article 15A.

"Uniform Anatomical Gift Act.

"Section 90-220.1. Definitions. As used in this Act:

(1) 'Bank or storage facility' means a facility licensed, accredited, or approved under the laws of any state for storage or distribution of human bodies or parts thereof.
(2) 'Decedent' means a deceased individual and includes a stillborn infant or fetus.

(3) 'Donor' means an individual who makes a gift of all or part of his body.

(4) 'Hospital' means a hospital licensed, accredited, or approved under the laws of any state and a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(5) 'Part' means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

(6) 'Person' means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(7) 'Physician' or 'surgeon' means a physician or surgeon licensed or authorized to practice medicine under the laws of any state.

(8) 'State' includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

"Sec. 90-220.2. Persons who may execute an anatomical gift. (a) Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purpose specified in G. S. 90-220.3, the gift to take effect upon death.

"(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in G. S. 90-220.3:

(1) The spouse.

(2) An adult son or daughter.

(3) Either parent.

(4) An adult brother or sister.

(5) A guardian of the person of the decedent at the time of his death.

(6) Any other person authorized or under obligation to dispose of the body.

The persons authorized by this subsection may make the gift after or immediately before death.

"(c) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift.

"(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

"(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by G. S. 90-220.7(d).

"Sec. 90-220.3. Persons who may become donees: purposes for which anatomical gifts may be made. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:
(1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; or

(3) Any bank or storage facility, for medical or dental education, research advancement of medical or dental science, therapy, or transplantation; or

(4) Any specified individual for therapy or transplantation needed by him.

"Sec. 90-220.4. Manner of executing anatomical gifts. (a) A gift of all or part of the body under G. S. 90-220.2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

"(b) A gift of all or part of the body under G. S. 90-220.2(a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence and the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

"(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee.

"(d) The donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures, subject to the provisions of G. S. 90-220.7(b). In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

"(e) Any gift by a person designated in G. S. 90-220.2(b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

"Sec. 90-220.5. Delivery of document of gift. If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee at any time to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

"Sec. 90-220.6. Amendment or revocation of the gift. (a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:
(1) The execution and delivery to the donee of a signed statement, or

(2) An oral statement made in the presence of two persons and communicated to the donee, or

(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) A signed card or document found on his person or in his effects, and made known to the donee.

"(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

"(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).

"Sec. 90-220.7. Rights and duties at death. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he shall, subject to the terms of the gift, authorize embalming and the use of the body in funeral services, upon request of the surviving spouse or other person listed in the order stated in G.S. 90-220.2(b)." If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall, within 24 hours, cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

"(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. Such physician shall not participate in the procedures for removing or transplanting a part.

"(c) A person who acts with due care in accord with the terms of this Article or the anatomical gift laws of another state is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

"(d) The provisions of this Article are subject to the laws of this State prescribing powers and duties with respect to autopsies.

"Sec. 90-220.8. Uniformity of interpretation. This Article shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

"Sec. 90-220.9. Short title. This Article may be cited as the Uniform Anatomical Gift Act."

Sec. 2. Article 14A of Chapter 90 of the General Statutes is hereby repealed.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective October 1, 1969.
In the General Assembly read three times and ratified, this the 17th day of March, 1969.
H. B. 112

CHAPTER 85

AN ACT TO AUTHORIZE THE CUMBERLAND COUNTY ABC BOARD TO ESTABLISH A RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. The Cumberland County Alcoholic Beverage Control Board is hereby authorized, in its discretion, to create, establish, or contract for a system of retirement or disability or death benefits, or any combination thereof, for members and employees of said board.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

H. B. 219

CHAPTER 86

AN ACT TO AMEND CHAPTER 48, SESSION LAWS OF 1963, AS AMENDED, RELATING TO ALCOHOLIC BEVERAGE CONTROL STORES IN THE TOWN OF ROSEBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 48, Session Laws of 1963, is hereby amended by changing the period at the end of the first sentence thereof to a semicolon and by inserting immediately following such semicolon the following: "provided, that G. S. 18-45(15) shall not apply to the Town of Roseboro Board of Alcoholic Control."

Sec. 2. Section 6 of Chapter 48, Session Laws of 1963, as amended by Chapter 600, Session Laws of 1967, is hereby further amended by adding at the end thereof a new sentence to read as follows: "The governing body of the Town of Roseboro shall, in each annual town budget, appropriate at least 5 per cent (5%) of such funds for law enforcement purposes, and shall assign to one of its police officers the additional duty of enforcing the Alcoholic Beverage Control Laws, and in performing such duty, such officer shall have county-wide jurisdiction.

Sec. 3. Any funds derived from the operation of Town of Roseboro Alcoholic Beverage Control Stores and heretofore accumulated and reserved for law enforcement purposes, either by the Town of Roseboro Board of Alcoholic Control or by the governing body of the Town of Roseboro, pursuant to G. S. 18-45(15), shall be released and paid over to the Town of Roseboro as provided by Section 6 of Chapter 48, Session Laws of 1963, as amended by Chapter 600, Session Laws of 1967, and by this Act.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.
CHAPTER 87  
AN ACT TO EXEMPT BOATS OPERATED ON PRIVATE PONDS FROM MOTOR-BOAT LAW.

The General Assembly of North Carolina do enact:

Section 1. G.S. 75A-2(6) is hereby amended by deleting the word "public" from the first line thereof, and by changing the period at the end thereof to a comma and by adding the following:

"but does not include private ponds as defined in G.S. 113-129."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

CHAPTER 88  
AN ACT REPEALING CHAPTER 5 OF THE 1965 SESSION LAWS AND AMENDING A PORTION OF SECTION 1 OF CHAPTER 34 OF THE 1953 SESSION LAWS OF NORTH CAROLINA TO REVISE AND ESTABLISH WARD BOUNDARY LINES OF THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. That that portion of Section 1 of Chapter 34 of the 1953 Session Laws of North Carolina beginning with the words, "For the purpose of this Section, the City of Gastonia is hereby divided into six wards as follows;", and all the remainder of said Section 1 following said words, as amended by Chapter 5 of the 1965 Session Laws of North Carolina, is hereby repealed and declared void, and in lieu of said portion of said Section 1 as so amended, beginning with said words and all of the remainder of said Section 1 thereafter, the following is hereby enacted and said portion of said Section 1 is hereby amended to read as follows:

"For the purposes of this Section, the City of Gastonia is hereby divided into six wards as follows:

WARD ONE

BEGINNING at the point of intersection of the center line of the Northbound tract of the Southern Railroad with the extended center line of Highland Street, and runs thence in an Easterly direction with the center line of the Northbound tract of the Southern Railroad to the center line of Church Street; thence in a Southerly direction with the center line of Church Street to the center line of East Franklin Avenue; thence in an Easterly direction with the center line of East Franklin Avenue to the center line of New Hope Road and Vista Drive; thence in a Southerly direction with the center line of New Hope Road to a point approximately 200 feet North of Burtonwood Drive; thence in a Southwesterly direction following a course running Northwest of Idlewood Circle and at least 200 feet Southeast of Fairfield Drive and then with the meanders of a branch to the point of intersection of the center line of a branch with the center line of Kendrick Drive approximately 200 feet West of Churchill Drive; thence in a Westerly direction with the center line of Kendrick Drive and East Seventh Avenue to the point of intersection of the extended center line of East Seventh
Avenue with the center line of the Carolina & Northwestern Railroad track; thence in a Southerly direction with the center line of the Carolina & Northwestern Railroad tract to a point in the center line of Catawba Creek under a railroad trestle; thence with the center line of Catawba Creek as it meanders in a Northerly direction to the center line of West Seventh Avenue; thence continuing with the meanders of said creek in a Westerly direction and running to the North of West Seventh Avenue and then in a Southerly direction crossing West Seventh Avenue and continuing with the meanders of said creek between William Street and Weldon Street to the point of intersection of the center line of Hillcrest Avenue with the center line of South Miller Street; thence in a Southerly direction with the center line of South Miller Street to the center line of Spencer Avenue; thence in a Northwesterly direction with the center line of Spencer Avenue to the center line of South Vance Street; thence in a Northerly direction with the center line of South Vance Street to the center line of West Franklin Avenue; thence in an Easterly direction with the center line of West Franklin Avenue to the center line of Highland Street; thence in a Northerly direction with the center line of Highland Street to the center line of the Northbound track of the Southern Railway, the point of the BEGINNING.

WARD TWO
BEGINNING at the point of intersection of the center line of West Third Avenue with the center line of South Vance Street, and runs thence in a Southerly direction with the center line of South Vance Street to the center line of Spencer Avenue; thence in a Southeasterly direction with the center line of Spencer Avenue to the center line of South Miller Street; thence in a Northeasterly direction with the center line of South Miller Street to the center line of Hillcrest Street at its intersection with South Miller Street; thence in a Northeasterly and then Northerly direction with the meanders of a creek running Northwest of Home Trail and between William Street and Weldon Street to a point in the center line of West Seventh Avenue; thence continuing with the meanders of said creek (Catawba Creek) in a Northerly direction across West Seventh Avenue and then in an Easterly direction North of West Seventh Avenue to the center line of West Seventh Avenue; thence continuing with the meanders of the center line of Catawba Creek in a Southeasterly direction to a point in the center line of Catawba Creek approximately 600 feet North of a present Southerly city limit corner on Niblick Drive and approximately 900 feet West of Union Road; thence in a Southerly direction approximately 600 feet to said present Southern city limit corner on Niblick Drive and approximately 200 feet West of Elmwood Street; thence in a general Westerly direction following the various changing courses and distances of the various present corporate limit lines along the present Southerly boundaries of the City of Gastonia to a point South of Linwood Road, a Southwest corner of the present corporate limits; thence crossing Linwood Road in a Northwesterly direction and with the present corporate limits to a point Northwest of Linwood Road, a corner of the present corporate limits; thence in a general Northeasterly and then Northerly direction following the various changing courses and distances of the various present corporate limit lines along the present Westerly boundaries of the City of Gastonia to a corner of the present corporate limits lying approximately 200 feet South of West Fifth Avenue and to the Southeast of the intersection of Washington Street and Fifth
Avenue; thence in a Northeasterly direction and running approximately 200 feet South of Fifth Avenue to the center line of Linwood Road; thence in a Northerly direction with the center line of Linwood Road to the center line of West Third Avenue; thence in an Easterly direction with the center line of West Third Avenue to the center line of South Vance Street, the point of the BEGINNING.

WARD THREE.
BEGINNING at the point of intersection of the center line of Highland Street with the center line of West Franklin Avenue, and runs thence in a Westerly direction with the center line of West Franklin Avenue to the center line of South Vance Street; thence in a Southerly direction with the center line of South Vance Street to the center line of West Third Avenue; thence in a Westerly direction with the center line of West Third Avenue to the center line of Linwood Road; thence in a Southerly direction with the center line of Linwood Road to a point approximately 200 feet South of Fifth Avenue; thence in a Southwesterly direction and running approximately 200 feet South of Fifth Avenue to a corner of the present corporate limits lying Southwest of the intersection of Fifth Avenue with Sherman Street; thence in a Northerly and then Westerly direction following the various changing courses and distances of the various present corporate limit lines along the present Westerly boundaries of the City of Gastonia to a point in the center line of West Franklin Avenue (Kings Mountain Highway), a corner of the present corporate limits situated approximately 1,500 feet West of South Bolding Street; thence in an Easterly direction with the center line of West Franklin Avenue (Kings Mountain Highway) approximately 1,000 feet to a present corporate limit corner; thence South and then East and then North with the present corporate limit lines to a point in the center line of West Franklin Avenue, a corner of the present corporate limits situated approximately 200 feet West of South Bolding Street; thence in an Easterly direction with the center line of West Franklin Avenue to a point approximately 250 feet West of Myrtle School Road, a present corporate limit corner; thence in a Northerly direction with the present corporate limit line running approximately 250 feet to the West of Myrtle School Road to a point West of Myrtle School Road and South of Mary Avenue, a present corporate limit corner; thence in a general Westerly direction following the various changing courses and distances of the various present corporate limit lines to a point on Shannon-Bradley Road, a Southwest corner of the present corporate limits; thence in a Northerly direction with Shannon-Bradley Road and the present corporate limits to a point on said road, a present Northwest corporate limit corner; thence in a general Easterly direction following the various changing courses and distances of the various present corporate limit lines along the Northerly boundaries of the City of Gastonia to a point in the center line of Davidson Avenue; thence in an Easterly direction with the center line of Davidson Avenue to the center line of North Highland Street; thence in a Southerly direction with the center line of North Highland Street and crossing West Airline Avenue and the Southern Railway and continuing with the center line of Highland Street to the center line of West Franklin Avenue, the point of the BEGINNING.

WARD FOUR
BEGINNING at the point of intersection of the center line of the Northbound track of the Southern Railway with the extended center line of North Highland
Street, and runs thence in an Easterly direction with the center line of the Northbound track of the Southern Railway to the center line of the Piedmont & Northern Railroad track; thence in a Northerly and then Northeasterly direction with the center line of the Piedmont & Northern Railroad track to the center line of Interstate Highway No. 85; thence in a Northwesterly and then Westerly direction with the center line of Interstate Highway No. 85 to the center line of Marietta Street (Old Dallas Highway); thence in a Southerly direction with the center line of Marietta Street (Old Dallas Highway) to a point North of Sycamore Street, a present corporate limit corner; thence in a general Westerly direction following the various changing courses and distances of the various present corporate limit lines along the present Northerly boundaries of the City of Gастo-

de to a point in the center line of Oakwood Street, a present corporate limit corner; thence in a Southerly direction with the center line of Oakwood Street and a present Westerly corporate limit line to the center line of Davidson Avenue; thence in an Easterly direction with the center line of Davidson Avenue to the center line of North Highland Street; thence in a Southerly direction with the center line of North Highland Street to the center line of the Northbound track of the Southern Railway, the point of BEGINNING.

WARD FIVE

BEGINNING at the point of intersection of the center line of Armstrong Park Drive with the center line of the New Hope Road, and runs thence in a Northwesterly direction with the center line of New Hope Road to a point approximately 200 feet North of Burtonwood Drive; thence in a Southwesterly direction following a course running Northwest of Idlewood Circle and at least 200 feet Southeast of Fairfield Drive and then with the meanders of a branch to the point of intersection of the center line of a branch with the center line of Kendrick Drive approximately 200 feet West of Churchill Drive; thence in a Westerly direction with the center line of Kendrick Drive and East Seventh Avenue to the point of intersection of the extended center line of East Seventh Avenue with the center line of the Carolina & Northwestern Railroad track; thence in a Southerly direction with the center line of the Carolina & Northwestern Railroad track to a point in the center line of Catawba Creek under a railroad trestle; thence with the center line of Catawba Creek in a Southeasterly direction to a point in the center line of Catawba Creek approximately 600 feet North of a present Southerly city limit corner on Niblick Drive and approximately 900 feet West of Union Road; thence in a Southerly direction approximately 600 feet to said present Southerly city limit corner on Niblick Drive and approximately 200 feet West of Elmwood Street; thence in a Southerly direction with a present corporate limit line running approximately 200 feet West of Elmwood Street to a present corporate limit corner; thence in an Easterly direction with a present corporate limit line to a present corporate limit corner approximately 200 feet East of Elmwood Street; thence in a Northerly direction with a present corporate limit line running approximately 200 feet East of Elmwood Street to a present corporate corner on Niblick Drive; thence with a present corporate limit line in an Easterly direction to the center line of Union Road; thence in a Northerly direction with a present corporate limit line and with the center line of Union Road to a point in Union Road, a present corporate limit corner; thence in a Western and then general Northern direction with the various pres-
ent corporate limit lines running to the West of Union Road to a present corporate limit corner East of Moore Street and South of Wellons Drive; thence in an Easterly direction with a present corporate limit line to the center line of Union Road; thence in a Northerly direction with the center line of Union Road to a present corporate limit corner at Walls Street; thence in a Northerly direction and with a present corporate limit line to a present corporate limit corner to the South of Tanglewood Drive; thence in a Southerly direction to another corporate limit corner to the South of Tanglewood Drive; thence in an Easterly direction with another corporate limit line running to the South of Tanglewood Drive to a present city limit corner in the center line of Avon Creek; thence in a Southerly direction with the present corporate limits and with the center line of Avon Creek to the center line of Catawba Creek; thence in an Easterly direction with the center line of Catawba Creek and with the various changing courses and distances of the present corporate limit line along the present Southerly boundaries of the City of Gastonia to a present Southeast corporate limit corner on the East side of Hoffman Road and North of Titman Road; thence in a general Northerly direction following the various changing courses and distances of the various present corporate limit lines along the present Easterly boundaries of the City of Gastonia to a point approximately 250 feet South of New Hope Road and approximately 500 feet West of McLean Street, a present corporate limit corner; thence in an Easterly direction with a present corporate limit line running approximately 250 feet South of New Hope Road to a corner of the present corporate limits Southeast of the intersection of New Hope Road with Rosebud Drive; thence in a Northeasterly direction with a present corporate limit line running approximately 250 feet Southeast of Rosebud Drive to a corner of the present corporate limits approximately 600 feet West of Saratoga Street; thence in a Southerly direction with a present corporate limit line to a corner of the present corporate limits; thence in a Northeasterly direction with a present corporate limit line to a corner of the present corporate limits; thence in a Northerly direction with a present corporate limit line to a present corporate limit corner Northeast of Monticello Drive and approximately 250 feet Southeast of Rosebud Drive; thence in a Northeasterly and then Northerly direction with a present corporate limit line running approximately 250 feet East of Rosebud Drive to a corner of the present corporate limits at the intersection of the South line of Wilkinson Boulevard with a Southwestern Lowell Town Limit Line; thence in a Northwesterly direction with said Lowell Town Limit Line to a corner of the present corporate limits on said Lowell Town Limit Line; thence in a Westerly direction with a present corporate limit line running approximately 250 feet North of Wilkinson Boulevard to the center line of a creek approximately 4300 feet East of Cox Road; thence with the center line of said creek in a general Southerly, then Southwestern and then Westerly direction to a point where the center line of said creek intersects the center line of a proposed, unopened major thoroughfare street; thence in a Northerly direction with the center line of said proposed, unopened major thoroughfare street to the point of intersection of the center line of said proposed, unopened major thoroughfare street with the center line of Armstrong Park Drive and Gardner Park Drive; thence in a Westerly direction with the center line of Armstrong Park Drive to the center line of New Hope Road, the point of the BEGINNING.
WARD SIX
BEGINNING at the point of intersection of the center line of the Northbound track of the Southern Railway with the center line of the Piedmont & Northern Railroad track, and runs thence in a Northerly direction with the center line of the Piedmont & Northern Railroad track to the center line of Interstate Highway No. 85; thence in a Northwesterly and then Westerly direction with the center line of Interstate Highway No. 85 to the center line of North Marietta Street (Old Dallas Highway), a present corporate limit corner; thence in a North-easterly direction and with a present corporate limit line and the center line of Long Creek to a point East of the Lower Dallas Road, a present corporate limit corner; thence in a general Southerly direction following the various changing courses and distances of the various present corporate limits running to the East of the Lower Dallas Road to a corner of the present corporate limits just North of East Ozark Avenue; thence with a present Northerly corporate limit line in an Easterly direction to a corner of the present corporate limits Northwest of the intersection of Cox Road and (Spencer Mountain Road) with East Ozark Avenue; thence in a Southerly direction with the present corporate limits and crossing East Ozark Avenue to a corner of the present corporate limits South of the Southern Railway and Southwest of the intersection of East Ozark Avenue with Cox Road; thence in an Easterly direction with the present corporate limits and crossing Cox Road to a corner of the present corporate limits East of Cox Road and Southeast of the intersection of East Ozark Avenue and Cox Road; thence in a Southerly direction with the present corporate limits running to the East of Cox Road to a branch Northeast of the intersection of Cox Road with East Franklin Avenue (Wilkinson Boulevard); thence in a general Easterly direction with the present corporate limits running to the North of Wilkinson Boulevard to the center line of a creek approximately 4300 feet East of Cox Road; thence with the center line of said creek in a general Southerly, then Southwestern and then Westerly direction to a point where the center line of said creek intersects the center line of a proposed, unopened major thoroughfare street; thence in a Northerly direction with the center line of said proposed, unopened major thoroughfare street to the point of intersection of the center line of said proposed, unopened major thoroughfare street with the center line of Armstrong Park Drive and Gardner Park Drive; thence in a Westerly direction with the center line of Armstrong Park Drive to the center line of New Hope Road; thence in a Northwesterly direction with the center line of New Hope Road to the center line of East Franklin Avenue (Wilkinson Boulevard); thence in a Westerly direction with the center line of East Franklin Avenue to the center line of Church Street; thence in a Northerly direction with the center line of Church Street to the center line of the Northbound track of the Southern Railway; thence in a Southwesterly direction with the center line of the North-bound track of the Southern Railway to the center line of the Piedmont & Northern Railroad track, the point of the BEGINNING.*

The above six Wards as described are shown on that map entitled "Official Ward Map, City of Gastonia, N.C., 1969," on file at the City Hall in the City of Gastonia to which reference is hereby made.

Provided, that in the event the present corporate limits of the City of Gastonia are extended after the adoption of this Act, any of said new area shall comprise and be a part of such ward or wards that such ward or wards' boundary lines,
CHAPTER 88  SESSION LAWS—1969

if extended, would generally embrace by following streets, roads, highways, railroads, creeks, branches or other established, fixed or natural boundaries; and the City Council of the City of Gastonia shall so approve and fix such ward or wards' boundary lines as so extended, and shall cause the Official Ward Map of the City of Gastonia to be amended, showing such extensions as so approved and fixed, and as amended to be published at least thirty (30) days prior to any Municipal Election of Councilmen, said publication to be made once in a newspaper having a general circulation in the City of Gastonia, showing the boundary lines of all six wards of the City of Gastonia as hereby established with any such ward boundary lines as so extended and fixed as to any such new area."

Sec. 2. That all the provisions of Chapter 5 of the 1965 Session Laws of North Carolina entitled "AN ACT AMENDING A PORTION OF SECTION 1 OF CHAPTER 34 OF THE 1953 SESSION LAWS OF NORTH CAROLINA TO PROVIDE CHANGE IN WARD BOUNDARY LINES OF THE WARDS OF THE CITY OF GASTONIA" and any and all other laws or clauses of laws in conflict with this Act are hereby repealed; and, except as hereby amended, the provisions of Chapter 34 of the 1953 Session Laws of North Carolina are hereby ratified and shall remain in full force and effect.

Sec. 3. That this Act shall become and be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 144  CHAPTER 89

AN ACT RELATING TO TERMS AND ELECTION OF OFFICIALS OF THE TOWN OF WADE IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 408 of the Private Laws of 1913 is hereby amended to rewrite Section 3 to read as follows:

"Sec. 3. Commencing with the election on the first Monday in May 1969, and each two years thereafter, there shall be elected in the Town of Wade a mayor and five commissioners who shall constitute the governing board of the Town."

Sec. 2. Section 4 of Chapter 408 of the Private Laws of 1913 is hereby amended by rewriting said section to read as follows:

"Sec. 4. The biennial elections above referred to shall be held in accordance with the provisions of the general laws relating to municipal elections."

Sec. 3. The election of Lloyd L. Caulder as mayor, and the election of Seth R. Williams, Robert L. Temple, and Milton R. Hobson as town commissioners on May 6, 1968, and all acts done or performed by them and by Jeanette Lee as town clerk and David Taylor as the police officer or constable of the Town of Wade are hereby ratified and declared to be valid to the same extent and with the same effect as if the election and appointment of such officials had been regularly accomplished in strict accordance with the law.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

82
H. B. 154

CHAPTER 90
AN ACT TO AMEND CHAPTER 508 OF THE SESSION LAWS OF 1947 SO AS TO PERMIT HARNETT COUNTY TO RELEASE CERTAIN RESTRICTIONS ON HOSPITAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Harnett County is hereby authorized to release any restrictions, imposed under Section 2 of Chapter 508 of the Session Laws of 1947, in any conveyance or transfer heretofore made of property where the Betsy Johnson Memorial Hospital, Inc., is located in the Town of Dunn upon receipt of a consideration of three thousand dollars ($3,000.00) plus interest at the rate of six percent (6%) per annum since January 1, 1937.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 179

CHAPTER 91
AN ACT TO AMEND SECTIONS 105-306:26; 105-308; 105-309 and 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS OF JACKSON, TRANSYLVANIA, AND SWAIN COUNTIES TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN THOSE COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. The Boards of County Commissioners for the counties of Jackson, Transylvania and Swain are hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in their respective counties, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the property listing statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G.S. 105-308 or G.S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G.S. 105-308 and G.S. 105-310.

Sec. 3. The provisions of G.S. 105-306:26, G.S. 105-308, G.S. 105-309 and G.S. 105-310 shall be applicable to the counties of Jackson, Transylvania and Swain except insofar as they are inconsistent with regulations prescribed by their respective Boards of County Commissioners relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 4. The Act shall apply only to the counties of Jackson, Transylvania and Swain.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.
CHAPTER 92

H. B. 201

CHAPTER 92

AN ACT TO AMEND CHAPTER 598 OF THE SESSION LAWS OF 1967 AUTHORIZING USE OF NON-TAX REVENUES FOR RECREATIONAL PURPOSES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 598 of the Session Laws of 1967 is rewritten to provide as follows:

"Section 1. The Board of Commissioners of Mecklenburg County is authorized in its discretion to appropriate in each fiscal year a sum not in excess of ten (10) per cent of the total non-tax revenues received in that fiscal year to be appropriated out of the non-tax revenues for that year, to the Mecklenburg County Recreation Commission, or its successor, or any body set up in lieu thereof, which body shall perform the functions now delegated to the Mecklenburg County Recreation Commission, to be used and accounted for in accordance with the provisions of Article 12 of Chapter 160 of the General Statutes. This Section shall not be construed as limiting the total amount of funds available for said purposes or preventing the Board of Commissioners of Mecklenburg County from appropriating or otherwise providing other or additional funds for recreational purposes from any other lawful source whatever, including but not limited to, proceeds of bond issues or tax revenues."

Sec. 2. This Act shall apply only to Mecklenburg County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 217

CHAPTER 93

AN ACT AUTHORIZING THE PAMLICO COUNTY BOARD OF EDUCATION TO CONVEY TO Hobucken Community Development, Inc. a Portion of the Hobucken School Site on Which the Hobucken School Teacherage Building Is Located for Use as a Community Center.

The General Assembly of North Carolina do enact:

Section 1. The Pamlico County Board of Education is hereby authorized and empowered to convey, without consideration, to Hobucken Community Development, Inc. certain surplus property of the Pamlico County Board of Education, consisting of a building, previously used as the Hobucken School Teacherage, and a tract or parcel of land lying in Pamlico County and being more particularly described as follows:

Situated in the Hobucken Community, Number Four (4) Township, Pamlico County, North Carolina, on the west side of the New Road (Secondary Road 1229), BEGINNING in the western edge of said road in an intersecting ditch, the southeast corner of the Ammie J. Ireland home lot (formerly Amos Ireland's corner), and running thence westwardly with said ditch, Ireland's south line, 250 feet; thence southwardly parallel with the west line of the Hobucken School
Site 160 feet to the school drive; thence eastwardly with the northern edge of the school drive 250 feet to the New Road; thence northwardly with the western edge of said road about 50 feet to the point of BEGINNING, containing six-tenths (6/10) of an acre, more or less;
Said land is a portion of the land conveyed by F. W. Alcock and wife to the Board of Education of Pamlico County by deed dated July 10, 1923 and recorded in Book 82 at page 33, Pamlico County Registry; the land and building hereby authorized to be conveyed to be preserved and maintained by Hobucken Community Development, Inc. as a community center for Hobucken Community.

Sec. 2. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 222

CHAPTER 94
AN ACT TO AMEND CHAPTER 402 OF THE SESSION LAWS OF 1947 RELATING TO THE ESTABLISHMENT OF WINSTON-SALEM FIREMEN'S RETIREMENT FUND ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 402 of the Session Laws of 1947 is hereby amended by adding at the end thereof the following proviso:
 "Provided, however, that effective from and after July 1, 1969, no such person shall become a member of the Association unless he is regularly employed by such Fire Department on a full-time and fully-paid basis and at the time of becoming such member has attained at least the twenty-first anniversary of his or her birth but has not attained the thirty-first anniversary of his or her birth."

Sec. 2. Section 16 of Chapter 402 of the Session Laws of 1947 is hereby amended by adding at the end thereof the following proviso:
 "Provided, however, that effective from and after July 1, 1969, no such person shall become a member of the Association unless he also meets the eligibility requirements of Section 2 of this Act, as amended."

Sec. 3. Section 17 of Chapter 402 of the Session Laws of 1947 is hereby amended by striking the words and figures "five dollars ($5.00)" in the fourth line and substituting "ten dollars ($10.00)" in lieu thereof.

Sec. 4. Section 19 of Chapter 402 of the Session Laws of 1947 is hereby amended by adding a new paragraph as follows:
 "In the case of such a petitioner who retires on or after July 1, 1969, and on or before June 30, 1974, such pension shall be seventy-five dollars ($75.00) per month. In the case of such a petitioner who retires on or after July 1, 1974, such pension shall be one hundred dollars ($100.00) per month. Payments shall be subject to the provisions of Section 18 of this Act."

Sec. 5. Section 20 of Chapter 402 of the Session Laws of 1947 is hereby amended by adding a new paragraph at the end thereof as follows:
 "In the case of such a disabled member who retires on or after July 1, 1969, and on or before June 30, 1974, such monthly benefit shall be equivalent to three dollars ($3.00) multiplied by the number of full years of his or her service in the employment of the said Fire Department, not to exceed seventy-five dollars ($75.00) per month. In the case of such a disabled member who retires on or
CHAPTER 94  
SESSION LAWS—1969

after July 1, 1974, such monthly benefit shall be equivalent to four dollars ($4.00) multiplied by the number of full years of his or her service in the employment of the said Fire Department, not to exceed one hundred dollars ($100.00) per month. Payments shall be subject to the provisions of Section 18 of this Act.

Sec. 6. If any part or Section of this Act should be declared unconstitutional, it shall in no wise affect the remainder of this Act, and the remainder shall remain in full force and effect.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be effective as of July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 246

CHAPTER 95

AN ACT TO AMEND CHAPTER 119 OF THE PRIVATE LAWS OF 1913 BY INCREASING THE NUMBER OF TOWN COMMISSIONERS IN NORLINA FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 119, Private Laws of North Carolina, Session of 1913, is hereby amended by deleting the word "three" from the second line of Section 3, and substituting in lieu thereof the word "five".

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 249

CHAPTER 96

AN ACT TO MAKE APPLICABLE TO THE TOWN OF GLEN ALPINE THE PROVISIONS OF G. S. 105-422 RELATING TO THE LIMITATION OF ACTIONS ON TAX LIENS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, as the same appears in the 1967 Supplement to Replacement Volume 2d of the General Statutes of North Carolina, is hereby amended by rewriting that sentence which reads "This Section shall apply to the City of Morganton on and after October 7, 1968, but shall not apply to the other municipalities in Burke County", which sentence commences on line 16 and ends on line 18, to read as follows: "This Section shall apply to the City of Morganton on and after October 7, 1968, and to the Town of Glen Alpine, but shall not apply to the other municipalities in Burke County."

Sec. 2. All laws and clauses of laws in conflict with the Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.
H. B. 241  

CHAPTER 97  

AN ACT TO REQUIRE SKIN DIVERS TO DISPLAY A WARNING FLAG AS APPROVED BY THE UNDERWATER SOCIETY OF AMERICA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 75A of the General Statutes is hereby amended by adding a new section to read as follows:

Section 75A-13.1. Skin and scuba divers. (a) No person shall engage in skin diving or scuba diving in the waters of this State which are open to boating, or assist in such diving, without displaying a diver's flag from a mast, buoy, or other structure at the place of diving; and no person shall display such flag except when diving operations are under way or in preparation.

(b) The diver's flag shall be square, not less than twelve (12) inches on a side, and shall be of red background with a diagonal white stripe, of a width equal to one-fifth (1/5) of the flag's height, running from the upper corner adjacent to the mast downward to the opposite outside corner.

(c) No operator of a vessel under way in the waters of this State shall permit such vessel to approach closer than fifty (50) feet to any structure from which a diver's flag is then being displayed, except where such flag is so positioned as to constitute an unreasonable obstruction to navigation; and no person shall engage in skin diving or scuba diving or display a diver's flag in any locality at which the same will unreasonably obstruct vessels from making legitimate navigational use of the water.

Sec. 2. G.S. 75A-18 is hereby amended by adding a new subsection (c) to read as follows:

"(c) Any person who violates any provision of G.S. 75A-13.1 shall be guilty of a misdemeanor and upon conviction thereof shall be fined no more than twenty-five dollars ($25.00)."

Sec. 3. This Act shall not apply to New Hanover and Pender Counties.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 255  

CHAPTER 98  

AN ACT TO CREATE THE OFFICE OF DIRECTOR OF FINANCE IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established and created the office of Director of Finance in Cleveland County. The Director shall be appointed in the same manner and subject to the same conditions as is provided in G. S. 153-115. The Director of Finance shall have all the powers and perform all the duties imposed by law upon the County Auditor and County Accountant. The Director of Finance shall be responsible for auditing, purchasing and data processing and shall perform such other duties as the Board of County Commissioners may direct.

Sec. 2. Funds necessary for the operating expenses of the Director of Finance and his department shall be obtained in the same manner as is now provided by
CHAPTER 98          SESSION LAWS—1969

law with respect to providing funds for the Cleveland County Accountant and Auditor.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

H. B. 175

CHAPTER 99

AN ACT TO PROVIDE THAT THE ISSUANCE OF BONDS AFTER A BOND ORDER TAKES EFFECT SHALL BE EXTENDED BY THE PERIOD OF TIME WITHIN WHICH SUCH BONDS COULD NOT BE ISSUED BECAUSE OF LITIGATION.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 153-102 by adding at the end of the first paragraph of said Section another proviso which shall read as follows:

"Provided further that where the issuance of bonds is prevented or prohibited by any injunction, restraining order or any other court proceeding or action at law or equity, and said injunction, restraining order, proceedings or actions are dismissed, then the period of time in which such bonds may be issued shall be extended by adding the period of time involved in the litigation to the five year period of time fixed by this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

S. B. 40

CHAPTER 100

AN ACT TO EXEMPT THE NORTH CAROLINA SYMPHONY SOCIETY, INCORPORATED, FROM CERTAIN PRIVILEGE LICENSE TAXES.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 140 of the General Statutes of North Carolina is hereby amended by adding at the end thereof a new section to be designated as "Section 140-10.1" and reading as follows: "Section 140-10.1. The North Carolina Symphony Society, Incorporated, shall be exempt from all privilege license and gross receipts taxes, whether imposed by Article 2, Schedule B, Chapter 105 of the North Carolina General Statutes, or otherwise."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.
S. B. 103

CHAPTER 101

AN ACT PERMITTING CITIZENS OF THIS STATE TO PURCHASE RIFLES AND SHOTGUNS IN CONTIGUOUS STATES AND DEFINING ANTIQUE FIREARMS.

The General Assembly of North Carolina do enact:

Section 1. It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

Sec. 2. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

The General Assembly read three times and ratified, this the 21st day of March, 1969.

H. B. 36

CHAPTER 102

AN ACT TO AMEND THE CHARTER OF THE CITY OF MOUNT HOLLY SO AS TO CREATE A CITY COUNCIL CONSISTING OF FIVE MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 86, Session Laws of 1961, is hereby amended by rewriting Section 2 of Chapter II thereof to read as follows:

"Sec. 2. Number; Election; Staggered Terms of City Councilmen. The City Council shall consist of five (5) members until the municipal election of 1971 when it shall be increased to six (6) members, who shall be elected at large by and from the qualified voters of the City, and who shall serve for a term of four (4) years and until their successors are elected and qualified.

"At the regular municipal election held in 1969, three (3) councilmen shall be elected for a term of four (4) years; at the regular municipal election held in 1971, three (3) councilmen shall be elected for a term of four (4) years; and at the regular biennial municipal election thereafter, there shall be elected to the City Council the number of members equal to the number of members whose terms next expire. Nothing herein shall affect the term of the two (2) members whose present term expires in 1971."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1969.
CHAPTER 103

S. B. 117

AN ACT AUTHORIZING PERSON COUNTY TO LEVY SPECIAL PURPOSE TAXES FOR CERTAIN PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 153-9(43) of the General Statutes is amended by adding "Person" to the list of counties subject thereto.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1969.

S. B. 143

CHAPTER 104

AN ACT TO AMEND G. S. 84-33 RELATING TO THE ANNUAL AND SPECIAL MEETINGS OF THE NORTH CAROLINA STATE BAR.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 84-33 by deleting the entire last sentence and rewriting it to read as follows: "There shall be no voting by proxy."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1969.

S. B. 72

CHAPTER 105

AN ACT AMENDING THE NORTH CAROLINA SEED LAW SO AS TO PROVIDE AN ALTERNATIVE METHOD FOR COLLECTING FUNDS UNDER SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-277.28(1) is rewritten in its entirety to read as follows:

"(1) Each seed dealer or grower selling, offering or exposing for sale in this State any agricultural or vegetable seeds for seeding purposes shall purchase from the Commissioner for two cents (2¢) each, official North Carolina Seed Analysis tags or stamps and shall attach a tag (or stamp on the seedman's label) to each container holding ten pounds or more of seed; Provided, however, that a seed dealer or grower who sells only seed lots originated by his company may request to pay these applicable fees through the reporting system prescribed in subdivision (3) hereof; provided, further, that this subdivision shall not apply to the sale of seed by a farmer who sells only seed grown on his farm and when such sales are confined to his farm."

Sec. 2. G. S. 106-277.28 is amended by adding a new subdivision thereto, to be designated subdivision (3), and reading as follows:

"(3) A seed dealer or grower who sells only seed lots originated by his company may request of the Commissioner of Agriculture authority to report the quantity of seed sold and to pay the fees applicable under G. S. 106-277.28(1) in lieu of attaching an official North Carolina Tag or Stamp to each container of seeds weighing ten pounds or more.
"Upon granting authority, the Commissioner of Agriculture shall require each seed dealer or grower to keep such records as may be necessary to indicate accurately the quantity of seeds and container weights sold from each distribution point in the State. Such records shall be available to the Commissioner or his duly authorized representative at any and all reasonable hours for the purpose of making such examination as is necessary to verify the quantity of seed sold and the fees paid. Each seed dealer or grower shall report quarterly on forms furnished by the Commissioner the quantity and container weight of seeds sold. The reports shall be made on the first day of January, April, July, and October, or within ten days thereafter, and the inspection fee shall be due and payable with the report. If the report is not filed and the inspection fee paid to the Department of Agriculture by the tenth day following the date due, or if the report of the quantity or container weights be false, the Commissioner may revoke the authority to use the reporting system. If the inspection fee is unpaid more than 15 days after the due date, the amount due shall bear a penalty of ten percent (10%) which shall be added to the inspection fee due and the Commissioner shall have authority to deduct said amount and penalty from the cash, securities or bond which has been deposited with the Department of Agriculture.

"In order to guarantee faithful performance with the provisions of this section, each seed dealer or grower, before being granted a permit to use the reporting system, shall deposit with the Commissioner cash in the amount of Five Hundred Dollars ($500.00) or securities acceptable to the Commissioner of a value of at least Five Hundred Dollars ($500.00) or shall post with the Commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.

H. B. 200

CHAPTER 106

AN ACT AMENDING THE CHARTER OF THE TOWN OF LITTLETON TO REMOVE LIMITATION ON VALUE OF ESTATE AND PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 171, Private Laws of 1893 is rewritten to read as follows:

Section 1. That the inhabitants of the Town of Littleton shall be and continue as heretofore they have been a body politic and corporate, and henceforth the corporation shall have the name and style of 'The Town of Littleton,' and under such name and style is hereby invested with all the property and rights of property which now belong to the corporation under any other corporate name or names heretofore used; and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estate as may be demised, bequeathed or conveyed to it, and the same may from time to time sell, dispose of and invest its monies and property in the manner provided by law."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.
CHAPTER 107

H. B. 274

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF MAXTON, NORTH CAROLINA, TO APPOINT A CITY MANAGER AND TO PRESCRIBE HIS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Maxton is hereby authorized to appoint a Town Manager, and the Town Manager shall be the administrative head of the Town government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the Town when appointed. He shall hold office during the pleasure of the governing body, and shall receive such compensation as it shall fix by ordinance.

Sec. 2. The Town Manager shall

(1) be the administrative head of the town government;

(2) see that within the Town the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed;

(3) attend all meetings of the governing body, and recommend for adoption such measures as he shall deem expedient;

(4) make reports to the council from time to time upon the affairs of the Town, keep the governing body fully advised of the Town’s financial condition and its future financial needs;

(5) appoint and remove all heads of departments, superintendents, and other employees of the Town.

Sec. 3. Such Town officers and employees as the governing body shall determine are necessary for the proper administration of the Town shall be appointed by the Town Manager, and any such officer or employee may be removed by him; but the Town Manager shall report every such appointment and removal to the governing body at the next meeting thereof following any such appointment or removal.

Sec. 4. The officers and employees of the Town shall perform such duties as may be required of them by the Town Manager, under general regulations of the governing body.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.

H. B. 253

CHAPTER 108

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EDENTON, CHAPTER 1013 OF THE SESSION LAWS OF NORTH CAROLINA, 1961, TO ELIMINATE THE REQUIREMENT FOR A SEPARATE POLLING PLACE IN EACH OF THE SEVERAL WARDS AT MUNICIPAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1013 of the Session Laws of North Carolina, 1961, being the Charter of the Town of Edenton, is hereby amended by striking out Section 7, Chapter II, Elections, and substituting in lieu thereof a new Section 7 which shall read as follows:
Section 7. Polling Places, Election Officials. The Chowan County Board of Elections shall establish one or more polling places in its discretion and may alter or abolish polling places in its discretion. The Chowan County Board of Elections shall appoint a registrar and two judges of election for each polling place so established and Section 160-31 of the General Statutes, insofar as it requires a separate polling place in each ward, shall not apply to the Town of Edenton."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.

H. B. 261

CHAPTER 109

AN ACT AMENDING CHAPTER 1073 OF THE SESSION LAWS OF 1959, RELATING TO THE ISSUANCE OF PISTOL PERMITS, SO AS TO MAKE THE SAME APPLICABLE TO JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1073 of the Session Laws of 1959 is amended by striking the word "Jones" in line four thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.

H. B. 270

CHAPTER 110

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Currituck County shall receive as compensation for his services the sum of Thirty Five Dollars ($35.00) per day for each day he is engaged in the duties of his office. The members of the Board, other than the Chairman, shall receive as compensation for their services the sum of Twenty Five Dollars ($25.00) per day for each day they are engaged in the duties of their offices.

Sec. 2. All County Commissioners shall receive a travel allowance of Twenty Five Dollars ($25.00) per month and all other county officers and employees shall receive a travel allowance of ten cents (10¢) per mile for necessary travel while engaged in the necessary duties of their offices.

Sec. 3. The compensation and travel allowances prescribed by this Act shall be paid from the general fund of Currituck County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.
H. B. 271  CHAPTER 111
AN ACT TO AMEND ARTICLE 50, CHAPTER 106, OF THE GENERAL STATUTES SO AS TO PROVIDE FOR BALLOTS BY MAIL IN REFERENDUMS AMONG PRODUCERS OF AGRICULTURAL PRODUCTS ON THE QUESTION OF SELF-ASSESSMENT PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. Article 50 of Chapter 106 of the General Statutes is amended by adding thereto a new section to be designated as G. S. 106-557.1 and to read as follows:

"As an alternative method of conducting a referendum under the provisions of this article, the certified agency in its discretion may conduct the referendum by a mail ballot as herein provided.

"In the event that a certified agency determines in its discretion to conduct a mail ballot, public notice of said mail ballot shall be made at least 30 days before the date of said referendum. Said notice shall contain the same information required by G. S. 106-557, except that the notice will also state that the ballot is to be conducted by mail rather than at polling places. The notice shall also state that official ballots are being mailed on a date specified in the notice to all persons known by the certified agency to be eligible to vote and that any person not receiving by mail an official ballot by a date specified in the notice will have ten days thereafter to apply for an official ballot at the office of the certified agency. The notice shall state the deadline for the receipt of all ballots and the address of the certified agency.

"Official ballots shall be prepared by the certified agency and mailed by first class mail to the last known address of all persons known by the certified agency to be eligible to vote. As announced in the public notice, said ballots shall be made available for a period of not less than ten days, to those who are eligible to vote in said referendum and did not receive a ballot by mail.

"Before any person shall receive an official ballot, he shall furnish such proof as the certified agency may require of his eligibility to vote in said referendum.

"The certified agency shall keep a list of those persons who receive official ballots. No person may receive more than one official ballot unless he satisfies the certified agency that his ballot has been lost or destroyed.

"No votes shall be counted which are not on official ballots. To be eligible to be counted, ballots must be received by the certified agency at the place and by the deadline previously announced in the public notice of said referendum."

Sec. 2. The provisions of this Act shall not apply to the North Carolina Potato Association and the North Carolina Soybean Association.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.
CHAPTER 112

AN ACT TO PROVIDE FOR EXPANSION OF SERVICES OF THE NORTH CAROLINA CAPITAL BUILDING AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 129-42 as the same appears in Volume 3B, 1967 Cumulative Supplement of the General Statutes, is amended by changing the semicolon following the word "appropriations" in line six of subsection (1) to a comma and adding the following:

"and all other agencies which may be brought under this Article or which may come under this Article by choice."

Sec. 2. A new Section is added immediately following G. S. 129-42:

"G. S. 129-42.1. Agencies and Institutions.-The North Carolina Capital Building Authority shall exercise those powers and duties set forth in G. S. 129-42 for the following agencies and institutions of the State of North Carolina and any other State agency or institution which may come under this Article by choice and upon notification to the Authority in writing:

The North Carolina Department of Correction
The North Carolina School for the Deaf
The Eastern North Carolina School for the Deaf
The Governor Morehead School
The North Carolina Department of Motor Vehicles
The North Carolina Sanatorium System including
Western North Carolina Sanatorium, North Carolina
Sanatorium at McCain, The Gravely Sanatorium, and
The Eastern North Carolina Sanatorium
All State agencies in the City of Raleigh and its environs with the exception of North Carolina State University and Dorothea Dix Hospital."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

CHAPTER 113

AN ACT TO AMEND CHAPTER 21 OF THE SESSION LAWS OF 1961 RELATING TO THE RULES AND REGULATIONS FOR MUNICIPAL ELECTIONS OF THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. That Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, 20, 22, 24 and 27 of Chapter 21 of the Session Laws of 1961 are each hereby rewritten and amended to read and provide as follows:

Sec. 4. Election Precincts. The city council shall by resolution establish, and fix the boundaries of, election precincts within the City of Gastonia, giving notice thereof by publication in a newspaper having a general circulation in the City of Gastonia at least forty (40) days prior to the first municipal election which follows such establishment of such election precincts. After such election precincts are so established and fixed, the city council shall thereafter from time to time have the power by resolution to alter or discontinue such election precincts or to establish
and create such new election precincts within the City of Gastonia, as it deems expedient, giving notice thereof by publication in a newspaper having a general circulation in the City of Gastonia at least forty (40) days prior to any municipal elections. After election precincts are once established by resolution of the city council and notice of the same as so established published as above required, it shall not thereafter be necessary to make any further publication thereof unless a city council thereafter alters, changes or discontinues the same as so established, or makes any additions thereto. Provided, in the event the corporate limits of the City are extended after election precincts are so established and notice of the same as so established published as above required, any of said new area shall comprise and be a part of such Election Precinct or Precincts that such new area is contiguous to and that such Election Precinct or Precincts boundary lines, if extended, would generally embrace by following the center lines of streets, roads, highways, railroad tracks, creeks or branches, or other established, fixed or natural boundaries; and the city council shall cause the Official Election Precinct Map of the City of Gastonia to be so amended showing any such extensions of such Election Precinct or Precincts.

Sec. 5. Appointment Registrars And Judges: Deputy Registrars; Terms; Duties; Qualifications: Not later than the last Tuesday in March before each biennial election of city officers, the city council shall appoint one person to act as registrar and two other persons to act as judges of election for each election precinct of the city, whose terms of office shall continue for two years from the date of such appointment and until their successors are appointed and qualified or their terms might theretofore be terminated by the city council. It shall be their duty to conduct the election of city officers and any other elections on propositions or other matters within their respective election precincts, and to perform such other duties as might be prescribed by these rules and regulations or directed by the city council. Persons appointed as a registrar or judges of election must be registered voters and residents of the election precinct for which appointed, of good repute, and able to read and write. No person who is otherwise an employee or officer of the city or who is a candidate for election as an officer of the city shall be eligible for appointment as, or to serve as, a registrar or judge of election.

The city council may also appoint such deputy registrars for any of the election precincts of the city as it deems necessary who shall have the same right and duty to register such voters and to handle such applications for transfer of a voter’s registration from one election precinct to another to the same extent as does the registrar of the election precinct for which such deputy shall be appointed. Persons appointed as deputy registrars must be registered voters and residents of the election precinct for which appointed, of good repute, able to read and write, must not otherwise be an employee or officer of the city or a candidate for election as an officer of the city, shall be subject to the direction and supervision of the city clerk and of the registrar of the election precinct for which appointed, and shall serve for such term as the city council shall designate or until their term might theretofore be terminated by the city council.

Sec. 6. Oath of Registrars And Judges: Deputy Registrars; or Assistants To Registrars And Judges: Before entering upon the duties of his office, each registrar, judge, deputy registrar, or any person assisting the registrars or judges in the election, shall take the following oath to be administered by the city clerk, or by the registrar to the two judges, or to such of his deputy registrars, or to such persons assisting him, and/or by one of the judges to the registrar or to such person assisting him,
such oaths to be reduced to writing and signed by the person taking the same and by the official before whom such oath was sworn to, which shall be kept on file in the office of the city clerk: "I do solemnly swear that I will administer the duties of my office of ______(name of office)____ of Precinct No. ______ without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and (if other than a deputy registrar) that I will not keep or make any memorandum of anything occurring within the voting booths, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this municipality or state; so help me God.

____(Signature of Official Taking Oath)____

Sworn to before me,  
this ______ day of _________, 19____.  
____(Signature of Official Giving Oath)____

Sec. 7. Watchers: Appointment; Restrictions. Each candidate named on the ballot, and each side of any proposition or matter set forth on the ballot, in any election shall have the right to appoint one watcher for each polling place in an election precinct for such election. A person appointed as a watcher must be a then registered and qualified voter of the city and must have good moral character. Before any watcher shall be allowed to attend and be present at any polling place, which appointed, such candidate or the known spokesman or chairman of a side of such a proposition or matter must submit to the registrar of such election precinct a written verification of such watcher's appointment for that election precinct signed by such candidate or by the known leader or chairman of the side of such proposition or matter. The registrar for the precinct may for good cause reject, or eject from the polling place, any appointee and require another be appointed. A watcher shall do no electioneering at the polling place, and he shall in no manner impede the voting process or interfere or communicate with any voter within the polling place or observe any voter in casting his ballot, but, subject to these restrictions, the registrar and judges shall permit him to make sure observations and take such notes as he may desire.

Sec. 8. Assistants To Registrar And Judges: Appointment; Duties; Qualifications. The city clerk may appoint such assistant or assistants for each election precinct as may be authorized for such election by the city council to assist the registrars and judges in the conduct of the election within their respective election precincts. No person shall be appointed or be eligible to serve as such an assistant who does not meet the same qualifications and eligibility requirements that are required for the appointment or service as the registrar or a judge of election of such election precinct.

Sec. 9. Compensation For Registrars; Judges; Deputy Registrars; Assistants To Registrars And Judges: Counters; Expenses of Election. The city council shall fix the compensation to be paid the registrars, judges, deputy registrars, counters, and any assistants to registrars and judges in the election, and the city shall pay such compensation and all other expenses incurred in and incidental to the conduct of any election and the registration of voters.

Sec. 10. Registration System And Books Of Voters: How Kept. The modern loose-leaf and visible registration system as now established in the city shall constitute the registration system of qualified voters of the city, and the registration shall be made and kept upon such form or forms as shall be prescribed by the city council and shall contain all information necessary to show qualification of the registered voter, and such other information as the city council may require, and shall be
signed and sworn to by the registering voter and witnessed by the registrar, deputy registrar, or city clerk. All original registration certificates shall be kept separately in a looseleaf set of books for each election precinct, the registered voters for each election precinct being kept in the registration books for that election precinct. In addition to each original registration certificate which shall be kept in the registration books for the election precinct for which the registered voter is a resident, two exact typewritten, mimeographed, or printed duplicates or copies shall be made or kept by the city clerk, one of which shall be filed alphabetically in a master card index file of all the registered voters of the city, and the other of which shall be filed alphabetically in a separate card index for the election precinct of which said registered voter is a resident. The registration books for each election precinct shall be the official registration books of the city and for the purpose of city elections.

Sec. 11. When Registration Books Furnished Registrars; New Registration; How Often Ordered. The city clerk shall cause to be furnished and delivered to each registrar on the date on which the registration books are open for challenge and on the date of the election the registration books for his election precinct, showing the registered voters for that precinct. The city council may, in its discretion, order a new registration of voters, provided, that a new registration cannot be ordered any more frequently than every six years, except where the original and the duplicates of said registration may have been mutilated or destroyed. The city clerk shall have custody and be responsible for the safekeeping thereof. In the event any registration books, or any part thereof, are destroyed, mutilated, or lost, then the city clerk may make out a new registration or a new set of registration books from the duplicate master files as hereinbefore provided for, certifying on each registration card, which is duplicated as a result of said mutilation, destruction, or loss, that it is a true copy of the mutilated, destroyed, or lost original.

Sec. 12. Notice Of New Registration. In the event a new registration of voters is ordered by the city council, the city council shall give at least ten (10) days notice thereof prior to the fifth Saturday, preceding the next election following such order, by advertising such order at least once in a newspaper of general circulation in the city, which is qualified under the general statutes of North Carolina to run legal publications.

Sec. 13. Revision Of Registration Books. The city council shall have the power to revise the registration books and require them to be purged of illegal or disqualified voters. When an order for revision is made by the city council, it shall be directed to the city clerk to prepare from the registration books a list of names of registered voters, with their names and addresses as they appear on the registration books, who are, in the opinion of the city clerk dead or disqualified by removal from the city as a resident or otherwise, stating on said list the reason for said proposed removal. When such list is prepared, the city clerk shall thereupon cause to be mailed to each of the names on the list at his or her known address, or, if not known, then to such address as shown on the registration books, a notice requiring such person to appear at the city hall before the clerk on or before seven days from the date of said mailing, and show that they are legally entitled to vote in the city municipal elections, or in lieu of a personal appearance, such person may furnish such satisfactory evidence by mail, or otherwise, that he or she is qualified to vote in the city municipal elections. Upon failure of such person to make such personal appearance, or upon failure of such person to offer satisfactory evidence that he or she is qualified and entitled to vote in the municipal elections, their names and cause of removal shall be reported to the city council, who shall
thereupon order their names stricken off the registration books. The city clerk shall keep a list of all names stricken off the registration books and causes for removal for a period of at least five years, after which such lists may be destroyed; provided, however, in the event that any person, whose name has been removed from the registration books by order of the city council as having been disqualified to vote in the municipal elections, should appear at his polling place on election day and give satisfactory evidence to the registrar and judges that he has never received any notice by mail or otherwise that his name has been placed on such list of disqualified voters in that precinct, and can satisfy such precinct officials that he is qualified to vote in that election, then such person's name shall be placed back on the registration book, and he shall be allowed to vote in that precinct as before.

Sec. 17. Full-Time Registration. Except during the period from and after five o'clock (5:00) P.M. on the third Saturday preceding an election to, and including, the date of such election, the registration books and records shall be open continuously for the purpose of registering at all reasonable hours and times any person qualified to register as a voter. Any person qualified to register as a voter may do so at any reasonable hour and time before the city clerk or the registrar, or deputy registrar, of the election precinct in which any such person resides. Upon registration of any such person by such registrar, or deputy registrar, such registrar or deputy registrar shall promptly deliver such voter's registration certificate to the city clerk.

Sec. 18. Registration At Polling Places; When Registration Closed. If a new registration of all voters has been ordered by the city council, between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. on the third, fourth, fifth and sixth Saturdays preceding the first election following such order the registrars shall attend the polling places in their election precincts for the registration of any new voters residing in their respective election precincts, otherwise, between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. on the third, fourth, and fifth Saturdays preceding an election the registrars shall attend the polling places in their election precincts for the registration of any new voters residing in their respective election precincts. During the period from and after five o'clock (5:00) P.M. on the third Saturday preceding an election to, and including, the date of such election, no registration of any new voter shall be made, nor shall any person otherwise qualified to register have the right to register, except as hereinafter provided.

Sec. 19. Registration Of Persons Becoming Qualified After Registration Closed. Any person who shall give satisfactory evidence to the registrar that he will become qualified by age or residence to register and vote in an election, even though not so qualified by the date on which the registration prior to such election closes, shall be entitled to register for such election while the registration books are open for registration prior to such election; provided, no such person may register earlier than 42 days prior to such election nor later than five o'clock (5:00) P.M. on the third Saturday preceding such election.

Sec. 20. Books Open For Challenge; Date Of. On the first Saturday immediately preceding the election from nine o'clock (9:00) A.M. until three o'clock (3:00) P.M., the registration books for the election precincts shall be kept open at the respective polling places of each election precinct for inspection by the registered voters of the city. During these hours any registered voter of the city shall be allowed to challenge the registration and voting rights of any person appearing on the registration books.
Sec. 22. **Vacancies In The Office Of Registrar, Judges, Or Deputy Registrar.** If any vacancy, due to death, resignation or any other cause, shall occur on the day of election in any office of a registrar, judge, or deputy registrar, or within 20 days immediately preceding the election, such vacancy shall be filled by appointment of the city clerk. Vacancies occurring at any other time in any such offices shall be filled by the city council.

Sec. 24. **Transfer Of Registration: Time For.** If a voter has duly registered in an election precinct and since said registration has moved his residence to another election precinct of the city, such applicant shall, before being allowed to vote, fill out and sign a printed transfer certificate requesting that his registration be transferred from the election precinct of his former residence to the election precinct of his new residence, and thereupon said registration shall be so transferred by the city clerk; provided, however, during the period from and after five o'clock (5:00) P.M. on the third Saturday preceding any election day to, and including, the date of such election, no application for nor transfer of a registration shall be made. Except during any such periods, said application may be made at any reasonable hour or time to the city clerk or to the registrar of the election precinct in which then registered or to the registrar of the election precinct in which then a resident, and upon such application to either of said registrars, such registrar shall immediately turn over such application for transfer of registration to the city clerk, who shall in turn transfer such voter's registration to the registration books of the election precinct in which the voter is then residing. The transfer certificate shall be substantially the following form:

"Date: ______________________, 19________

I. ______(Print Name Plainly)______, hereby certify that I have moved my residence from Election Precinct No. ____________ in which I am now a registered voter to ______(Present Address)________ in Election Precinct No. ____________ and request that my registration be transferred to said election precinct of my new residence. ______(Signature of Registered Voter)______

Witness:

______(Registrar or Deputy Registrar of Election Precinct No. ______, or City Clerk)________

Sec. 27. **Ballots Counted; Counters; Appointment; Oath.** When the election shall be finished, the registrar and judges of the election shall immediately thereafter open the boxes and count the ballots cast at their polling place, reading aloud the names of the persons who shall appear on each ballot; and the counting of votes shall be continued without adjournment until completed and the result thereof declared. When completed, the result shall be reduced to writing and certified to over the signatures of the registrar and the judges of the election for that election precinct. If any ballot shall contain the names of more persons marked than the voter has the right to vote for, or shall be defaced, have a device or ornament thereon, or be mutilated, in either of these cases such ballots shall not be numbered in the counting.

The registrar of each election precinct shall have the right to appoint as counters such then qualified and registered voters of the city, not to exceed eight in number or such higher number as might be authorized by the city clerk, to aid them in counting the ballots cast at their polling place. The persons so appointed as a counter must also be of good repute, able to read and write, shall be subject to the supervision of such registrar, and where feasible shall be representative of the different favor to different candidates on the ballot running against each other for the
same office or to the different sides to any proposition or matter on the ballot. Before any counter shall enter upon his duty as a counter of votes such person shall take the following oath to be administered by the registrar or one of the judges of the precinct for which appointed, such oath to be reduced to writing and signed by the person taking the same and by the official before whom sworn to, and filed with the city clerk:

"I do solemnly swear that I will well and truly administer the duties as a counter of the ballots cast at the polling place of Election Precinct No. ________ without fear or favor; and that I will truly and correctly to my best ability count and properly tally any and all votes as the same shall appear upon any of the ballots which I shall be given the responsibility of counting and tallying, except for such ballots or votes as the registrar and judges of such precinct shall rule defective and not to be counted; so help me God.

_(Signature of Counter)_

Sworn and subscribed to before

me, this _____ day of __________, 19__.

_(Signature of Official Giving Oath)_

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 13

CHAPTER 114

AN ACT TO AMEND G. S. 116-46.3 RELATING TO PARTICIPATION IN SIXTH-YEAR PROGRAM OF GRADUATE INSTRUCTION FOR SUPERINTENDENTS, ASSISTANT SUPERINTENDENTS, AND PRINCIPALS OF PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-46.3 is hereby amended by inserting in line 2 after the words "the educational institutions of" the words and punctuation "East Carolina University,"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect retroactively from and after the 30th day of June, 1967.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 63

CHAPTER 115

AN ACT TO AMEND CHAPTER 199, SESSION LAWS OF 1965, TO ALLOCATE THE PROFITS EARNED BY THE CITY OF ROCKINGHAM BOARD OF ALCOHOLIC CONTROL AND TO PROVIDE FOR THE APPOINTMENT OF MEMBERS TO THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 199 of the Session Laws of 1965 is hereby amended by deleting the last two sentences, and inserting in lieu thereof the following: "The present chairman and members now serving on the City of Rockingham Board
of Alcoholic Control shall continue to serve until the terms they are now serving expire. When the term of the chairman or any member now serving on the City of Rockingham Board of Alcoholic Control expires, or a vacancy otherwise occurs, the successor to the seat shall be named to serve a term of three years by a committee consisting of the Chairman of the Richmond County Board of Commissioners, the Chairman of the Richmond County Board of Education and the Clerk to the Rockingham City Council. This committee shall certify the appointment in writing to the City of Rockingham Board of Alcoholic Control and that Board shall record the appointment in its minutes."

Sec. 2. Section 6 of Chapter 199 of the Session Laws of 1965 is hereby rewritten in its entirety to read as follows:

"Sec. 6. The net profits derived from stores operated under this Act shall be determined by quarterly audits and within twenty days after the close of each quarter the net profits shall be allocated and paid over as herein provided. The provisions of G. S. 18-45(15) shall not apply to the City of Rockingham Board of Alcoholic Control and the 15% of net profits heretofore accumulated in reserve funds for law enforcement and alcoholic rehabilitation and education shall be paid over to the City of Rockingham General Fund. The remaining profits after deduction of this fifteen percent (15%) shall be divided as follows:

(a) Effective July 1, 1973, fifty percent (50%) to the Richmond County Board of Education to be used as a local supplement to the salaries of all the public school teachers of Richmond County. Pending the effective date of this paragraph, fifty percent (50%) shall be paid to the City of Rockingham General Fund.

(b) Two percent (2%) shall be paid to the Richmond County Board of Education and used by that Board exclusively for the Rohanen School band. In the event Rohanen High School is consolidated into another school, then these funds shall be used by the Board of Education for the benefit of the band in the school into which Rohanen High School is consolidated.

(c) Three percent (3%) shall be paid over to the Richmond County Board of Education to be used for the Rockingham High School band and Leak Street School band. In the event either is consolidated into another school, then that school's funds under this Act shall be used for the benefit of the band of the consolidated school.

(d) Ten percent (10%) shall be paid to the treasurer of Richmond County and by the treasurer paid to Richmond Technical Institute. In the event that the Institute should become a community college or change its name, it shall continue to receive these funds.

(e) Two percent (2%) shall be paid to the General Fund of Richmond County to be used only for the purpose of establishing, maintaining, equipping and operating a supervised recreation system in East Rockingham and Wolf Pit Township as authorized by Chapter 160, Article 12, of the General Statutes of North Carolina either by the Richmond County Board of Commissioners or a Board appointed by the County Commissioners for that purpose. None of these funds shall be used for the purchase of real estate. If Richmond County shall fail to establish a supervised recreation program prior to January 1, 1970, two percent (2%) shall be paid over to the City of Rockingham General Fund.

(f) Two percent (2%) shall be paid to the Sheriff of Richmond County and divided by him equally among the regular full-time deputies of the Richmond County Sheriff's Department. These funds are to be in addition to the regular salaries of the deputies.

102
(g) Five percent (5%) shall be paid to the Rockingham Recreation Commission. These funds may be used by the Recreation Commission for recreation purposes, but not for the purchase of land or buildings.

(h) Two percent (2%) shall be paid to the City of Rockingham and within 30 days after the receipt of those funds the city treasurer shall divide the funds equally among the members of the Rockingham City Police Department. The policemen are to receive these funds over and above their regular salary.

(i) One percent (1%) to the Town of Norman for its general governmental purposes.

(j) Two percent (2%) shall be paid to the City of Rockingham, and within thirty (30) days after the receipt of those funds, the City Treasurer shall divide the funds equally among the regularly employed members of the Rockingham City Fire Department. The regularly employed firemen are to receive these funds over and above their regular salary.

(k) Three percent (3%) shall be paid over to the Rockingham-Richmond County Library Board.

(l) Three percent (3%) shall be paid over to the Richmond County Rescue Squad to be used for the purchase of equipment and the general operating expenses.

(m) One percent (1%) shall be paid to the Town of Ellerbe.

(n) One percent (1%) shall be paid to the Town of Hoffman.

(o) One percent (1%) shall be paid to the Treasurer of the Cordova Volunteer Fire Department to be used for the benefit of the fire department.

(p) The remaining profits shall be paid to the City of Rockingham General Fund."

Sec. 3. All moneys being held in reserve funds as of April 1, 1969, for law enforcement and alcoholic rehabilitation and education shall be paid over to the City of Rockingham General Fund within 30 days after the effective date of this Act. Of such funds returned to the City of Rockingham, the sum of twenty-eight thousand five hundred dollars ($28,500.00) shall be used exclusively for the building of a new police station.

Sec. 4. Partial invalidity. If any provision of this Act or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect the other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on April 1, 1969.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 132 

AN ACT TO EXTEND THE CORPORATE EXISTENCE OF CONFEDERATE WOMAN’S HOME.

The General Assembly of North Carolina do enact:

Section 1. G. S. 112-1, as it appears in 1966 Replacement Volume 3-A, is hereby amended by striking out the words "January 1, 1970" found on line 5 of the second paragraph, and substituting therefor the words "January 1, 1980".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
CHAPTER 116  

SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 135  

CHAPTER 117

AN ACT TO REPEAL G. S. 15-162.1, RELATING TO A PLEA OF GUILTY IN FIRST DEGREE MURDER, FIRST DEGREE BURGLARY, ARSON, AND RAPE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-162.1 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 147  

CHAPTER 118

AN ACT TO AMEND GS 18-45(8) TO AUTHORIZE ABC BOARDS TO SELL AT PUBLIC AUCTION REAL AND PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. GS 18-45(8), as the same appears in the 1967 Supplement to Volume 1C of the General Statutes, is hereby amended by adding at the end thereof the following:

"To sell at public auction, as provided by law, any real or personal property which the board, in its discretion, deems unnecessary for the proper operation of its stores."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 176  

CHAPTER 119


The General Assembly of North Carolina do enact:

Section 1. Chapter 1113 of the 1967 Session Laws is hereby repealed.

Sec. 2. The County Board of Education for Henderson County shall consist of seven members, to be elected by the voters of the county on a non-partisan basis as herein provided, who shall serve for a term of four years. The term of office of each member shall begin on the first Monday in December, next succeeding his election, and shall serve until a successor has been elected and qualified; provided, that the present members of the board of education shall continue to hold their
offices until the first Monday in December, 1970, or until their successors are elected and qualified.

Sec. 3. At the regular general county election held for Henderson County in 1970, there shall be elected seven members of the board of education. The four candidates receiving the highest number of votes in said election shall be elected for terms of four years and the three members receiving the next highest number of votes shall be elected for terms of two years. Thereafter, biennially there shall be elected members of the Henderson County Board of Education to succeed the members whose terms next expire.

Sec. 4. The election for members of the board of education of Henderson County shall be conducted as set forth in Sec. 3, above, and at said election a separate ballot entitled "School Board" shall be used and such ballots shall be distributed to all qualified voters desiring to vote in said election without regard to the political affiliation of said voter; provided, nothing herein shall be construed to exclude an independent or person not affiliated with either of the major parties from voting in said election.

Sec. 5. In those years in which four vacancies exist, the four candidates receiving the highest number of votes in said election shall be declared elected; in those years in which three vacancies exist, the three candidates receiving the highest number of votes in said election shall be declared elected. In the event the number of candidates does not exceed the number of vacancies to be filled, no election shall be necessary, and the candidates shall be declared elected.

Sec. 6. Vacancies in the membership of the Board of Education, for any cause, shall be filled immediately by the remaining members of the board. Any persons appointed due to vacancies in the membership of the Board of Education shall serve for the unexpired term of the member causing such vacancy.

Sec. 7. At the first meeting of the Henderson County Board of Education held after December 1, 1970, and biennially, thereafter, the members of said Board shall elect one of its members as Chairman who shall serve for a period of two years.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 244

CHAPTER 120

AN ACT TO ESTABLISH A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established a Supplementary Pension Fund for the Fire Department of the Town of North Wilkesboro, said fund to be known as the "North Wilkesboro Firemen's Supplementary Fund", hereinafter referred to as "Supplementary Pension Fund", and said fund to be administered by a board of trustees composed ex officio of the City Treasurer of the Town of North Wilkesboro, and the First Assistant Chief of the Fire Department of the Town of North Wilkesboro, and a third member of said board to be elected annually from the membership of the North Wilkesboro Fire Department by a majority vote of the chief and members of the Fire Department, who shall perform his duties ex officio.
Sec. 2. All funds in the Firemen's Relief Fund of the Town of North Wilkesboro in excess of five thousand dollars ($5,000.00) shall be transferred to the "Supplementary Pension Fund" so as to retain in the Firemen's Relief Fund an amount of money not greater than five thousand dollars ($5,000.00); provided, however, the Firemen's Relief Fund shall have restored such sums from recurring annual receipts as are necessary to maintain a fund of not less than five thousand dollars ($5,000.00); provided further, of the funds and subsequent recurring increments thereto transferred from the Firemen's Relief Fund of the Town of North Wilkesboro to the "Supplementary Pension Fund", any or all of the same, shall be retrievable by and to the Firemen's Relief Fund of the Town of North Wilkesboro in order to defray and meet such legitimate claims which accrue under the provisions and coverage of the Firemen's Relief Fund of the Town of North Wilkesboro.

Sec. 3. Any person who is a member of the North Wilkesboro Fire Department, as shown by the records of the Town of North Wilkesboro at the time of the ratification of this Act, or any person who shall become such a member, shall be eligible for benefits from the "Supplementary Pension Fund" unless or until such person has been retired as a member of the North Wilkesboro Fire Department under the provisions of the retirement system for counties, cities, and towns as set out in Article 3, Chapter 128 of the General Statutes of North Carolina and as participated in by the Town of North Wilkesboro or as a voluntary member of the Fire Department of the Town of North Wilkesboro. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina.

Sec. 4. Any member who has served 25 years as a fireman in the North Wilkesboro Fire Department and has attained the age of 55 shall be entitled to receive from "Supplementary Pension Fund". Said monthly pension shall be in the amount of twenty dollars ($20.00) per month or more as below set forth providing that those members retiring after the age of 55 and before attaining age 60 may elect to receive the increased amount.

<table>
<thead>
<tr>
<th>Retirement Age</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 years service and at least 55</td>
<td>$20.00</td>
</tr>
<tr>
<td>26 years service and at least 56</td>
<td>$22.00</td>
</tr>
<tr>
<td>27 years service and at least 57</td>
<td>$24.00</td>
</tr>
<tr>
<td>28 years service and at least 58</td>
<td>$26.00</td>
</tr>
<tr>
<td>29 years service and at least 59</td>
<td>$28.00</td>
</tr>
<tr>
<td>30 years service and at least 60</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

Sec. 5. The City Treasurer of the Town of North Wilkesboro, as a member of the board of trustees of the "Supplementary Pension Fund", shall be treasurer and custodian of the said Fund and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his possession that such beneficiaries may be entitled to under the provisions of this Act.

Sec. 6. The City Treasurer of the Town of North Wilkesboro, as custodian of the "Supplementary Pension Fund", shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to one and one-quarter times the maximum amount estimated by the board of trustees as likely to be in his possession as such custodian at any time within the fiscal year for which the bond is given. The condition of said bond shall be that said custodian shall faithfully receive, keep, disburse, and account for, as herein provided, all funds and property coming into his hands as such custodian, and the premiums on said bond shall be paid out of the "Supplementary Pension Fund".
Sec. 7. The said custodian of said "Supplementary Pension Fund" is authorized and directed to invest all moneys coming into his possession belonging to said "Supplementary Pension Fund", except so much as the board of trustees from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in such securities as the board of trustees shall select: Provided, however, that such securities shall be limited to, and upon, the same conditions as those enumerated by the General Statutes of North Carolina, as amended, as to the investment of trust funds, and/or the funds of guardians.

Sec. 8. The board of trustees as herein provided for may, in its discretion, take and receive any gift, grant, bequest, or devise or any real or personal property or other things of value for, and as, the property of the said "Supplementary Pension Fund" and hold and disburse and invest the same for the use of said Fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, bequest or devise.

Sec. 9. The provisions of Chapter 118 of the General Statutes of North Carolina creating a Firemen's Relief Fund shall not apply to the Town of North Wilkesboro insofar, and only insofar, as said provisions are inconsistent with and contradictory to the provisions of this Act.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 254

CHAPTER 121

AN ACT TO CLOSE TEMPORARILY THE BEAR SEASON IN A PORTION OF GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There shall be no open season for the taking of bears in that portion of Gates County lying west of North Carolina Highway Thirty-Two (32) until after July 1, 1973. After July 1, 1973, the open season for the taking of bears in the aforementioned portion of Gates County shall be as established by the regulations of the North Carolina Wildlife Resources Commission.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 264

CHAPTER 122

AN ACT TO AUTHORIZE A REFERENDUM IN THE TOWN OF ABERDEEN ON ALCOHOLIC BEVERAGE CONTROL STORES AND THE SALE OF BEER AND WINE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Aberdeen shall, upon a petition to the governing body signed by at least fifteen percent (15%) of the number of registered and qualified voters that voted in the most recent election for the governing body of the Town of Aberdeen, or may upon its own motion, order an election
to be held on the questions of whether or not the Moore County Alcoholic Beverage Control Board shall operate an Alcoholic Beverage Control Store in the town and whether or not beer and wine may be legally sold in the town. The governing body may call a special election on said question, the same to be held on such date as the governing body may determine. Said election may be called and held on a date to be fixed by the governing body as herein prescribed notwithstanding the nearness of date within which any other type of election may be held, and may be held on the same date as the regular biennial election of said town for the election of its officers. The costs of said election shall be paid from the general fund of said town.

Sec. 2. In calling for such special election, the said governing body shall give at least twenty days' public notice of the same prior to the opening of the registration books. A new registration of voters for such special election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election, and those who register in said special election, shall be entitled to vote in said election. Except as otherwise herein provided, the special election herein authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Aberdeen.

Sec. 3. At such special election, ballots shall be provided which contain the words "For Both On-Premises and Off-Premises Sale of Beer and Wine" and "Against Both On-Premises and Off-Premises Sale of Beer and Wine" and the words "For Off-Premises Sale Only of Beer and Wine" and "Against Off-Premises Sale Only of Beer and Wine", and the words "For Town Alcoholic Beverage Control Stores" and "Against Town Alcoholic Beverage Control Stores", with appropriate squares so that each voter may designate by his cross (X) mark his preferences; provided, that the governing body may, in its discretion, provide separate ballots for each question.

Sec. 4. If a majority of the votes cast at such special election shall be cast "For Both On-Premises and Off-Premises Sale of Beer and Wine", then such sales shall thereafter be lawful within the Town of Aberdeen and the governing body shall issue appropriate licenses for such sales to all qualified applicants.

Sec. 5. If a majority of the votes cast at such special election shall be cast "For Off-Premises Sale Only of Beer and Wine", then such sales shall thereafter be lawful within the Town of Aberdeen and the governing body shall issue appropriate licenses for such sales to all qualified applicants.

Sec. 6. If a majority of the votes cast at such special election shall be cast "For Town Alcoholic Beverage Control Stores", then the Moore County Alcoholic Beverage Control Board shall open and operate one or more Alcoholic Beverage Control Stores in the Town of Aberdeen, as provided for in Chapter 18 of the General Statutes.

Sec. 7. The County Alcoholic Beverage Control Board shall pay to the Town of Aberdeen ten percent (10%) of the net profits derived from the operation of Alcoholic Beverage Control Stores in the Town of Aberdeen.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.
H. B. 266  
CHAPTER 123

AN ACT TO AUTHORIZE THE VANCE COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN SURPLUS SCHOOL PROPERTY TO THE COUNTY OF VANCE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Vance County is hereby authorized to convey to the County of Vance for consideration of one dollar ($1.00) the following described surplus school property:

That certain tract or lot of land in Henderson Township, Vance County, North Carolina, located three-quarters of a mile North of the City of Henderson, on U.S. Highway No. 1, and being a part of the North Henderson graded school property, with buildings now located on said property formerly used as the Vance County State Highway Patrol Station, and later as the Vance County Civil Defense, Rescue Squad and Information Bureau, and being more particularly described as follows: BEGINNING at an iron pipe located at the southwestern intersection of the 40-foot right of way of Bickett Avenue and the 40-foot right of way of Maynard Avenue, and running thence along and with the northwestern margin of the right of way of Maynard Avenue, South 29 degrees 28 minutes West 200 feet to a concrete monument; thence, leaving said northwestern margin and running North 60 degrees 30 minutes West 443.6 feet to a concrete monument in the southeastern margin of the 100-foot right of way of U.S. Highway No. 1; thence, along and with said southeastern margin, North 60 degrees 30 minutes East 233.5 feet to an iron pipe at the intersection of said southeastern margin with the southwestern margin of the said right of way of Bickett Avenue; thence, along and with said southwestern margin of the right of way of Bickett Avenue, South 60 degrees 30 minutes East 323.2 feet to the place and point of BEGINNING, containing 1.77 acres, all as shown upon a plat entitled “Property To Be Conveyed to Vance County, Vance County, N.C.,” by Williams and Hamme;

the conveyance hereby authorized to be conditioned upon reconveyance by the County of Vance of the described property and all improvements thereon to the Board of Education of Vance County for the consideration of one dollar ($1.00) in the event that the Vance County Board of Commissioners at some future date shall declare the property to be surplus and unnecessary for County uses.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

CHAPTER 124

H. B. 287

AN ACT TO ELIMINATE THE REQUIREMENT THAT NOT MORE THAN TWO MEMBERS OF THE ORANGE COUNTY BOARD OF EDUCATION MAY RESIDE IN ANY ONE TOWNSHIP OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 1108 of the Session Laws of 1963 is hereby repealed, thereby removing the requirement that membership on the Orange County Board of Education is limited to not more than two from any one township in Orange County.
CHAPTER 124    SESSION LAWS—1969

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. B. 314    CHAPTER 125

AN ACT TO AMEND G. S. 147-69.1 RELATING TO THE INVESTMENT OF SURPLUS FUNDS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-69.1, as the same appears in the 1967 Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by rewriting lines twenty-six through forty-two to read as follows:

"Notwithstanding the above, if such rates on United States treasury bonds, notes, certificates of indebtedness or bills of comparable maturity are higher than the rates banks are permitted to pay by federal or State statutes or regulations and if in the judgment of the Governor and the Council of State it would benefit the economy of the State, such excess funds may be invested in certificates of deposit issued by banks or official depositories within the State of North Carolina at the maximum rate that banks are permitted to pay by federal or State statutes or regulations."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

S. B. 169    CHAPTER 126

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF JACKSONVILLE SO AS TO INCLUDE THE AREA ON WHICH THE CITY'S WASTE STABILIZATION LAGOON IS LOCATED.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the City of Jacksonville, North Carolina, are hereby extended to include a tract of land conveyed by deed from Lionel W. Pelletier and wife, dated January 9, 1963, recorded in Book 318, page 456, Onslow County Registry, said area being more particularly described as follows:

"That certain parcel or tract of land lying immediately adjacent to and on the South side of that tract of land sold to Hawthorne Park, Inc. by party of the first part and extending from the Hawthorne Park tract, South to New River; being bounded on the East by the Sabiston lands and on the West by the Williams' lands, on the North by lands of Hawthorne Park, Inc., and on the South by New River, and being more particularly described as follows: BEGINNING at a point in Little Creek, the dividing line between the Williams' land and party of the first part at a point where the Southern boundary line of Hawthorne Park, Inc., crosses Little Creek; running thence South 7 degrees 42 minutes West approximately 50 feet to a corner in the Southern boundary line of Hawthorne Park, Inc., (also known as Northwoods Park Subdivision) thence along aforesaid Southern boundary line the following courses and distance; South 52 degrees 50 minutes West 276 feet; South
24 degrees 06 minutes West 319 feet; South 49 degrees 41 minutes West, 496.2 feet; South 17 degrees 37 minutes East 591.1 feet; South 0 degrees 18 minutes East 343.1 feet; South 37 degrees 48 minutes East 302.5 feet; South 46 degrees 01 minutes East 390 feet; South 89 degrees 22 minutes East 140.7 feet; North 81 degrees 00 minutes East 464.4 feet; South 60 degrees 10 minutes East 272.1 feet to a corner in the dividing line between Northwoods Park and the Northwoods II Subdivision, the same being the old dividing line between the lands of party of the first part and C. L. Sabiston; thence, along the said old dividing line between the lands of Pelletier and Sabiston, South 26 degrees 38 minutes West approximately 900 feet to New River; thence, with the shoreline of New River, first in a Southerly and then turning to a Westerly direction, running upstream along the shoreline of New River to the mouth of Little Creek; thence, up the centerline of Little Creek, the dividing line between the lands of Williams and party of the first part, to the point of BEGINNING, the same containing 53 acres, more or less."

Sec. 2. The tract of land hereby incorporated into the City of Jacksonville shall, from the effective date of this Act, be subject to all debts, laws, ordinances and regulations in force in the City of Jacksonville and shall be entitled to the same privileges and benefits as other parts of the municipality.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1969.

H. B. 152

CHAPTER 127

AN ACT TO AMEND G. S. 24-8, WHICH PERMITS AN 8% INTEREST RATE, SO AS TO INCLUDE FOREIGN OR DOMESTIC REAL ESTATE INVESTMENT TRUSTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 24-8 is hereby amended by:

(a) Striking out the period at the end of the section title and adding the words "and real estate investment trusts" (being a trust as determined under the provisions of Section 105-130.12 of the General Statutes of North Carolina)

(b) Inserting after the word "gain" in line two the words "or any foreign or domestic real estate investment trust" (being a trust as determined under the provisions of Section 105-130.12 of the General Statutes of North Carolina)

(c) Striking out the comma after the word "corporation" in line three and inserting the words "or real estate investment trust," (being a trust as determined under the provisions of Section 105-130.12 of the General Statutes of North Carolina)

(d) Adding the words "or real estate investment trust" (being a trust as determined under the provisions of Section 105-130.12 of the General Statutes of North Carolina) at the end of line ten; and

(e) Adding the words "or real estate investment trusts" (being a trust as determined under the provisions of Section 105-130.12 of the General Statutes of North Carolina) following the word "corporations" in line twenty.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
CHAPTER 127  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 26th day of March, 1969.

H. B. 158  CHAPTER 128
AN ACT TO AMEND G. S. 20-116 (d) PERTAINING TO THE SIZE OF VEHICLES AND EXTENDING THE LENGTH OF CERTAIN TRUCKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-116 (d) as the same appears in Volume 1-C of the General Statutes of North Carolina is amended by rewriting the same to read as follows:

"A vehicle having two (2) axles shall not exceed thirty-five (35) feet in length of extreme over-all dimensions inclusive of front and rear bumpers. A vehicle having three (3) axles shall not exceed forty (40) feet in length over-all dimensions inclusive of front and rear bumpers. A truck-tractor and semi-trailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

H. B. 169  CHAPTER 129
AN ACT RELATING TO HUNTING FROM PUBLIC ROADS IN DUPLIN AND PENDER COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 450, Session Laws of 1951, as amended by Chapter 34, Session Laws of 1957, is repealed.

Sec. 2. It shall be unlawful for any person, except as herein provided, to hunt or discharge a firearm from a right-of-way of any public numbered highway maintained by the North Carolina State Highway Commission, including but not limited to, the taking or attempt to take, any bird or game animal without first obtaining the permission of the owner of the land onto or across which the firearm is discharged where such lands abut the public numbered highways maintained by the State Highway Commission.

Sec. 3. The wilful violation of this Act shall be a general misdemeanor punishable by fine or imprisonment, or both fine and imprisonment, in the discretion of the court.

Sec. 4. This Act shall apply only to Pender County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective September 1, 1969.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.
H. B. 188  

CHAPTER 130

AN ACT TO AMEND NORTH CAROLINA GENERAL STATUTE 116-45(5) DEFINING THE PRIMARY PURPOSE OF ELIZABETH CITY STATE COLLEGE, FAYETTEVILLE STATE COLLEGE AND WINSTON-SALEM STATE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-45(5) as found in Volume 3A of the General Statutes of North Carolina is hereby amended to read as follows:

"The primary purpose of Elizabeth City State College, Fayetteville State College, and Winston-Salem State College shall be to provide undergraduate instruction in the liberal arts and sciences, to prepare teachers, and to undertake such other undergraduate, graduate, and professional programs as are deemed necessary to meet the needs of the State. The educational programs of each institution shall be subject to the approval of the North Carolina Board of Higher Education, consistent with appropriations made therefor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

H. B. 193

CHAPTER 131

AN ACT TO AMEND NORTH CAROLINA GENERAL STATUTE 116-45(2) DEFINING THE PRIMARY PURPOSE OF PEMBROKE STATE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-45(2) as found in Volume 3A of the General Statutes of North Carolina is hereby amended to read as follows:

"The primary purpose of Pembroke State College shall be to provide undergraduate instruction in the liberal arts and sciences, to prepare teachers, and to undertake such other undergraduate, graduate, and professional programs as are deemed necessary to meet the needs of the State. The educational programs of the institution shall be subject to the approval of the North Carolina Board of Higher Education, consistent with appropriations made therefor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

H. B. 283

CHAPTER 132

AN ACT TO AMEND THE ACT RELATING TO THE AUTHORITY OF THE CHARLOTTE FIREMEN’S RETIREMENT SYSTEM TO INVEST IN STOCK.

The General Assembly of North Carolina do enact:

Section 1. Chapter 575, Session Laws—1965 Section 4.1(c) of the 1965 Session Laws is hereby amended by deleting the words and figures “fifteen per centum (15%)” as they appear in the second line and substituting in lieu thereof the words and figures “thirty per centum (30%)”.

113
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

H. B. 284

CHAPTER 133

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Section 4.61(13) of the Charter of the City of Charlotte, 1965 Session Laws, Chapter 713, is hereby amended by adding a new paragraph to read as follows:

"The Chief of the Police Department may designate any promotion which he may make to be a probationary promotion and if the Chief shall so designate such a promotion, then the provisions of this subchapter shall not apply in that the Chief may without a hearing, and in his discretion, withdraw the probationary promotion within six (6) months from the time such promotion becomes effective, and the member so promoted will revert to his non-probationary grade without prejudice."

Sec. 2. Section 9.82 of the Charter of the City of Charlotte, 1965 Session Laws, Chapter 713, is hereby amended by deleting the words and figures "one thousand dollars ($1,000.00)" as it appears twice in the section and substituting in lieu thereof the words and figures "three thousand dollars ($3,000.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

H. B. 310

CHAPTER 134

AN ACT TO AMEND SECTION 160-25 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 160-25 of the General Statutes of North Carolina is hereby amended to read as follows:

"Section 160-25. Officers elected by the people must be qualified voters. No person shall hold any elective office of any city or town unless he shall be a qualified voter therein. Residence within a city or town shall not be a qualification for or prerequisite to appointment to any non-elective office of any city or town, unless the governing body thereof shall by ordinance so require."

Sec. 2. This Act shall not apply to any office within its purview, duly filled by election or appointment prior to the effective date of this Act, until the expiration of the current term of such office.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

114
H. B. 155  

CHAPTER 135

AN ACT TO AMEND THE GENERAL STATUTES WITH REGARD TO PHYSICIANS QUALIFIED TO TREAT WORKMEN'S COMPENSATION CLAIMANTS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. Sec. 97-27(b) is hereby amended in line six thereof after the words "North Carolina" by adding "or by a duly qualified physician or surgeon licensed to practice in South Carolina, Georgia, Virginia and Tennessee provided said nonresident physician or surgeon shall have been approved by the North Carolina Industrial Commission and his name placed on the Commission's list of approved nonresident physicians and surgeons."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

H. B. 206  

CHAPTER 136

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF WILSON AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Wilson is hereby revised and consolidated to read as follows:

THE CHARTER OF THE CITY OF WILSON

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The City of Wilson shall continue to be a body politic and corporate under the name of the "City of Wilson", and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

Section 1.3. Enumerated Powers not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Wilson shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.
ARTICLE II. CORPORATE BOUNDARIES.

Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Wilson shall be as set out on a map entitled "Map of the City of Wilson, North Carolina"; which map shall be kept up to date with a complete description of the metes and bounds of the City and shall be available for inspection by the public in the office of the City Manager.

Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND CITY COUNCIL.

Section 3.1. Composition of City Council. The City Council shall consist of six members to be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV.

Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV. The Mayor shall be the official head of the city government and shall preside at all meetings of the City Council. Where there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the city. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

Section 3.3. Terms; Qualifications; Vacancies.

(a) The Mayor and the members of the City Council shall serve for terms of two years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualified.

(b) No person shall be eligible to be a candidate or to be elected as Mayor or as a member of the City Council, or to serve in such capacity, unless he is a resident and a qualified voter of the city.

(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

Section 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the City Council shall determine, and no increase or reduction in his salary shall be made to take effect the term in which it is voted. The City Council may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect during the respective term in which it is voted.

Section 3.5. Organization of Council; Oaths of Office. The Mayor and City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take and subscribe before the
City Clerk, and have entered upon the minutes of the Council, the following oath of office:

1. ________________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ____________, on which I am about to enter, according to my best skill and ability; so help me, God.

Section 3.6. Meetings of Council.

(a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Councilmen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the City Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

Section 3.7. Quorum: Votes.

(a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Four affirmative votes, which may include the vote of the Mayor only when he is entitled to vote as provided in Section 3.2 of this Charter, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enactment clause of all ordinances shall be: "Be it ordained by the City Council of the City of Wilson". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE.

Section 4.1. Election of Mayor, Councilmen. For the purpose of electing a mayor and six councilmen, all of the City of Wilson, there shall be held in said City, on Tuesday after the first Monday in May of each odd-numbered year, a non-partisan election. The officials so elected shall hold their offices until their successors are elected and qualified. The councilmen shall be elected at large by the qualified voters of the City.

The election for mayor shall be determined by a majority vote. In the event more than two persons are candidates for said office and neither candidate receives a majority of the votes cast for such office, the person receiving the highest number of votes cast for such office shall be declared elected unless the candidate receiving the second highest number of votes cast shall, within forty-eight hours after the result of the election shall have been canvassed and declared, demand by writing filed with the city clerk for a second election, which demand must be accompanied
by a payment to the City of Wilson of the sum of Twenty-five Dollars ($25.00) to
the use of said City, and the councilmen shall thereupon call and provide for the
conduction of a second election to be held on the fourth Tuesday after the first
Monday in May following the first election, for the purpose of choosing a mayor
as between the two highest candidates for such office. Only the candidates receiving
the largest and second largest vote for such office in the first election shall be voted
on in the second election. The six candidates receiving the highest number of votes
for membership on the City Council shall be declared elected, and there shall be
no second election for any of such offices.

Section 4.2. Precincts. The Wilson County Board of Elections shall have the
sole authority and power to create and define precincts and to fix and determine
polling places within Wilson County, including the precincts within the City of Wil-
son for all municipal elections, including municipal general elections, municipal
special elections, and municipal bond elections; provided that all precincts created
in the City of Wilson for said municipal elections shall be wholly within the corpo-
rate boundaries of the City of Wilson; and provided further that the precincts creat-
ed within the corporate boundaries of the City of Wilson for said municipal elections
by said County Board of Elections shall be in accordance with the recommendation
for the creation of such precincts by the City Council of the City of Wilson; and
provided further that any area now in the corporate limits of the City of Wilson
which has not become a part of any existing precinct created for municipal elections
or which may hereafter be embraced within the corporate limits of the city shall
be annexed to and become a part of the existing precinct created for municipal
elections, which precinct is adjacent to such area, except when such area is adjacent
to two or more such precincts which have been created in the City of Wilson for
said municipal elections; then the City Council shall recommend to the Board of
Elections to which precinct such territory shall be assigned for municipal elections
and the Board of Elections shall add such area to the existing precinct or precincts
in accordance with such recommendation.

Section 4.3. Registration. The consolidated Wilson County registration in use
during the general election of 1968, together with all registration hereafter added
to the same, pursuant to law, and as the same may be hereafter corrected and
deleted by the Wilson County Board of Elections, as required by law, and the Wilson
County precincts wholly within the City of Wilson shall be and constitute the sole
official registration for all municipal elections in the City of Wilson. The Wilson
County Board of Elections, together with the registrars appointed by it, pursuant
to law, shall be the sole authority authorized to register electors in Wilson County,
and the registration of electors, pursuant to such authority, in precincts wholly
within the City of Wilson shall be the sole official registration for municipal elections
held within the City of Wilson. The sole qualification to vote in municipal elections
in the City of Wilson shall be registration upon the official books or records of regis-
tration of the Wilson County Board of Elections for the precincts wholly within
the City of Wilson, provided that any such registration or transfer of registration
from one precinct to another by an elector within said municipality shall be made
not less than twenty-one (21) days prior to the date of a municipal election as a
qualification to vote in the election. The registrars and judges of election selected
by the Board of County Commissioners of Wilson County shall serve and shall con-
duct all municipal elections of the City of Wilson.

Not less than two days prior to any municipal election in the City of Wilson,
the Wilson County Board of Elections shall certify to the Clerk to the City Council
of the City of Wilson the official precinct registration books or records of registration for the registration in the precincts wholly within the said municipality, which shall be the official precinct registration books for the purpose of holding such elections; provided, however, that the original registration certificates on file with the Wilson County Board of Elections shall at all times be the official and sole evidence of registration, and the Wilson County Board of Elections shall have the power to correct the precinct registration books to conform to the original and official registration certificates at any time, including the day of any municipal election. The Clerk to the City Council of the City of Wilson shall be responsible for the precinct registration books delivered to him and shall, within five days following the official canvass of any such election, return the precinct registration books to the Wilson County Board of Elections in as good condition as when received from it.

Section 4.4. Declaration of candidacy for election required; content; when to be filed; fee. Any person desiring to become a candidate for election as mayor or councilman of the City of Wilson shall on or before twelve o'clock Noon of the first Monday in April preceding any election held hereunder file with the city clerk his or her declaration of candidacy for election to any such office and in such declaration shall state his or her name, age, place of residence, length of time a resident of the city, and at the time of such filing pay to the City of Wilson a fee equal to one per cent of his salary for the term of his office.

Section 4.5. Preparation, distribution and contents of ballots; method of voting. When the time for filing the declaration for candidacy hereunder has expired the City Council shall cause to be prepared, for use in such election, ballots for each elective office. A sufficient number of ballots shall be furnished judges of election of each precinct for the use of all qualified voters. The names of the opposing candidates, or the candidate, for each respective office shall be placed on the same ballot with a blank square to the left of each name. Voters shall place in said square opposite the name of the person such voter desires to cast the ballot for a cross mark, and no other method of marking the ballot by the voter shall be required. No names of candidates shall be printed on the official ballots other than the names of those who in apt time have filed notice of their candidacy. The ballot may contain sufficient explanatory matter to designate the purpose thereof. There shall be voted in the said elections only the official ballots furnished, as herein provided for, and if other ballots be voted, they shall not be counted. No ballot for councilmen shall be valid unless as many candidates shall be voted for as there are vacancies to be filled. If the elector desires to vote for a person whose name does not appear on the ballot, he can substitute the name by writing it in with a pencil or ink and making a cross (X) mark in the blank space at the left of the name so written in. When a name is written in on the official ballot, the new name so written in is to be treated like any other name printed on the ballot. No sticker is to be used.

Section 4.6. Time polls are to be open. The polls shall be open on the day of the election from 6:30 A.M. until 6:30 P.M. local time and no longer.

Section 4.7. Procedure generally after election; void ballots; Board of City Canvassers. When the election shall have been finished, the registrar and judges of election shall open the boxes and count the ballots, reading the names aloud of the persons which shall appear on the ballot and if there shall be two or more ballots rolled together, or if any ballot shall contain the names of more persons than the elector has the right to vote for, or if any ballot fails to have as many candidates voted for as there are vacancies to be filled, or shall have a sticker, device, or ornament upon it, in either of these cases such ballot shall not be num-
bered in the taking of the ballot but shall be void. The counting of votes shall be continued without adjournment until completed. The registrar and judges of election at each precinct shall appoint one of their number to attend the meeting of the Board of City Canvassers as a member thereof and shall deliver to the member who shall have been so appointed the original returns or statement of the result of the election at such precinct, and the members of the several precincts who shall have been so appointed shall attend the meeting of the Board of City Canvassers. The members of precincts thus appointed shall constitute the Board of City Canvassers for said election. The Board shall meet on the next day after the election at 12:00 A.M. in the chambers of the City Council. The meeting of the Board of City Canvassers shall be open to the public. At such meeting the Board of City Canvassers shall open and canvass and judicially determine the returns and make abstracts stating the number of votes cast in each precinct for each office the name of each person voted for and the number of votes given for each person for each office, and shall sign the same. The Board of City Canvassers shall have power and authority to judicially determine and declare the results of the election and it shall have power and authority to send for papers and persons and examine the latter under oath; and in case of a tie upon two opposing candidates for the position of councilman, the result shall be determined by lot.

Section 4.8. Special elections. The City Council of the City of Wilson is authorized to conduct special elections. All elections held in the City of Wilson other than those held on Tuesday after the first Monday in May in any year for the purpose of electing officers, shall be deemed special elections. Said special elections may be ordered for any purpose by order of the City Council. The City shall for thirty (30) days before any special election is held give notice of such election by posting notice at the office of the city manager, and by publication of said notice in some newspaper published in said city once a week for four weeks; said notice shall state the purpose for which said special election is held, and the day for holding same. Special elections in the City of Wilson shall be held under the same rules and regulations as are herein provided for the holding of the election of city officers.

Section 4.9. Application of other election laws to city elections. Except as provided by this Act, said election shall be conducted, as far as practical, in all things and in all details, in accordance with the provisions of North Carolina General Statutes Chapter 160 relating to municipal elections generally and in accordance with the provisions of North Carolina General Statutes Chapter 163 as it relates to elections generally, now in force or hereafter enacted. Municipal elections of the City of Wilson shall be governed, first, by the provisions of this Act; second, by the provisions of North Carolina General Statutes Chapter 160; and, third, by North Carolina General Statutes Chapter 163, and reference shall be made in such order. All acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed in connection with municipal elections of the City of Wilson.

ARTICLE V. CITY MANAGER

Section 5.1. Appointment; compensation. The City Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer of the city and the head of the administrative branch of the city government. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience.
in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the city, but shall reside therein during his tenure of office. No person elected as Mayor or as a member of the City Council shall be eligible for appointment as City Manager until one year shall have elapsed following the expiration of the term for which he was elected. The City Manager shall serve at the pleasure of the City Council and shall receive such salary as the Council shall fix. In case of absence or disability of the City Manager, the Council may designate a qualified officer or employee of the city to perform the duties of the office during such absence or disability.

Section 5.2. Chief Administrator. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the city. As chief administrator, the City Manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the city, except the City Attorney, who shall be appointed as provided in Article VI. Neither the Mayor nor the City Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the Mayor and the City Council and its members shall deal with officers and employees in the administrative service only through the City Manager, and neither the Mayor nor the City Council nor any of its members shall give orders or directions to any subordinate of the City Manager, either publicly or privately.

Section 5.3. Duties of City Manager. It shall be the duty of the City Manager to supervise the administration of the affairs of the city; to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the City Council concerning the affairs of the city as he shall deem expedient; to keep the City Council advised of the financial condition and the future financial needs of the city; to attend all meetings of the City Council and to prepare and submit to the Council such reports as he may deem expedient or as may be required of him by the Council; and to perform all other duties as may be required of him by the City Council.

ARTICLE VI. CITY ATTORNEY.

Section 6.1. Appointment; qualifications; terms; compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the city during his tenure. The City Attorney shall serve at the pleasure of the City Council and shall receive such compensation as the Council shall determine.

Section 6.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the city; to advise the Mayor, City Council, City Manager, and other city officials with respect to the affairs of the city; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the city may be concerned; to attend all meetings of the City Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney.

ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

Section 7.1. City Clerk. The City Manager may appoint a City Clerk to keep a journal of the proceedings of the City Council and to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such other duties as may be required by law or as the Manager may direct.
Section 7.2. **City Tax Collector.** The City Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Section 7.3. **City Auditor.** The City Manager may appoint a City Auditor to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

Section 7.4. **Consolidation of Functions.** The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, City Tax Collector, and City Auditor, or any other positions, or may assign the functions of any one or more of such positions to the holder or holders of any other of such positions. The City Manager may also, with the approval of the City Council, himself perform all or any part of the functions of any positions or offices, in lieu of appointing other persons to perform the same.

**ARTICLE VIII. DISPOSAL OF PROPERTY.**

Section 8.1. **Disposal of Surplus Real Property.** The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell any real property which the Council has declared to be surplus in the following manner:

(a) Upon receipt of a deposit of five per cent (5%) of an offer to purchase any such lot or parcel of land, the City Council may cause a notice to be published once a week for four successive weeks in some newspaper published in the city, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the City Manager, with a deposit in the amount of five per cent (5%) of each increased offer, on or before twelve o'clock noon on a date to be specified in the notice, which shall not be less than 21 nor more than 31 days next following the first publication of the notice as above provided for. No bid shall be received after twelve o'clock Noon of the date so specified unless the City Council shall cause the property to be readvertised and again offered for sale as hereinafter provided.

(b) At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding 60 days, the City Council shall proceed to consider any and all bona fide offers made for the property, accompanied by the deposit of five per cent (5%) of the amount thereof as hereinabove provided, and may thereupon confirm the sale of the property to the party, person, or persons so making the highest bona fide offer, with deposit as aforesaid; provided, the Council shall find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.

(c) The City Council, in its discretion, instead of confirming any such sale, shall have the right, power, and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of property.

(d) Two or more offers for two or more separate lots or parcels of land may be combined and advertised in the same notice.

Section 8.2. **Disposal of Surplus Personal Property.** The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any
of its officers or employees to sell any personal property which the Council has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less:

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Council may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Council;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Council.

ARTICLE IX. FINANCE AND TAXATION

Section 9.1. Custody of City Money. All moneys received by the city for or in connection with the business of the city government shall be paid promptly into the city depository. Such institution shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the city shall accrue to the benefit of the city. All money belonging to the city shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Section 9.2. Independent audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the city government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the city or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the city, and may be published if so ordered by the City Council.

ARTICLE X. POLICE.

Section 10.1. Jurisdiction extended.

(a) The jurisdiction of the city police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the city police force is hereby extended to include all property and facilities owned by the city, whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Section 10.2. Effect of ordinances on city property. All applicable ordinances of the city shall have full force and effect upon and within all property and facilities owned by the city, whether located within or outside the corporate limits.

ARTICLE XI. CLAIMS AGAINST THE CITY.

Section 11.1. Presentation of claims: suit upon claims.
(a) All claims or demands against the City of Wilson arising in tort or in contract shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues and unless suit is brought within 12 months thereafter, any action thereon is barred.

(b) No action shall be instituted against the city on account of damages to or compensation for real property taken or used by the city for any public purpose, or for the ejectment of the city therefrom, or to remove a cloud upon the title thereof, unless within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the City Council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The city may at any time request the appointment of a next friend to represent any person having a potential claim against the city and known to be suffering from physical or mental incapacity.

Section 11.2. Settlement of claims by city manager. The city manager may, with the approval of the City Council, settle claims against the city for (1) personal injuries or damages to property when the amount involved does not exceed the sum of One Hundred Dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed Five Hundred Dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the city manager pursuant to this Section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements, and all such releases, shall be approved in advance by the city attorney.

ARTICLE XII. STREET AND SIDEWALK IMPROVEMENTS.

Section 12.1. Authority: In addition to any authority which is now or may hereafter be granted by general law to the city for making street and sidewalk improvements, the City Council is hereby authorized to make street and sidewalk improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article:
Section 12.2. Street improvements; when petition unnecessary. The City Council may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting properties at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

(a) That the street improvement project does not exceed 1200 lineal feet, and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided that assessments for widening any street or portion of a street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the city's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

Section 12.3. Street improvement defined. For the purposes of the preceding Section, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Section 12.4. Sidewalk improvements. The City Council is hereby authorized to cause sidewalks to be constructed or sidewalk improvements or repairs to be made in accordance with standards and specifications of the city, and to assess the total cost thereof against abutting properties, without the necessity of a petition; provided, that the Council may order the cost of sidewalk improvements made on only one side of a street to be assessed against the properties abutting both sides of such street.

Section 12.5. Assessment procedure. In ordering street or sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the City Council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Section 12.6. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

Section 12.7. Maintenance of sidewalks. It shall be the duty of every property owner in the city to maintain in good repair and to keep clean and free of debris, trash, and other obstacles and impediments the sidewalks abutting his property. The City Council is hereby authorized to establish by ordinance a procedure whereby city forces may repair or clean any sidewalk or remove therefrom any trash, debris, or other obstacles or impediments upon the failure of the abutting property owner after 10 days' notice to do so. In such event, the cost of such repair, cleaning, or removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes, and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes. The authority and procedure of this Section
as to repair of sidewalks shall be supplementary to the authority and procedure of Section 12.4, and the City Council may, in its discretion, proceed under either Section in causing sidewalks to be repaired.

Section 12.8. *Acceptance of conveyance in satisfaction of assessments.* The City Tax Collector or other official or employee of the city having charge of the collection of special assessments, shall have the right, power, and authority, by and with the approval of the City Council first had and obtained, to receive and accept a fee simple conveyance to the city of any lot or parcel of land in the city, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power, and authority, however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and such right, power, and authority exercised as to a part, only, of the property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the city, upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

**ARTICLE XIII. REFUSE, WEEDS, AND TRASH.**

Section 13.1. *Property kept free of offensive matter.* It shall be the duty of every property owner in the city to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

Section 13.2. *Removal of offensive matter; charges a lien.* The City Council may by ordinance establish a procedure whereby city forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter, from any property upon failure of the owner or occupant after ten days' notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

**ARTICLE XIV. REGULATORY POWERS.**

Section 14.1. *Subdivision regulations.* The City Council is hereby authorized to adopt an ordinance regulating the subdivision of land in accordance with the provisions of G. S. 160-226 through 160-227, inclusive. Such ordinance may also provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing, and guttering; and street and storm drainage facilities in accordance with city standards and specifications and, to assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance. The City Council is hereby authorized to make such subdivision ordinance effective and to enforce the same within the territory lying outside the corporate limits and within one mile in all directions of its corporate limits.

Section 14.2. *Regulatory codes.* The City Council is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and
within one mile thereof all ordinances and codes of the city regulating the construction and repair of buildings, including building codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200 (28) relating to unsafe buildings. In addition, the City Council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the city; provided, that the City Council may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

Section 14.3. Zoning Board of Adjustment rules. The City Council may establish by ordinance general and reasonable rules fixing the time within which appeals shall be taken from any order, requirement, decision or determination made by the building inspector or any other administrative official charged with the enforcement of any ordinance adopted pursuant to Article 14 of Chapter 160 of the General Statutes, and general and reasonable rules regulating the procedure for taking such appeals, for the giving of notice to interested parties and to the general public, for the conduct of hearings by the Board of Adjustment, for keeping the records by the Board of Adjustment, and for the issuance of certificates of its decisions by the Board of Adjustments. The City Council may prescribe by ordinance the forms of notices, orders, and certificates to be issued by the Board of Adjustment and to be used in proceedings before the board, and may from time to time amend such general rules and regulations. The City Council may also require reasonable costs to be advanced by appellants, so as to defray the expenses of the city in connection with such appeals and hearings.

ARTICLE XV. WATER AND SEWER IMPROVEMENTS.

Section 15.1. Alternative method of assessing costs of water and sewer improvements. In addition to, and as alternatives, to the method provided in G. S. 160-241 for assessing the costs of water and sewer lines and laterals, the City Council, if in its opinion it would be more equitable to do so, is hereby authorized in its discretion to levy any such assessments according to either of the following methods: (1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the footage of land upon a public street by an equal rate per foot of such frontage.

In lieu of assessing the total cost of a particular project as herein provided, the governing body may annually, between the first days of January and July of each year, determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It may also include the anticipated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this Section is to distribute more equitably the cost of the installation
of water and sewer lines throughout the City; to permit a property owner to know in advance what the cost of installation of water and sewer lines benefiting his property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights-of-way may also be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

ARTICLE XVI. COMMUNITY ANTENNA TV SERVICE.

Section 16.1. Authority to grant franchise for CATV or to own and operate same. The City of Wilson shall have authority to grant upon reasonable terms franchises for the operation of cable television systems, such grant not to exceed the period of 20 years, to levy franchise taxes on the business of operating cable television systems, and to prohibit the operation of cable television systems without a franchise. Any franchise granted hereunder may include, but shall not be limited to, provisions for control of rates; for control of the quality, level and availability of service; for limitations upon the territory to be served; and for governing the use of streets. Any franchise granted hereunder may be suspended or revoked, in whole or in part, by the governing body after notice and hearing, for failure to comply with any term, condition or limitation of such franchise. For the purposes of this subsection, "cable television system" shall mean any system or facility which, by means of a master antenna and wires or cables, or of wires and cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation; provided, that "cable television system" shall not mean or include the providing by any person, firm, or corporation of master antenna service only to property owned or leased by such person, firm, or corporation, if no part of any public right of way or easement is used in providing such service. That the City of Wilson shall have authority to construct, operate and maintain such "cable television systems" within the area of its city limits and in areas served by its electrical distribution system and to make charges to users of such system.

Sec. 2. The purpose of this Act is to revise the Charter of the City of Wilson and to consolidate herein certain Acts concerning the property, affairs, and government of the city. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, portions of Acts, or amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Any Acts concerning the property, affairs, or government of public schools in the City of Wilson;

(b) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind;

Sec. 4. (a) The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:
c.247, Private Laws, 1848-49; c.343, Private Laws, 1850-51; c.259, Private Laws, 1854-55; c.109, Private Laws, 1856-57; c.55, Private Laws, 1866-67; c.121, Private Laws, 1869-70; c.86, Private Laws, 1873-74; c.1, c.106, Public Laws, 1881; c.51,

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein or any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Wilson, and all existing rules or regulations of departments or agencies of the City of Wilson, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified, or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Wilson or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.
CHAPTER 137

AN ACT REPEALING CHAPTER 602 OF THE SESSION LAWS OF 1963 LIMITING THE AMOUNT OF SCHOOL BONDS WHICH MIGHT BE AUTHORIZED FOR THE COUNTY OF CABARRUS AND FIXING SUCH LIMITATION FOR SAID COUNTY WITHIN THE PROVISIONS OF THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 602 of the Session Laws of 1963 limiting the amount of bonds of the county of Cabarrus which might be authorized for school purposes to six million dollars ($6,000,000.00) is hereby repealed.

Sec. 2. The Board of Commissioners for said County of Cabarrus is hereby authorized and empowered to pass a bond order or orders authorizing the issuance of bonds of said county for school purposes pursuant to the provisions of the County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina) and notwithstanding any limitation contained in Section 153-87 of the County Finance Act, if it appears from the sworn statements filed pursuant to Section 153-83 of the County Finance Act that the net school indebtedness does not exceed eight per cent (8%) of the assessed valuation of said county, unless the bonds to be issued are funding or refunding bonds in which event such limitation shall not apply.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1969.

CHAPTER 138

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREFMEN IN THE CITY OF WILSON AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, AND G. S. 118-7 TO THE CITY OF WILSON.

The General Assembly of North Carolina do enact:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Wilson, as established in accordance with G. S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Wilson Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Firemen's Local Relief Fund of the City of Wilson, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Wilson shall:

(a) prior to June 30, 1969, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of ten thousand dollars ($10,000.00);
(b) in each subsequent calendar year, and within thirty (30) days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G. S. 118-5, transfer to the Supplemental Retirement Fund such funds;

(c) at the close of each calendar year when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G. S. 118-7, be less than ten thousand dollars ($10,000.00), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of ten thousand dollars ($10,000.00);

(d) as soon as practicable after June 30th of each year, but in no event later than December 31st, divide the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this Act.

Sec. 3. Supplemental Retirement Benefits. (a) Each retired fireman of the City who has previously retired with twenty (20) years service or more as a City fireman shall be entitled to and shall receive the following supplemental retirement benefits:

(1) one share for each full year of service as a full-time and fully-paid fireman of the City;

(2) one share for each full year of service as a part-time, partly-paid fireman of the City;

(3) one share for each full year of service as a volunteer fireman of the City.

(b) Any former fireman of the City, either full-time and fully-paid, part-time, partly-paid, or volunteer, who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman after a minimum of five years of service because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.
CHAPTER 138  SESSION LAWS—1969

Sec. 4. Intention. It is the intention of Section 3 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Supplemental Retirement Fund and the Local Relief Fund, and it is the intention of Section 2 of this Act to require that the funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (b) thereof shall be held in trust, and that no funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (b) thereof or as a gift, grant, bequest, or donation to such Fund shall ever be disbursed except as and when required by subsection (c) thereof. Supplemental retirement benefits shall not be paid retroactively.

Sec. 5. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by G. S. 159-28.1.

Sec. 6. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 7. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the income of the Local Relief Fund the premiums on the bond of the Treasurer.

Sec. 8. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1969.

S. B. 132  CHAPTER 139

AN ACT REWRITING G. S. 106-245.16 RELATING TO THE NORTH CAROLINA EGG LAW.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-245.16 is rewritten in its entirety as follows:

"The Board of Agriculture shall establish and promulgate such standards of quality, grades and weight classes for eggs sold or offered for sale in this State as will protect the consumer and the institutional consumer from eggs which are injurious or likely to be injurious to health by reason of the condition of the shell, or contents thereof, or by reason of the manner in which eggs are processed, handled, shipped, stored, displayed, sold or offered for sale. Such standards of quality, grades and weight classes as are promulgated and established by the Board shall also promote honesty and fair dealings in the poultry industry. Such standards, grades and weight classes may be modified or altered by the Board whenever it deems it necessary.

Sec. 2. Provided this Act shall not apply or effect any pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon its ratification. In the General Assembly read three times and ratified, this the 28th day of March, 1969.

H. B. 263

CHAPTER 140

AN ACT TO PROHIBIT THE TAKING OF WILDLIFE AT NIGHT WITH THE AID OF AN ARTIFICIAL LIGHT FROM OR THROUGH THE USE OF ANY CONVEYANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-104 as it appears in the 1967 Supplement to Volume 3A of the General Statutes is amended to add a new paragraph as follows between paragraphs one and two of the section as they presently appear in that Supplement:

"No person shall take any wild animal or wild bird at night with the aid of an artificial light if such taking is from any aircraft, vehicle, watercraft, or other conveyance; provided however that this section does not prohibit the collection of specimens for scientific and medical studies when conducted under permit issued by the North Carolina Wildlife Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1969.

H. B. 269

CHAPTER 141

AN ACT RELATING TO THE ELECTION OF THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the regular election in Currituck County in 1970, and quadrennially thereafter, the County Commissioner from the County at large shall be elected for a term of four (4) years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 335

CHAPTER 142

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO, THE SAME BEING CHAPTER 37, PRIVATE LAWS OF 1923, AS AMENDED, AND PARTICULARLY AS REVISED AND REORGANIZED BY CHAPTER 1137, SESSION LAWS OF 1959, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. Section 2.21(a) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by rewriting that portion of the fourth sentence preceding the colon thereof to read as follows:

"Any person desiring to become a candidate for nomination for the office of coun-
cilman shall, no sooner than the second day of January and no later than 5:00 o'clock p.m. of the second Friday preceding the day of the primary election, file with the city clerk a statement of his candidacy in substantially the following form:"

Sec. 2. Section 3.03 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby further amended by rewriting said section to read as follows:

"Sec. 3.03. Salary of Mayor and Councilmen.

The mayor shall receive for his services such salary as the City Council, by ordinance, shall determine, but not less than four thousand eight hundred dollars ($4,800.00) a year. The City Council may establish, by ordinance such salary for the mayor pro tem and other members as it shall determine, but not less than two thousand four hundred dollars ($2,400.00) a year. No increase or reduction in salary of the mayor or members of the City Council shall be made to take effect during the respective term of office in which it is voted. All salaries shall remain in effect for all succeeding terms of office unless changed in the time and manner as hereinabove provided."

Sec. 3. Section 3.81 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by adding at the end thereof a new paragraph to read as follows:

"Either the mayor or the mayor pro tem shall be a proper party to receive and accept service of all complaints, notices and other documents of a judicial nature on behalf of the city. The mayor pro tem, as well as the mayor, shall have the authority to execute contracts, deeds or other legal documents on behalf of the city, such documents having been first approved by the city attorney."

Sec. 4. Section 4.13 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by rewriting said section to read as follows:

"Sec. 4.13. City manager; absence or disability.

(a) In the event the manager shall be sick, absent from the city or otherwise unable to perform the duties of his office, the assistant city manager shall be ex officio city manager until the manager is able to resume his duties, and during said period the assistant city manager shall have all the power and authority of the city manager. If there is no assistant city manager or he is unable to assume the duties of city manager for any reason, then the mayor shall be ex officio city manager.

(b) Should the position of city manager be vacant or in the event of the prolonged absence, illness or other incapacity of the city manager, the council may designate one of its members, the mayor, the assistant city manager or any other person as temporary city manager, and the person so designated shall have all the powers and authority of the city manager while he shall serve in the capacity and he may receive such additional compensation as the council may determine."

Sec. 5. Section 4.91(b)(1) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended by Section 10 of Chapter 686, Session Laws of 1961, is amended by striking out the words and figures "twenty-five thousand dollars ($25,000.00)" as the same appear therein and substituting in lieu thereof the words and figures "fifty thousand dollars ($50,000.00)."

Sec. 6. Section 4.91(b) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended by Section 10 of
Chapter 686, Session Laws of 1961, is further amended by rewriting subparagraphs (2), (3) and (6) thereof to read as follows:

"(2) Life insurance benefits payable upon the death of any dependent of an employee. The premium may be paid by City of Greensboro, by the employee, or by the city and employee jointly.

"(3) Life insurance benefits payable upon the death of an employee after his retirement under either the Local Governmental Employees Retirement System, the Federal Social Security system, the State Law Enforcement Officers Benefit and Retirement Fund, or any combination thereof; provided that the amount of such benefits or coverage shall be determined by the city council. The premium may be paid by City of Greensboro, by the employee, or by the city and employee jointly.

"(6) Benefits payable under hospitalization insurance arising out of the hospitalization of a dependent of an employee. The premium may be paid by City of Greensboro, by the employee, or by the city and employee jointly."

Sec. 7. Section 4.111 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended by Section 6 of Chapter 74, Session Laws of 1967, is hereby further amended by rewriting the third sentence thereof to read as follows:

"A contract for the purchase of apparatus, supplies, materials or equipment or a contract for the performance of services may be approved, awarded and executed by the city manager on behalf of the city provided that the City Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year."

Sec. 8. Section 4.124 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby amended by repealing the words "by means other than condemnation" appearing in the first and second lines thereof.

Sec. 9. Section 5.62(a) of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby amended by inserting two new subparagraphs at the end of subparagraph (7) thereof to read as follows:

"(8) The height, location, construction, size and other regulatory measures with respect to commercial or other signs and outdoor advertising.

"(9) Minimum standards for buildings, residences and other structures through housing codes and other similar regulations."

Sec. 10. Chapter 5 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby further amended by adding a new section following Section 5.63 to read as follows:

"Sec. 5.64. Amendments to Official Zoning Map.

The City Council may, by ordinance, delegate or assign the authority for the rezoning of property to the zoning commission with certain rights of appeal and review before the City Council. Such authority shall be exercised by the Zoning Commission under such rules, regulations and guidelines as may be established by the City Council."

Sec. 11. Section 5.72(b) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by rewriting the first sentence thereof to read as follows:

"The board shall consist of seven members to serve for three-year overlapping terms."
Sec. 12. Section 5.121 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby amended by rewriting subsection (d) to read as follows:

"(d) Any person given a citation or ticket by a police officer or other designated official of the City of Greensboro for a violation as provided in subsection (a) may tender an amount not in excess of the sum provided for in subsection (c) as payment of the civil penalty."

Sec. 13. Chapter 6 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby further amended by adding a new section following Section 6.31 to read as follows:


The Council may establish charges to be made for the cost of removing abandoned motor vehicles from private property. When the City causes the removal of any vehicle from private property pursuant to an ordinance permitting such removal and the owner or other person having control of said property fails to pay the cost of removal within thirty days after it becomes due, the amount of the cost of removal of such vehicle shall become a lien against the real property from which said vehicle was removed; said cost shall be placed upon the municipality's tax books against the said property and may be collected and the said lien may be foreclosed in the same manner as taxes are collected and foreclosed, or by suit, as the municipality may determine."

Sec. 14. Section 6.111 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby amended by adding a new paragraph at the end thereof to read as follows:

"Upon adoption of a final resolution of condemnation by the City Council, a copy of said resolution shall be served by registered mail upon each of the parties named therein at their last known address; provided, that if the address of any of the parties is unknown, then said resolution may be served by publication one time in some newspaper published in the city which is qualified to carry legal notices."

Sec. 15. Section 6.163 of the Charter of the City of Greensboro as set forth in Section 22, Chapter 686, Session Laws of 1961, as amended, is hereby amended by rewriting said Section to read as follows:

"Sec. 6.163. Authority to acquire entire lot, block or tract.

Whenever it appears that a portion of a building or other structure must be demolished in order to complete any local improvements, or that the residual portion of a lot, block or tract of land, remaining unused upon the completion of any local improvements, will be substandard according to applicable subdivision, zoning or other requirements pertaining thereto, or, if in the opinion of the City Council, it will become impractical to use the remaining property because of other conditions, the City Council is authorized, but not required, to acquire the entire lot, block or tract by purchase or condemnation and to provide for the sale or exchange of said residual property as provided by Sections 4.122, 4.123 or 4.124 of this charter."

Sec. 16. All extensions and purported extensions of the corporate limits of the City of Greensboro are hereby declared to be valid.

Sec. 17. All proceedings of the City Council of the City of Greensboro and all work performed relative to local improvements, including street paving, sidewalk construction, water and sanitary sewer construction, including water and sanitary sewer mains, lines and laterals, and all work incidental to such local improvements
and the assessments levied and assessed therefor, are hereby in all respects approved and validated.

Sec. 18. Section 143-129 of the General Statutes of North Carolina (Cumulative Supplement 1967), as the same applies to City of Greensboro, Guilford County, is hereby amended by striking out the words and figures, "two thousand dollars ($2,000.00)" appearing in lines 5 and 6 and substituting in lieu thereof the words and figures, "five thousand dollars ($5,000.00)".

Sec. 19. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 20. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

S. B. 173

CHAPTER 143

AN ACT TO AMEND THE WORKMEN'S COMPENSATION ACT, REGARDING BENEFITS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 97-29 is hereby amended as follows:
(a) In lines 5 and 6 of such Section, the words and figures "forty-two dollars ($42.00)" are hereby stricken out, and there is substituted in lieu thereof the words and figures "fifty dollars ($50.00)".
(b) In line 8 of such Section, the word "fifteen" is hereby stricken out and the word "eighteen" is inserted in lieu thereof.
(c) In line 14 of such Section, the word "fifteen" is hereby stricken out and the word "eighteen" is inserted in lieu thereof.
(d) In line 17 of such Section, the word "fifteen" is hereby stricken out and the word "eighteen" is inserted in lieu thereof.
(e) In line 19 of such Section, the word "fifteen" is hereby stricken out and the word "eighteen" is hereby inserted in lieu thereof.
(f) In line 24 of such Section, the words and figures "forty-two dollars ($42.00)" are hereby stricken out, and there is substituted in lieu thereof the words and figures "fifty dollars ($50.00)".

Sec. 2. G.S. 97-30 is hereby amended by striking out the words and figures "forty-two dollars ($42.00)" as the same appear in lines 6 and 7 thereof, and by substituting in lieu thereof the words and figures "fifty dollars ($50.00)".

Sec. 3. G.S. 97-31 is hereby amended as follows:
(a) Subsection (21) is hereby amended by striking out the word "four" as the same appears in line 3 of such subsection and by substituting in lieu thereof the word "five".
(b) Subsection (22) is hereby amended by striking out "four thousand dollars ($4,000.00)" as the same appears in lines 6 and 7 of such subsection and by substituting in lieu thereof "five thousand dollars ($5,000.00)".
(c) Subsection (24) is hereby amended by striking out "four thousand dollars ($4,000.00)" as the same appears in line 5 of such subsection and by substituting in lieu thereof "five thousand dollars ($5,000.00)".

Sec. 4. G.S. 97-38 is hereby amended as follows: In line 6 of such Section, the words and figures "forty-two dollars ($42.00)" are hereby stricken out, and there is substituted in lieu thereof the words and figures "fifty dollars ($50.00)".
CHAPTER 143  SESSION LAWS—1969

Sec. 5. G. S. 97-41 is hereby amended by striking out the word "fifteen" as the same appears in line 5 and inserting in lieu thereof the word "eighteen".

Sec. 6. G. S. 97-61.5(b) is hereby amended by striking out the words and figures "forty-two dollars ($42.00)" as the same appear in lines 13 and 14 of such subsection, and by substituting in lieu thereof the words and figures "fifty dollars ($50.00)".

Sec. 7. G. S. 97-61.6 is hereby amended as follows:
(a) In line 11 of such subsection the words and figures "forty-two dollars ($42.00)" are hereby stricken out and there is substituted in lieu thereof the words and figures "fifty dollars ($50.00)".
(b) In line 14 of such subsection the words and figures "fifteen thousand dollars ($15,000.00)" are hereby stricken out and there is substituted in lieu thereof the words and figures "eighteen thousand dollars ($18,000.00)".
(c) In lines 19 and 20 of such subsection, the words and figures "forty-two dollars ($42.00)" are hereby stricken out and there is substituted in lieu thereof the words and figures "fifty dollars ($50.00)".
(d) In line 31 of such subsection the words and figures "fifteen thousand dollars ($15,000.00)" are hereby stricken out and there is substituted in lieu thereof the words and figures "eighteen thousand dollars ($18,000.00)".

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force from and after July 1, 1969, and shall apply only to cases originating on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

S. B. 213

CHAPTER 144

AN ACT TO AUTHORIZE A REFERENDUM IN THE TOWN OF GARLAND ON ALCOHOLIC BEVERAGE CONTROL STORES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Garland may, on its own motion, and shall, upon receipt of petition signed by qualified voters of the Town equal in number to fifteen percent (15%) of the votes cast for Mayor in the most recent regular Town election, call and conduct a special election in the Town upon the question whether alcoholic beverage control stores shall be established in the Town. No new registration of voters shall be necessary for such special election, and all qualified voters of the Town who are registered prior to the registration period for such special election and all who register during such period shall be entitled to vote in such special election. Notice of such special election shall be posted at the Town Hall and at two other public places in the Town at least fifteen days preceding the day of election. Except as otherwise provided herein, the special election shall be conducted in accordance with the laws, rules, and regulations governing regular Town elections in the Town of Garland. Such special election may be held on the same day as any regular Town election or any other special election.

Sec. 2. At such special election, ballots shall be provided which contain the words "For Town Alcoholic Beverage Control Stores" and "Against Town Alcoholic Beverage Control Stores", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast at such special election shall be cast "For Town Alcoholic Beverage Control Stores", then it shall thereafter be lawful
for such stores to be established and operated within the Town and the Board of Commissioners shall immediately create the Town of Garland Alcoholic Beverage Control Board, to be composed of a Chairman and two other members. The Chairman and members shall be appointed by the Board of Commissioners. The member designated as Chairman shall serve for a term of three years; one member shall serve for a term of two years, and one member for a term of one year. After the initial terms, successors shall be appointed for terms of three years. Any vacancy on such Board shall be filled by the Board of Commissioners for the unexpired term. Compensation of the members of the Board shall be fixed by the Board of Commissioners.

Sec. 4. The Town of Garland Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G. S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control as granted by G. S. 18-39; provided, however, that G. S. 18-45 (15) and G. S. 18-39 (10) shall not be applicable to the Town of Garland Alcoholic Beverage Control Board.

Sec. 5. The net annual revenue from the operation of alcoholic beverage control stores remaining after payment of all costs and operating expenses and after retaining sufficient working capital in an amount determined by the Town of Garland Alcoholic Beverage Control Board shall be paid to the Town of Garland. The Board of Commissioners of the Town of Garland shall appropriate for law enforcement purposes an amount not less than five percent nor more than ten percent of such net annual revenue, and shall assign to one of its police officers the additional duty of enforcing the alcoholic beverage control laws, and in performing such duty, such officer shall have county-wide jurisdiction; provided, that in lieu of assigning such additional duty to one of its police officers, the Board of Commissioners may, in its discretion, appropriate such amount for support of a joint alcoholic beverage control law enforcement effort with any other municipalities in Sampson County, upon such terms and conditions as it deems wise. So much of the net annual revenue then remaining, after such appropriation for law enforcement purposes, may be used for any authorized Town purpose or function. The Town Alcoholic Beverage Control Board may, with the approval of the Board of Commissioners of the Town, appropriate or pay out the funds authorized by this Section on a quarterly basis after sufficient working capital has initially been set aside.

Sec. 6. If a majority of the votes cast in such special election shall be cast "Against Town Alcoholic Beverage Control Stores", then no Town alcoholic beverage control stores shall be established in the Town of Garland under authority of this Act unless authorized by a subsequent election conducted under authority of Section 1 of this Act.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.
CHAPTER 145  SESSION LAWS—1969

S. B. 170  CHAPTER 145

AN ACT TO AUTHORIZE A REFERENDUM IN THE TOWNS OF BISCOE AND MOUNT GILEAD ON ALCOHOLIC BEVERAGE CONTROL STORES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Biscoe and the Board of Commissioners of the Town of Mount Gilead shall each call and conduct, within its respective town, on May 6, 1969, the day of the regular election of Town officers, a special election upon the question whether alcoholic beverage control stores shall be established in the Town. No new registration of voters shall be necessary for such special election, and all qualified voters of each Town who are registered prior to the regular registration period for the regular 1969 municipal election in each Town, and all who register during such period, shall be entitled to vote in such special election. Notice of such special election shall be posted at the Town Hall in each Town and at two other public places in each Town at least fifteen days preceding the day of election. Except as otherwise provided herein, the special election in each Town shall be conducted in accordance with the laws, rules, and regulations governing regular Town elections in each Town, respectively.

Sec. 2. At such special election, in each Town, ballots shall be provided which contain the words "For Town Alcoholic Beverage Control Stores" and "Against Town Alcoholic Beverage Control Stores", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast at such special election in the Town of Biscoe shall be cast "For Town Alcoholic Beverage Control Stores", then it shall thereafter be lawful for such stores to be established and operated within the Town of Biscoe. If a majority of the votes cast at such special election in the Town of Mount Gilead shall be cast "For Town Alcoholic Beverage Control Stores", then it shall thereafter be lawful for such stores to be established and operated within the Town of Mount Gilead. In the event a majority of the votes cast at either or both of the special elections shall be cast "For Town Alcoholic Beverage Control Stores", then the Boards of Commissioners of the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy shall create the Montgomery Municipal Board of Alcoholic Beverage Control, to be composed of five (5) members, one each appointed by the Board of Commissioners of each of the Towns for terms of three (3) years. The members so appointed shall choose from among their number a Chairman to serve at their pleasure. Any vacancy on such Board shall be filled for the unexpired term by the Town Board of Commissioners which appointed the member causing such vacancy. Compensation of the members of the Board shall be fixed by concurrent action of the Boards of Commissioners of the Town. Such Board shall open and operate one or more alcoholic beverage control stores in each Town in which such stores shall be authorized by the special elections herein provided.

Sec. 4. The Montgomery Municipal Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G. S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control as granted by G. S. 18-39; provided, however, that G. S. 18-45(15) and G. S. 18-39(10) shall not be applicable to the Montgomery Municipal Alcoholic Beverage Control Board nor to any alcoholic beverage control stores operated by such Board.

Sec. 5. The net annual revenue from the operation of alcoholic beverage control stores remaining after payment of all costs and operating expenses and after retain-
ing sufficient working capital, in an amount determined by it, shall be paid by the Montgomery Municipal Alcoholic Beverage Control Board as follows:

(a) five per cent (5%) each to the Towns of Biscoe and Mount Gilead to be used for law enforcement purposes; provided, however, in the event alcoholic beverage control stores shall be authorized in only one of said Towns by the special elections herein provided, then the Board shall pay ten per cent to such Town to be used for law enforcement purposes;

(b) fifty per cent (50%) to be divided among and paid to the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy on the basis of their relative populations according to the most recent Federal census, and to be used by them for any authorized Town purpose or function;

(c) forty per cent (40%) to Montgomery County to be used for any authorized County purpose or function.

The Montgomery Municipal Alcoholic Beverage Control Board shall, upon request of the Boards of Commissioners of the Towns appointing its members, pay out the funds authorized by this Section quarterly after sufficient working capital has initially been set aside.

Sec. 6. In expending the funds for law enforcement pursuant to Section 5 of this Act, the Board of Commissioners of the Towns of Biscoe and Mount Gilead, or either of them, may assign to one of its police officers the additional duty of enforcing the alcoholic beverage control laws, and in performing such duty, such officer or officers shall have county-wide jurisdiction. At any time when the amount allocated by this Act for law enforcement shall be deemed to be sufficient to do so, the Board of Commissioners of each Town receiving funds for law enforcement hereunder may appropriate such funds to employ either, singly or jointly, one or more alcoholic beverage control officers.

Sec. 7. If a majority of the votes cast in such special election in either the Town of Biscoe or the Town of Mount Gilead shall be cast "Against Town Alcoholic Beverage Control Stores", then no Town alcoholic beverage control stores shall be established in such Town under authority of this Act, unless authorized by a subsequent special election which may be called and conducted at any time by the Board of Commissioners of such Town on its own motion, and which may be held on the day of any other regular or special Town election, and which shall be conducted in accordance with the laws applicable to regular municipal elections in such Town.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

S. B. 116

CHAPTER 146

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LIBERTY REGARDING ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 514, Section 2 of the Public-Local Laws of 1939 is repealed and Chapter 16, Section 4 of the Private Laws of 1889 is hereby rewritten to read as follows:
"Sec. 4. There shall be an election held in the year 1969 and biennially thereafter as provided in the General Statutes for the election of elective officers of the Town of Liberty. Candidates for the elective offices of said municipality may be nominated at a mass meeting of the qualified voters of the said town not later than April fifteenth, of each municipal election year, and upon five days notice of a call by the mayor, or commissioners, posted at three public places in the town and published in a newspaper having circulation in the town, naming the time and place and purpose of the meeting. All persons entitled to vote in the town may participate in the meeting, and all persons qualified to hold office in the town that are nominated at such meeting shall, upon signing a written request to the mayor, have his or her name placed upon the ballot as a candidate for the office for which nominated if filed with the mayor on or before April twentieth of such election year. Provided that if the persons up to ten in number, or any part thereof, receiving the highest number of votes at such mass meeting as candidates for town commissioner, and person or persons, up to two in number, receiving the highest number of votes for other elective office fail to file a written request as herein provided, then in that event their names be placed upon the ballot anyway as candidates for the respective office for which such persons were nominated at such mass meeting. Any person qualified to hold office in said town, not having been nominated at the mass meeting, may have his, or her name placed upon the ballot as a candidate, for whatever office is designated, by filing with the mayor on or before April twentieth of such election year a request, accompanied by a petition signed by ten percent (10%) of the qualified voters of said town, designating the office such person desires his, or her name placed upon the ballot as a candidate for and requesting that such person be filed as a candidate. The person receiving a plurality of votes for the office for which he, or she is a candidate will be declared elected to such office. Five commissioners shall be elected in 1969; the three receiving the highest votes shall serve for a term of four years; the two receiving the fourth and fifth highest votes shall serve for a term of two years. Thereafter commissioners shall be elected for a term of four years and shall serve until their successors are duly elected and qualified. In case of a tie vote for any office the registrar will cast the deciding vote."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 237

CHAPTER 147

AN ACT TO AUTHORIZE ANY COUNTY OPERATING AN AMBULANCE SERVICE TO APPOINT AN AMBULANCE COMMISSION AND DELEGATE POWERS THERETO.

The General Assembly of North Carolina do enact:

Section 1. Subsection 58 of G. S. 153-9, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by adding a new subdivision f at the end thereof, to be designated as subdivision f and to read as follows:
"In the event a county elects to operate and maintain a county ambulance service pursuant to this subsection, the board of county commissioners may, but is not required to, create an ambulance commission of five members and appoint the members thereof to serve at the pleasure of the board of county commissioners. The board of county commissioners is expressly authorized to delegate to this commission full and complete powers of the board of county commissioners in operating and maintaining such county ambulance service, or it may limit the authority delegated to such commission. Any powers delegated pursuant to this subsection may be modified or rescinded by the board of county commissioners at any time."

**Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 3.** This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

**H. B. 238**

**CHAPTER 148**

AN ACT TO AMEND CHAPTER 887 OF THE SESSION LAWS OF 1947 TO PROVIDE A ONE PER CENT DISCOUNT UPON CERTAIN AD VALOREM TAX PREPAYMENTS.

*The General Assembly of North Carolina do enact:*

**Section 1.** Section 1, subsection (5) of Chapter 887 of the Session Laws of 1947 is hereby amended by adding the following sentence at the end thereof:

"In the event that tax bills are not mailed by the tax collector of Nash County prior to August 17, any taxpayer desiring to make a prepayment of his taxes shall be entitled to a one per cent (1%) discount if such prepayment is made within fourteen (14) days from the date such tax bills are mailed."

**Sec. 2.** All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

**Sec. 3.** This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

**H. B. 260**

**CHAPTER 149**

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 and 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZ THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY, TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN THAT COUNTY, AND TO AUTHORIZE THE DIVISION OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

*The General Assembly of North Carolina do enact:*

**Section 1.** The Board of County Commissioners for the County of Cleveland is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in the said county, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

**Sec. 2.** Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the
CHAPTER 149  SESSION LAWS—1969

oath or affirmation prescribed in G.S. 105-308 or G.S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G.S. 105-308 and G.S. 105-310.

Sec. 3. Authority is hereby granted to the Board of County Commissioners of Cleveland County to divide or combine townships within their respective county for tax listing purposes. The tax supervisor of the said county, with the approval of the Board of County Commissioners for said county, may appoint one or more list takers for each such unit within said county so combined or divided.

Sec. 4. The provisions of G.S. 105-306(2b), G.S. 105-308, G.S. 105-309 and G.S. 105-310 shall apply to the County of Cleveland except insofar as they are inconsistent with regulations relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G.S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Cleveland County. If the Board of Commissioners of the said county has adopted regulations relating to any matter covered by this Act, the listing in the affected county must be in accordance with the General Statutes as amended by such regulations, and the provisions of G.S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 6. The Act shall apply only to the county of Cleveland.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 295  CHAPTER 150

AN ACT TO AMEND G. S. 105-345, FIXING DISCOUNTS FOR PREPAYMENT OF TAXES IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345 is hereby amended by striking subsection (6) as the same applies to Stokes County and inserting in lieu thereof the following provision:

"(6) Should any taxpayer desire to make a prepayment of his taxes between July first and October first of any year, he may do so by making payment to the county or city accountant, city clerk, auditor or treasurer, as the governing body may determine, and shall be entitled to the following discounts: if paid on or before August first a deduction of two per cent (2%); if paid during August or September a deduction of one per cent (1%)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.
H. B. 311  CHAPTER 151
AN ACT TO AMEND G. S. 153-5 TO PROVIDE FOR STAGGERED TERMS OF
OFFICE FOR THE COUNTY COMMISSIONERS OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-5, as the same appears in the 1967 Cumulative Supplement
to Replacement Volume 3C of the General Statutes, is amended by adding a new
paragraph at the end thereof to read as follows:

"At the election for county officers to be held in Onslow County in 1970, there
shall be elected five county commissioners. The three candidates receiving the
highest number of votes shall serve for a term of four (4) years each. The two
candidates receiving the next highest number of votes shall serve for a term of two (2) years each. Thereafter, members shall be elected for a term of four
(4) years and elections shall be held biennially for the number of commissioners
whose terms expire.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 31st day of
March, 1969.

H. B. 312  CHAPTER 152
AN ACT AMENDING CHAPTER 146 OF THE PUBLIC LOCAL LAWS OF 1941
SO AS TO PROVIDE THAT THE MEMBERS OF THE UTILITIES COMMI-
SSION OF THE CITY OF GREENVILLE MAY FIX THEIR SALARIES, SUB-
JECT TO DESIGNATED LIMITS.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 146 of the Public Local Laws of 1941 is hereby
amended by striking the third sentence of said section relating to the compensation
of members of the Utilities Commission of the City of Greenville, and by substituting
in lieu thereof the following sentence: "The members of the Utilities Commission
are authorized to fix their own salaries, but not to exceed fifty dollars ($50.00) per
month for the members and one hundred fifty dollars ($150.00) per month for the
Chairman."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.
In the General Assembly read three times and ratified, this the 31st day of
March, 1969.

H. B. 324  CHAPTER 153
AN ACT TO ENLARGE THE MEMBERSHIP OF THE COUNTY BOARD OF EDU-
CATION OF TYRRELL COUNTY FROM THREE MEMBERS TO FIVE MEM-
BERS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby added to the County Board of Education of Tyrrell
County two new members so that the membership of the County Board of Education
of Tyrrell County is hereby increased from three members to five members.
Sec. 2. The two new members added to the membership of the County Board of Education of Tyrrell County shall be elected in the year 1970, for terms of four years each, and the said election of these two members shall be according to the machinery and procedure provided by Chapter 972 of the Session Laws of 1967, relating to a uniform system for the election of members of county boards of education and shall be elected on a partisan basis in the same manner as members of the General Assembly. The two new members so elected for terms of four years each shall qualify by taking the oath of office on or before the first Monday in December next succeeding their election.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 326

CHAPTER 154

AN ACT TO EXTEND THE TERRITORIAL JURISDICTION OF THE POLICE DEPARTMENT OF THE TOWN OF MANTEO IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The police officers of the Town of Manteo are hereby authorized and empowered to execute such law enforcement duties and powers as are now lawfully exercised within the corporate limits of said Town, relating to the enforcement of the criminal laws, including arrests, in all that territory in Dare County within two miles from the present corporate limits of the Town of Manteo, but not within the corporate limits of any other municipality.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 346

CHAPTER 155

AN ACT TO AMEND G. S. 153-10.1, RELATING TO REMOVAL AND DISPOSAL OF TRASH, GARBAGE, ETC., SO AS TO MAKE SAID SECTION APPLICABLE TO ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1, as the same appears in the 1967 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by inserting the word "Rockingham" immediately after the word "Polk", and immediately before the word "Scotland" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.
AN ACT TO AMEND CHAPTER 324 OF THE SESSION LAWS OF NORTH CAROLINA, 1961, BEING THE CHARTER OF THE TOWN OF ELON COLLEGE RELATING TO THE ADOPTION OF ORDINANCES AND RESOLUTIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 324 of the Session Laws of North Carolina, 1961, the Charter of the Town of Elon College, is hereby amended by striking out Section 10 in its entirety and substituting in lieu thereof a new Section 10 which shall read as follows:

"Sec. 10. When Ordinances and Resolutions Take Effect. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provision of the General Laws of North Carolina not inconsistent with this Charter. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

AN ACT AMENDING G. S. 14-107 RELATING TO THE ISSUANCE OF WORTHLESS CHECKS AND THE PUNISHMENT THEREFOR SO AS TO MAKE CERTAIN PROVISIONS THEREOF RELATING TO PUNISHMENT EFFECTIVE IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-107, as the same appears in the 1967 Cumulative Supplement to Volume 1B, is amended by inserting in the fourth paragraph thereof after the word "Bladen" and before the word "Buncombe" the word "Brunswick".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

AN ACT TO AMEND THE CHARTER OF LINCOLNTON TO INCREASE THE SALARY OF THE MAYOR AND ALDERMEN AND TO DESIGNATE LINCOLNTON AS THE "CITY OF LINCOLNTON".

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Lincolnton, Chapter 369 of the Private Laws of 1899, as amended by Chapter 197 of the Private Laws of 1945 and Chapter 381 of the Session Laws of 1955, is hereby further amended by striking from Section 3 of the 1955 Session Laws the words "six hundred dollars" and inserting in lieu thereof the words "twelve hundred dollars" which sum shall be the salary of the Mayor and by striking the words "four hundred fifty dollars" and inserting in lieu thereof "nine hundred dollars," which sum shall be the salary of the members of the Board of Aldermen.
CHAPTER 158  SESSION LAWS—1969

Sec. 2. The Charter of Lincolnton and all other laws relating to Lincolnton are hereby amended by striking the words "Town of Lincolnton" wherever they appear and inserting in lieu thereof the words "City of Lincolnton".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 365  CHAPTER 159

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NASH COUNTY TO COMPENSATE MRS. JOE POWELL FOR INJURIES RECEIVED WHILE IN THE SERVICE OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Nash County is hereby authorized to pay to Mrs. Joe Powell of South Whitakers a sum not exceeding two hundred fifty dollars ($250.00) as compensation for an injury received by her in the service of the County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 368  CHAPTER 160

AN ACT TO AMEND CHAPTER 362 OF THE PRIVATE LAWS OF 1905 RELATING TO THE ELECTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF COATS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 362, Private Laws of North Carolina of 1905, is hereby amended by rewriting all of Sections 5, 6, and 7 thereof, to read as follows:

"Sec. 5. The regular municipal election for the Mayor and members of the Board of Commissioners of the Town of Coats shall be held on Tuesday after the first Monday in May, 1969, and biennially thereafter. The Mayor shall be elected at this nonpartisan election by all the qualified voters of the Town to serve for a term of two (2) years or until his successor is elected and qualified. Members of the Board of Commissioners shall be elected at this nonpartisan election by all the qualified voters of the Town, to serve for a term of four (4) years or until their successors are elected and qualified: Provided, that at the regular municipal election to be held in May, 1969, the two (2) candidates receiving the highest number of votes shall be elected for a term of four (4) years and the two (2) candidates receiving the next highest number of votes shall be elected as Commissioners and shall serve for a term of two (2) years and until their successors are elected and qualified. Thereafter, all Commissioners shall be elected to serve for terms of four (4) years.

"Sec. 6. (a) At the regular municipal election to be held in May, 1969, and biennially thereafter, any qualified elector of the Town of Coats may file as a candidate for Mayor or Commissioner by filing written notice of such candidacy with the Town Clerk in substantially the following form:
"I, ______________, hereby give notice that I am a candidate for election to the office of ______________, to be voted on at the election to be held on the __ day of May, 19__, and I hereby request that my name be printed on the official ballot for such office. I also certify that I am a resident and qualified elector of the Town of Coats residing at ____________________ in said Town.

__________________________
Candidate

__________________________
Date

Witness:

"(b) The notice of candidacy required in subsection (a) of this section shall be filed with the Town Clerk not earlier than sixty (60) days nor later than ten (10) days prior to the date of the election. At the time of filing notice of candidacy, each candidate for the office of Mayor shall pay to the Town Clerk a filing fee of Five Dollars ($5.00), and each candidate for the office of Commissioner shall pay to the Town Clerk a filing fee of Three Dollars ($3.00). The proceeds from filing fees shall be deposited in the General Fund of the Town and used to defray election costs.

"(c) The Town Clerk shall preserve all notices of candidacy until the expiration of the term of office for which the candidate filed. Any candidate may withdraw his notice of candidacy not later than the last day for filing by submitting written notice of withdrawal to the Town Clerk. Should any candidate withdraw as provided herein, the filing fee paid shall be forfeited.

"(d) Only the names of the candidates who have filed for Mayor or Commissioner as required in this section shall have their names printed on the official ballots for the regular municipal election.

"Sec. 7. The regular municipal election required by this Act, special elections, the registration of voters, and all other matters pertaining to the conduct of municipal elections of the Town of Coats shall be governed by the laws of North Carolina applicable to municipal elections except as otherwise provided by this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 376

CHAPTER 161

AN ACT RELATING TO THE FAIRMONT CITY SCHOOL ADMINISTRATIVE UNIT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory described below is herewith annexed to and shall become a part of the Fairmont City School Administrative Unit, or School District, in Robeson County:

Beginning at a point on Ashpole Swamp where Indian Swamp and Hog Swamp join; thence, north and east along Indian Swamp to a point just south of Robeson County Road Number 2269, which is the Orrum and Sterlings Township line, thence west along Sterlings and Orrum Township to Hog Swamp, thence south along Hog Swamp to the beginning point, said area being all of Sterlings Township lying west of Indian Swamp.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 31st day of March, 1969.

H. B. 406

CHAPTER 162

AN ACT TO CONTINUE MRS. SYLVIA G. RUBY AS A MEMBER OF THE WAKE COUNTY BOARD OF EDUCATION FOR THE UNEXPIRED TERM OF HARRY E. STEWART.

The General Assembly of North Carolina do enact:

Section 1. That Mrs. Sylvia G. Ruby be, and she is hereby appointed a member of the Wake County Board of Education for the unexpired term of Harry E. Stewart and to represent District No. 1 on said Board of Education for a term of two years.

Sec. 2. That the said Mrs. Sylvia G. Ruby shall qualify by taking the oath of office on or before the first Monday in April, 1969, and shall hold office until the first day of January, 1971, and until her successor is elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

S. B. 239

CHAPTER 163

AN ACT TO PROVIDE PROCEDURES FOR ELECTION OF MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF FRANKLINVILLE.

The General Assembly of North Carolina do enact:

Section 1. A regular municipal election, for choice of Mayor and members of the Board of Commissioners of the Town of Franklinville, shall be held on the first Tuesday after the first Monday in May, 1969, and on the first Tuesday after the first Monday in May of each odd numbered year thereafter. Special elections shall be conducted in accordance with the general laws relating thereto.

Sec. 2. All elections shall be conducted in accordance with the General Statutes of North Carolina relating to municipal elections, except as modified and provided by this Act.

Sec. 3. Any qualified elector desiring to become a candidate to the office of Mayor or Board of Commissioners of the Town of Franklinville shall, at least 15 days prior to said election, file with the Town Clerk a statement of such candidacy in substantially the following form:

State of North Carolina
County of Randolph

I, ____________________________, hereby give notice that I am a qualified elector of the Town of Franklinville, County of Randolph, State of North Carolina, that I am a candidate for election to the office of ____________________________, to be voted on at the general municipal election to be held on the ___ day of May, 19___, and I hereby request that my name be printed upon the official ballot to be voted in said election.

________(Signed) ______
Candidate

(Date)
At the time of filing such notice of candidacy, such candidate so filing shall pay the Town Clerk a filing fee of five dollars ($5.00). Proceeds of said filing fees shall be used to defray costs of printing ballots and other election costs. Any candidate may withdraw his notice up to the last day for filing by doing so in writing, but the filing fee shall be forfeited.

Sec. 4. No name other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

Sec. 5. All qualified electors in the Town of Franklinville shall be eligible to vote in the municipal election. Registration books shall be open for registration of voters during the fourth, third and second weeks immediately prior to the election, ending on the second Saturday immediately prior to the election. The last Saturday, immediately prior to the election shall be Challenge Day. The Registrar shall be at the polling place on the Saturdays of each week above specified from 6:30 a.m. until 6:30 p.m. The general election laws concerning age, residence and other qualifications shall apply.

Sec. 6. On April 1, 1969, and biennially thereafter (except on Monday following should April 1 fall on Sunday) the Mayor and Board of Commissioners shall cause notice of the election to be posted at the Town Hall in the corporate limits of the Town of Franklinville, and such notice shall state substantially:

(a) The date and polling place.
(b) The names of the registrar and judges.
(c) The date and time for opening and closing of the registration books.
(d) Requirements for registration.
(e) Requirements as to filing notice of candidacy.

Sec. 7. All properly registered persons shall be entitled to vote for one candidate for Mayor and for as many candidates as there are members to be elected to the Board of Commissioners. All candidates up to the number to be elected who receive the largest number of votes shall be declared elected. The registrar and judges shall certify the results of each election and the same shall be entered in the official minute book of the Town of Franklinville by the Town Clerk.

Sec. 8. The Mayor and the Board of Commissioners shall organize on the first Monday in June following their election. Before entering upon their offices, the Mayor and each Commissioner shall take and subscribe, before the Town Clerk or other officer authorized to administer oaths, and have entered upon the minutes of the Town, the following oath of office: "I,________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ________ on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.
S. B. 256  

CHAPTER 164

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROANOKE RAPIDS FOR THE PURPOSE OF PROVIDING FOR THE ELECTION OF THE MAYOR BY THE ELIGIBLE VOTERS OF THE CITY, AND INCREASING THE TIME FOR THE REGISTRATION OF VOTERS IN SAID CITY ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 3.2 of Article III of Section 1 of Chapter 1054 of the Session Laws of 1967 is hereby rewritten to read as follows:

Sec. 3.2. Mayor and mayor pro tempore. The mayor shall be elected by the qualified voters of the City of Roanoke Rapids voting at large in the municipal election and in the manner provided by Article IV of Section 1 of Chapter 1054 of the Session Laws of 1967. The mayor shall be the official head of the city government and shall preside at all meetings of the city council. The mayor shall have the power to vote on all questions coming before the council, as a member thereof, and he shall not have power to vote again in instances wherein there is an equal division among the members on a question. The mayor shall be one of the five (5) members of the council but he may be excused from voting upon any subject or matter before the council for consideration upon the mayor's request, if approved by the city council. The mayor shall be excused from voting on any subject before the city council for consideration if he is directly interested in such subject or matter. The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the city. The city council shall choose one of its number to act as mayor pro tempore, and he shall perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the council.

Amend Section 3.3 of Article III of Section 1 of Chapter 1054 of the Session Laws of 1967 by striking out in the third line of said Section 3.3 the following: "as such for the term for which he was elected to the Council" and by substituting in lieu thereof the following: "for a term of two years."

Amend Section 3.5 of Article III of Section 1 of Chapter 1054 of the Session Laws of 1967 by inserting after the word "Councilman" and before the word "of", in the next to last line, the following: "(or mayor)."

Sec. 2. Amend Section 4.1 of Article IV of Section 1 of Chapter 1054 of the Session Laws of 1967 by inserting in the fourth line of said Section 4.1, after the word "Councilmen" and before the word "to" in said fourth line, the following: "and a mayor."

Further amend Section 4.2 of Article IV of Section 1 of Chapter 1054 of the Session Laws of 1967 by striking out the period after the word "Councilman" in said second line of Section 4.2 and by inserting in lieu of the period a comma and the following: "and the candidates for mayor."

Further amend said Section 4.2 of Article IV of Section 1 of Chapter 1054 of the Session Laws of 1967 by striking out the period appearing after the word "elected" in the third line of said section, and by inserting in lieu of said period a comma and the following: "and the candidate receiving the largest number of votes for mayor shall be declared elected."
Amend Section 4.3 of Article IV of Section 1 of Chapter 1054 of the Session Laws of 1967 by inserting, after the word "Councilman" and before the word "shall" in said second line, the following: "or mayor"; further amend said Section 4.3, as above designated, by inserting after the word "Councilman" and before the word "to", in the ninth line of said Section 4.3, the following: "or mayor."

Sec. 3. Amend Section 4.4 of Article IV of Section 1 of Chapter 1054 of the Session Laws of 1967 by adding at the end of said Section 4.4 the following:

"The registration books shall be open for the registration of voters at nine o'clock A.M. on the 5th Saturday before the municipal election and the registration books shall be closed at sunset on the 3rd Saturday before each election. The 2nd Saturday before each election shall be challenge day."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

S. B. 71

CHAPTER 165

AN ACT REDUCING THE TERM OF OFFICE OF THE ASHEVILLE CITY COUNCIL TO TWO YEARS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 861 of the Session Laws of 1963 is repealed.

Sec. 2. At the regular municipal election to be held in the City of Asheville in 1969, and biennially thereafter, all members of the City Council shall be elected for terms of two years, and shall serve until their successors are elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. B. 162

CHAPTER 166

AN ACT TO AUTHORIZE THE THOMASVILLE CITY BOARD OF EDUCATION TO ACQUIRE CERTAIN LAND FOR A SCHOOL SITE AND TO AUTHORIZE PURCHASE AND PAYMENT ON AN INSTALLMENT BASIS.

WHEREAS, the Thomasville City Board of Education finds it necessary to acquire certain land which is now located and is available within the corporate limits of the City of Thomasville and it is necessary for financial budgetary reasons to finance the purchase of this land on a deferred payment plan extending over a five-year period from 1969 to 1973, and the description of said land appears in this Act; and

WHEREAS, it is necessary to have legislative authority to carry out this plan, which is also described by the vendors of the property, and this property being highly desirable for the purpose of operating the Thomasville City Schools and for carrying out the constitutional and statutory nine-months term of the public school system; Now, therefore,
The General Assembly of North Carolina do enact:

Section 1. That the Thomasville City Board of Education be, and it is hereby, authorized to purchase the property hereinafter described from Coy Beck for the sum of forty three thousand seven hundred fifty dollars ($43,750.00), and said Thomasville City Board of Education is authorized to pay said Coy Beck at the time of delivery of his deed twelve thousand five hundred dollars ($12,500.00) and the sum of seven thousand eight hundred twelve dollars and fifty cents ($7,812.50) each year for the next four years or the period of 1970 through 1974. The Coy Beck property, which is the subject of this authorization, is described as follows:

BEGINNING at an iron pipe in the northern right-of-way line of Unity Street, James H. Beck's southeast corner, said iron pipe being located 1406.42 feet as measured along the northern right-of-way line of Unity Street from the northeast intersection of Unity Street and Huntsford Terrace. Thence with the northern right-of-way line of Unity Street the following courses and distances: north 72 degrees 17' east 54.06 feet; north 73 degrees 37' east 34.52 feet; north 76 degrees 52' east 52.09 feet; north 80 degrees 58' east 52.21 feet; north 84 degrees 57' east 27.81 feet to an iron pipe, Thomasville Senior High School's southwest corner. Thence with the school's line north 07 degrees 56' east 915.69 feet to a concrete monument, the school's corner, in the southern right-of-way line of Valley Road (not open) as shown on Plat of Huntsford Hills recorded in the Register of Deeds Office of Davidson County, Plat Book 10, Page 39. Thence with the said right-of-way line south 66 degrees 03' west 335.51 feet to a stone, James H. Beck's northeast corner. Thence with Beck's line south 5 degrees 59' 30" west 827.10 feet to the point of BEGINNING. Containing 5.42 acres.

Sec. 2. The Thomasville City Board of Education is hereby authorized and empowered to purchase from James Beck the property hereinafter described for the sum of ninety three thousand dollars ($93,000.00), and the sum of twenty thousand dollars ($20,000.00) shall be paid upon delivery of the deed to the Thomasville City Board of Education by James Beck and eighteen thousand two hundred fifty dollars ($18,250.00) will be paid to James Beck, his successors or assigns, each year for the next four years or for the period of time from 1970 through 1974. The James Beck property, which is the subject of this transaction, is hereby described as follows:

BEGINNING at an iron pipe in the northern right-of-way line of Unity Street, Wallace Kennedy's southeast corner, said iron pipe being located 581.00 feet, as measured along the northern right-of-way line of Unity Street from the northeast intersection of Unity Street and Huntsford Terrace. Thence with the northern right-of-way line of Unity Street the following courses and distances: south 81 degrees 07' east 248.75 feet; south 82 degrees 24' east 49.99 feet, south 84 degrees 58' east 49.98 feet; south 87 degrees 32' east 49.99 feet; north 89 degrees 54' east 49.98 feet, north 87 degrees 20' east 49.99 feet; north 86 degrees 46' east 49.98 feet; north 82 degrees 12' east 49.99 feet, north 79 degrees 38' east 49.98 feet; north 77 degrees 04' east 49.99 feet; north 74 degrees 30' east 49.98 feet; north 72 degrees 45' east 18.07 feet; north 72 degrees 17' east 58.75 feet to an iron pipe in said right-of-way line, and being Coy E. Beck's southwest corner. Thence with Beck's line north 5 degrees 59' 30" east 827.10 feet to a stone in the southern right-of-way line of Valley Road, (not open) as shown on Plat of Huntsford Hills, recorded in the Register of Deeds Office of Davidson County, Plat Book 10, Page 39. Thence with said right-of-way line and Finch
and Ragan's line; south 63 degrees 27' west 393.76 feet to an iron pipe, Mrs. Katie Burton's corner. Thence with Burton's line north 86 degrees 12' west 454.27 feet to an iron pipe, Katie Burton's corner. Thence with Burton and Kennedy's line south 07 degrees 45' west 702.16 feet to the point of BEGINNING; Containing 13.63 acres.

Sec. 3. The Thomasville City Board of Education is further authorized to execute any and all documents, mortgages, instruments of security, or other necessary legal documents to complete this transaction, including the execution of the necessary promissory notes, and to do any and all things necessary to carry out the purchase of the property above described.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April 1969.

S. B. 209

CHAPTER 167

AN ACT TO AMEND G. S. 153-5 TO PROVIDE FOR STAGGERED TERMS OF OFFICE FOR THE COUNTY COMMISSIONERS OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-5, as the same appears in the 1967 Cumulative Supplement to Replacement Volume 3C of the General Statutes, is amended by adding a new paragraph at the end thereof to read as follows:

"At the election for county officers to be held in Onslow County in 1970, there shall be elected five county commissioners. The three candidates receiving the highest number of votes shall serve for a term of four (4) years each. The two candidates receiving the next highest number of votes shall serve for a term of two (2) years each. Thereafter, members shall be elected for a term of four (4) years and elections shall be held biennially for the number of commissioners whose terms expire."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April 1969.

S. B. 231

CHAPTER 168

AN ACT EXTENDING THE JURISDICTION OF THE POLICE OFFICERS OF THE CITY OF MORGANTON IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Police Department of the City of Morganton in Burke County shall have the same power and authority inside all territory within two miles of the corporate limits of the City which they now possess and exercise as police officers in the corporate limits of the City.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April 1969.
CHAPTER 169

AN ACT TO ESTABLISH A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE TOWN OF ELKIN.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established a Supplementary Pension Fund for the Fire Department of the Town of Elkin, North Carolina, said fund to be known as the "Elkin Firemen's Supplementary Fund", herein after referred to as "Supplementary Pension Fund", and said fund to be administered by a board of trustees composed of the City Treasurer of the Town of Elkin, the Chief of Fire Department of Elkin and one (1) member of said board to be elected annually from the membership of the Elkin Fire Department by a majority vote of its members, which service shall be ex officio.

Sec. 2. All funds in the Firemen's Relief Fund of the Town of Elkin in excess of five thousand dollars ($5,000.00) shall be transferred to the "Supplementary Pension Fund" so as to leave in the Firemen's Relief Fund an amount not greater than five thousand dollars ($5,000.00) at any time.

Sec. 3. Any person who is an active member of the Elkin Fire Department, as shown by the records of the Town of Elkin at the time of the ratification of this Act, or any person who shall become such a member, shall be eligible for benefits from the "Supplementary Pension Fund": Provided, that no such person shall be eligible for benefits from the "Supplementary Pension Fund" unless or until such person has been retired as an active member of the Elkin Fire Department under the provisions of the retirement system for counties, cities, and towns as set out in Article 3 of Chapter 128 of the General Statutes of North Carolina and as participated in by the Town of Elkin. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina.

Sec. 4. Any active member who has served 30 years as a fireman in the Elkin Fire Department and has attained age 55 Years shall be entitled to receive retirement benefits from Supplementary Pension Fund; said monthly pension shall be computed on the basis of one dollar ($1.00) per month for each year of service in the department.

Sec. 5. The City Treasurer of the Town of Elkin, as a member of the board of trustees of the "Supplementary Pension Fund," shall be treasurer and custodian of the said fund and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his possession that such beneficiaries may be entitled to under the provisions of this Act.

Sec. 6. The City Treasurer of the Town of Elkin, as custodian of the Supplementary Pension Fund, shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to one and one-quarter times the maximum amount estimated by the board of trustees as likely to be in his possession as such custodian at any time within the fiscal year for which the bond is given. The condition of said bond shall be that said custodian shall faithfully receive, keep, disburse, and account for, as herein provided, all funds and property coming into his hands as such custodian, and the premiums on said bond shall be paid out of the "Supplementary Pension Fund".

Sec. 7. The said custodian of said "Supplementary Pension Fund" is authorized and directed to invest all moneys coming into his possession belonging to said "Supplementary Pension Fund", except so much as the board of trustees from time to
time determine is reasonably necessary for the prompt payment of claims and expenses, in such securities as the board of trustees shall select: Provided, however, that such securities shall be limited to, and upon the same conditions as those enumerated by the General Statutes of North Carolina, as amended, as to the investment of trust funds, and, or, the funds of guardians.

Sec. 8. The board of trustees as herein provided for may, in its discretion, take and receive any gift, grant, bequest or devise or any real or personal property or other things of value for, and as, the property of the said "Supplementary Pension Fund" and hold and disburse and invest the same for the use of said fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, bequest, or devise.

Sec. 9. The provisions of Chapter 118 of the General Statutes of North Carolina creating a Firemen's Relief Fund are repealed as to the Town of Elkin only insofar as said provisions are inconsistent with and contradictory to the provisions of this Act.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. B. 241

CHAPTER 170

AN ACT AUTHORIZING THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. The Wilkes County Board of Education is hereby authorized to convey by good and sufficient deed all its right, title and interest in and to the hereafter described tract of land to the Lincoln Heights Recreation Corporation, a North Carolina non-profit corporation, to be used solely for recreation purposes, at a private sale with or without consideration:

"BEGINNING at an iron stake on west side of Redding Street corner of lots No. 153 and 154. Running south 6 degrees and 35 minutes west with west margin of Redding Street 150 feet to an iron stake at corner of lots No. 147 and 148. Thence north 83 degrees and 25 minutes west with line of lots No. 147 and 148 a distance of 150 feet to a stake. Thence north 6 degrees and 35 minutes east 150 feet to a stake. Thence south 83 degrees and 25 minutes east with line of lots No. 153 and 154 a distance of 150 feet to the point of beginning. Being all of lots Nos. 148, 149, 150, 151, 152 and 153 containing approximately 22,500 square feet and as shown on map of Lincoln Heights as recorded in Map Book 1, page 44 in the office of the Register of Deeds."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.
CHAPTER 171  SESSION LAWS—1969

H. B. 49  CHAPTER 171
AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO CONDUCT A NEW REGISTRATION OF VOTERS DURING THE YEAR 1969 PURSUANT TO INSTALLING LOOSE-LEAF REGISTRATION AS REQUIRED BY G. S. 163-65.

The General Assembly of North Carolina do enact:

Section 1. There shall be conducted in those counties listed in Section 2 a new registration of all qualified voters within each said county during the period from April 1, 1969, to September 30, 1969. Such new registration shall be conducted in accordance with the provisions of Chapter 163, Section 67 (a) of the General Statutes, except that the registration books, in addition to the time prescribed in Section 67 (a) of Chapter 163 may be available for registration in the Office of the County Board of Elections or at some pre-announced location or locations during the week days of said period. The cost of conducting such new registration shall be allocated by the respective Boards of County Commissioners.

Sec. 2. Counties covered under this Act: Alleghany, Ashe, Avery, Carteret, Camden, Caswell, Chatham, Cherokee, Clay, Columbus, Dare, Haywood, Macon, Polk, Rutherford, Sampson, Stokes, Watauga, Yancey.

Sec. 3. Any and all Counties ordering a new registration as authorized by this Act shall, upon determining to order such new registration, notify the State Board of Elections of the decision and publish notice as is now required by law.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby temporarily, until September 30, 1969, suspended.

Sec. 5. This Act shall be in full force and effect from date of ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

H. B. 282  CHAPTER 172
AN ACT TO ELIMINATE THE REQUIREMENT THAT NOT LESS THAN TWO MEMBERS OF THE BOARD OF EDUCATION OF THE ASHEBORO CITY ADMINISTRATIVE UNIT RESIDE IN TERRITORY OUTSIDE THE CITY OF ASHEBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 35 of the Session Laws of 1957 is hereby amended by striking out the last sentence thereof, beginning on line three with the word "not" and ending on line four.

Sec. 2. Section 2 of Chapter 35 of the Session Laws of 1957 is hereby amended by striking out the fourth sentence thereof, beginning on line seven with the word "Each" and ending on line eleven.

Sec. 3. Section 4 of Chapter 35 of the Session Laws of 1957 is amended by striking out the first sentence thereof, beginning on line one and ending on line four with the word "territory".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.
H. B. 381

CHAPTER 173
AN ACT TO PROVIDE FOR THE REMOVAL OF UNAUTHORIZED MOTOR VEHICLES FROM PRIVATE PARKING LOTS IN WAKE AND ROBESON COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; provided, that such private parking lot be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto and the parking spaces within the lot be clearly marked by signs setting forth the name of each individual lessee or owner; a vehicle parked in a privately owned parking space in violation of this section may be removed from such space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges. No person shall be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any motor vehicle removed from such lot pursuant to this section except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from aforesaid space to place of storage.

Sec. 2. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than ten dollars ($10.00) in the discretion of the Court.

Sec. 3. This Act shall apply only to the counties of Wake, Robeson, Craven, New Hanover, Orange.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. B. 177

CHAPTER 174
AN ACT AMENDING G. S. 153-9:35 1/2 and 153-9:35 3/4 RELATING TO THE AUTHORITY OF BOARDS OF COUNTY COMMISSIONERS TO EXPEND NONTAX AND TAX REVENUES FOR SOIL AND WATER CONSERVATION SO AS TO MAKE SAID STATUTES APPLICABLE TO CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9:35 1/2, as the same appears in the 1967 Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by inserting after the word "Cabarrus" and before the word "Camden", in line seven thereof, the word "Caldwell".

Sec. 2. G.S. 153-9:35 3/4, as the same appears in the 1967 Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by inserting after the word "Burke" and before the word "Carteret", in line three of the second paragraph thereof, the word "Caldwell".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.
CHAPTER 174  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. B. 215  CHAPTER 175
AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES SO AS TO PERMIT BLIND VOTERS TO SELECT ASSISTANCE WITHOUT RESTRICTION.

The General Assembly of North Carolina do enact:

Section 1. G.S. 163-152 is hereby amended by adding a new Section to be designated 163-152.1 and to read as follows:

"G.S. 163-152.1. Assistance to blind voters in primaries and elections. - Any blind voter shall be permitted to select assistance of his own choosing in any primary or election without regard to residency within the voting precinct provided, such voter has recorded at the time of registration or prior to the date of the election, a certificate issued by the North Carolina State Commission for the Blind, by an optometrist or by a physician, stating that the named individual should be entitled to assistance as a blind voter. Upon receipt of such certification the registrar or special registration commissioner shall enter on the voter’s registration record the words “blind voter” so as to establish such fact and so as to entitle such voter to the same assistance in subsequent primaries and elections whether such voter resides in a county with full-time registration or regular registration. The certification presented to the precinct registrar or special registrar shall be forwarded to the Chairman of the County Board of Elections to be filed as a permanent record with the voter’s duplicate registration record as required by G.S. 163-65."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. B. 225  CHAPTER 176
AN ACT TO AMEND G. S. 153-10.1 TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF JOHNSTON COUNTY TO REGULATE GARBAGE DISPOSAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1 as the same appears in the 1967 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by inserting the word “Johnston” immediately after the word “Jackson” and immediately before the word “Lincoln” in the second and third lines of paragraph 2 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.
S. B. 236

CHAPTER 177
AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF CLINTON AND TO MODIFY THE APPLICATION OF G. S. 118-5, 118-6, and 118-7 TO THE CITY OF CLINTON.
The General Assembly of North Carolina do enact:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Clinton, as established in accordance with G. S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Clinton Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Firemen's Local Relief Fund of the City of Clinton, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Clinton shall:

(a) prior to January 1, 1970, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of ten thousand dollars ($10,000.00);

(b) in each subsequent calendar year, and within thirty (30) days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G. S. 118-5, transfer to the Supplemental Retirement Fund such funds:

(c) prior to July 1 of any calendar year when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G. S. 118-7, be less than ten thousand dollars ($10,000.00), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of ten thousand dollars ($10,000.00);

(d) as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this Act.

Sec. 3. Supplemental Retirement Benefits. (a) Each retired fireman of the City who retires after reaching the age of sixty (60) years with twenty (20) years' service or more as a City fireman shall be entitled to and shall receive in each calendar year following the calendar year in which he retires an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of three hundred dollars ($300.00).

(b) Any former fireman of the City who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability
by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 4. Intention. It is the intention of Section 3 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Supplemental Retirement Fund and to the Local Relief Fund. It is the intention of Section 2 of this Act to require that the funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (b) thereof shall be held in trust, and that no funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (b) thereof or as a gift, grant, bequest, or donation to such Fund shall ever be disbursed except as and when required by subsection (c) thereof.

Sec. 5. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by G. S. 159-28.1, only in accordance with the provisions thereof, and is hereby directed to invest all of the funds of the Supplemental Retirement Fund in one or more of such investments.

Sec. 6. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 7. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount of at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the Local Relief Fund the premiums on the bond of the Treasurer.

Sec. 8. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.
H. B. 30

CHAPTER 178

AN ACT TO AMEND CHAPTER 105 OF THE GENERAL STATUTES, RELATING TO INCOME TAX, SO AS TO EXCLUDE FROM GROSS INCOME CERTAIN LOCAL LAW ENFORCEMENT OFFICERS’ RETIREMENT BENEFITS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 105-141(b)(13), as the same appears in the 1967 Supplement to the General Statutes, is hereby amended by inserting the words “or law enforcement officers” immediately following the word “firemen” in line two and in line nine thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective and shall apply to all taxable years beginning on or after January 1, 1969.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

H. B. 330

CHAPTER 179

AN ACT TO AMEND G.S. 20-183.8 TO ALLOW THIRTY DAY GRACE PERIOD FOR EXPIRED AUTO INSPECTION CERTIFICATES AND TO AUTHORIZE ONE WAY TRIP PERMITS TO ALLOW UNINSPECTED VEHICLES TO TRAVEL TO NEARBY INSPECTION STATIONS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 20-183.8 as the same appears in the Supplement to the 1967 Replacement Volume 1C of the General Statutes is hereby amended by adding a new subsection to be designated as subsection (d).

“(d) No person shall be convicted of failing to display current inspection certificate as provided under this article if he produces in Court at the time of his trial a receipt from a licensed motor vehicle inspection station showing that a valid inspection certificate was issued for the vehicle involved within thirty (30) days after expiration of the previous inspection certificate issued for the vehicle.”

Sec. 2. Subsection (b) of G.S. 20-183.2 as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is amended by adding after subparagraph (5) a new subparagraph (6) to read as follows:

“(6) the Commissioner of Motor Vehicles or his duly authorized agent is empowered to grant special written one way permits to operate motor vehicles without current inspection certificates solely for the purpose of moving such vehicles to an authorized inspection station to obtain the inspection required under this part.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.
CHAPTER 180

H. B. 50

CHAPTER 180

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES OF THE STATE TO FIX THEIR OWN COMPENSATION AND ALLOWANCES.

The General Assembly of North Carolina do enact:

Section 1. Sections 153-12 and 153-13 of the General Statutes of North Carolina are repealed, and the following Section inserted in lieu thereof:

"153-13. Compensation and allowances of County Commissioners. From and after the first day of July, 1969, the Board of Commissioners of any county may fix their own compensation and allowances in such sums as may be just and reasonable, effective for all seats on the board following the next general election for seats on said board. At least ten days, but not more than thirty days before taking action under this Section, the board shall publish in a newspaper, having general circulation in the county, a notice that it intends to change such compensation and allowances. Any change in compensation and allowances shall, in like manner, be published at least 14 days prior to the filing deadline for candidates for county office. All notices required by this Section to be published, shall be at least three columns in width and at least six inches in height. Thereafter, no action may be taken under this Section until the newly elected members of the board have been sworn into office."

Sec. 2. Section 147-9.1 of the General Statutes of North Carolina is rewritten to read as follows:

"147-9.1. Municipalities and counties exempt. Nothing in this Article shall be deemed to be applicable to counties or municipalities or to limit or restrict the amount of any automobile mileage allowance, or automobile expense allowance, or any other travel expense allowance or payment which may be paid by a county or municipality or by any board, commission, or other agency of any county or municipality."

Sec. 3. All public, local, and special acts prescribing the compensation and allowances of Board of County Commissioners shall remain in full force and effect until altered as provided by this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 5. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 4th day of April, 1969.

H. B. 52

CHAPTER 181

AN ACT TO ALLOW THE GOVERNING BOARDS OF THE SEVERAL CITIES AND TOWNS OF THE STATE TO FIX THEIR OWN COMPENSATION AND ALLOWANCES AND THE COMPENSATION AND ALLOWANCES OF THE MAYOR.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes of North Carolina is amended by inserting a new Section as follows:
"Sec. 160-9.1. Governing board to fix compensation. The governing board of any city or town in this State may fix its own compensation and allowances, and the compensation and allowances of the mayor, in such sums as may be just and reasonable, effective following the next regular municipal election for seats on said board. The compensation and allowances of a mayor elected as such shall not be reduced during the then current term of office. Any action taken under this Section shall be published at least once in some newspaper having a general circulation in the municipality as provided by G. S. Section 1-597, and shall not be taken after 14 days before the deadline for filing notice of candidacy for the municipal governing board, or, if no such deadline is prescribed by law or ordinance, after 90 days before the municipal election."

Sec. 2. Notwithstanding the deadline for action prescribed in Section 1 of this Act, cities and towns may take action hereunder in 1969 until 14 days before the municipal primary, if any, or until 30 days before the municipal election if there is no primary.

Sec. 3. Sections 160-9 and 160-210 of the General Statutes of North Carolina are hereby re-enacted, and all portions of municipal charters fixing the compensation and allowances of municipal officers and employees are repealed.

Sec. 4. Notwithstanding the repeal of local acts fixing salaries and allowances of municipal officers and employees, persons incumbent on the effective date of this Act shall continue to receive the compensation and allowances now prescribed by law until the governing board shall provide otherwise in accordance with the provisions of this Act.

Sec. 5. All laws and clauses of laws, and specifically all portions of municipal charters, in conflict with this Act are repealed to the extent of such conflict.

Sec. 6. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1969.

H. B. 111

CHAPTER 182

AN ACT TO AMEND G. S. 20-20 TO CLARIFY THE SAME RELATIVE TO A CHAUFFEUR'S LICENSE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-20, as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words "or chauffeur's" between the words "operator's" and "license" in line one thereof, and by deleting the word "cancelled" after the word "is" on line two and by inserting the words "and chauffeur's" between the word "operator's" appearing in line three thereof and the word "licenses" appearing in line four thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.
S. B. 73  

CHAPTER 183

AN ACT TO AMEND G. S. 20-7(f) TO PERMIT A PERSON TEMPORARILY RESIDING OUTSIDE NORTH CAROLINA TO RENEW AN OPERATOR'S LICENSE BY MAIL.

The General Assembly of North Carolina do enact:

Section 1. Subsection (f) of G. S. 20-7, as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the last paragraph thereof, and by inserting in lieu thereof, the following language:

"Any person serving in the armed forces of the United States on active duty and holding a valid operator's license properly issued under this section and stationed outside the State of North Carolina may renew his license by making application to the Department by mail. Any other person, except a nonresident as defined in this article, who holds a valid operator's license issued under this section and who is temporarily residing outside North Carolina, may also renew by making application to the Department by mail. For purposes of this Section 'temporarily' shall mean not less than thirty days continuous absence from North Carolina. In either case, the Department may waive the examination and color photograph ordinarily required for the renewal of an operator's license, and may impose in lieu thereof such conditions as it may deem appropriate to each particular application; provided that such license shall expire thirty days after licensee returns to North Carolina, and such license shall be designated as temporary."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

S. B. 167  

CHAPTER 184

AN ACT REWRITING G. S. 106-564.3 RELATING TO ASSESSMENTS ON CATTLE SO AS TO PROVIDE FOR ASSESSMENTS ON ALL CATTLE SOLD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-564.3 is rewritten in its entirety to read as follows:

"As an alternative method for the collection of assessments provided for in Article 50 of Chapter 106 of the General Statutes, as amended, and as the same relates to all cattle, including those cattle sold for slaughter, upon the request of the duly certified agency of the producers of all cattle, including those which are to be sold for slaughter, the Commissioner of Agriculture shall notify, by registered letter, all livestock auction markets, slaughterhouses, abattoirs, packing houses, and any and all persons, firms and corporations, engaged in the buying, selling or handling of cattle in this State, and on and after the date specified in the letter, the assessments approved and in force under said referendum shall be deducted by the purchaser, or his agent or representative, from the purchase price of all cattle bought, acquired or sold. It shall be unlawful for any livestock auction market, slaughterhouse, abattoir, packing house or the administrators or managers or agents of same or for any person, firm or corporation to acquire, buy or sell any cattle, including cattle for slaughter, without deducting the assessments previously authorized by
said referendum. The assessment or assessments for any month so deducted, shall, on or before the 20th day of the following month, be remitted by such purchaser as above described, to the Commissioner of Agriculture of North Carolina, who shall thereupon pay the amount of the assessments to the duly certified agency of the producers of all such cattle entitled thereto. The books and records of all such livestock auction markets, slaughterhouses, abattoirs, packing houses, or persons, firms or corporations engaged in buying, acquiring or selling all cattle shall at all times during regular business hours be open for inspection by the Commissioner of Agriculture or his duly authorized agents. Provided, however, that if any livestock auction market, slaughterhouse, abattoir, packing house, or any person, firm or corporation engaged in buying, selling or handling cattle in this State shall fail to collect or pay such assessments so deducted to the Commissioner of Agriculture of North Carolina, as herein provided, then and in such event suit may be brought by the duly certified agency concerned in a court of competent jurisdiction to enforce the collection of such assessments."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

S. B. 245

CHAPTER 185

AN ACT TO AMEND CHAPTER 134 OF THE SESSION LAWS OF 1967 RELATING TO VACANCIES OCCURRING ON THE BOARD OF TRUSTEES OF THE SANFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 134 of the 1967 Session Laws is hereby amended by adding a new Section thereto immediately following Section 2 and immediately preceding Section 3 to be designated Section 2a and to read as follows:

"Section 2a. All vacancies occurring in the membership of the Board of Trustees of the Sanford Graded School District by death, resignation, or otherwise, shall be filled within thirty (30) days of such vacancy for the unexpired term by the remaining members of such Board of Trustees."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

H. B. 142

CHAPTER 186

AN ACT TO AMEND G.S. 20-17.1(b), G.S. 20-23.1, G.S. 20-1141.3(f), G.S. 20-279.13(c), G.S. 20-279.14, AND G.S. 20-279.16(b), TO REMOVE THEREFROM PROVISIONS RELATIVE TO FURNISHING PROOF OF FINANCIAL RESPONSIBILITY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G.S. 20-17.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting a period (".") after the word "property" in line four thereof and deleting the rest of the sentence.
Sec. 2. G.S. 20-23.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the word "and" after the comma (".",) following the word "license" and before the word "driving" in line six thereof, and by deleting the words, "and filing of proof of financial responsibility" in line seven thereof.

Sec. 3. Subsection (f) of G.S. 20-141.3, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the last sentence thereof.

Sec. 4. Subsection (c) of G.S. 20-279.13, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the comma (".",) following the citation "G.S. 20-279.16" in the sixth line thereof, and by inserting a period (".")., in lieu thereof and by deleting the following words appearing in lines six and seven: "provided the judgment debtor furnishes proof of financial responsibility."

Sec. 5. G.S. 20-279.14, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the words "and until the said person gives proof of financial responsibility" in lines five and six of the first paragraph thereof.

Sec. 6. Subsection (b) of G.S. 20-279.16, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the words "gives proof of financial responsibility and" in lines three and four thereof.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

H. B. 190  CHAPTER 187

AN ACT RELATING TO FUNERAL AND BURIAL TRUST FUNDS.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act, unless the context requires otherwise:

1. "Department" means the State Banking Department;

2. "Financial Institution" means a bank, trust company or savings and loan association authorized by law to do business in this State;

3. "Pre-Need Burial Contract" means a contract, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, to be furnished or delivered at a time determinable by the death of the person whose body is to be disposed of, but does not mean the furnishing of a cemetery lot, crypt, niche, mausoleum, grave marker or monument.

Sec. 2. (1) All payments of money made to any person, partnership, association or corporation upon any agreement or contract, or any series or combination of agreements or contracts, but not including the furnishing of cemetery lots, crypts, niches, mausoleums, grave markers or monuments, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of personal property merchandise, or services of any nature in connection with the final disposition of a dead human body, to be furnished or delivered at a time determina-
ble by the death of the person whose body is to be disposed of, are held to be trust funds. The person, partnership, association or corporation receiving the payments is declared to be a trustee thereof, and shall deposit all payments in a Financial Institution. All of the interest, dividends, increases or accretions of whatever nature earned by the funds deposited in a trust account shall remain with the principal of such account and become a part thereof, subject to all of the regulations concerning the principal of said fund herein contained. The trust fund itself shall be solely liable for all taxes on said fund and its interest, dividends, increases and accretions.

(2) All payments made under the agreement, contract or plan are and shall remain trust funds with the Financial Institution until the death of the person for whose service the funds were paid and until the delivery of all merchandise and full performance of all services called for by the agreement, contract or plan, except where payment is made pursuant to Section 3 of this Act.

(3) The funds shall not be paid by the Financial Institution until a certified statement is furnished to the Financial Institution setting forth that all of the terms and conditions of the agreement have been fully performed by the person, association, partnership, firm or corporation. Unless otherwise specified in the agreement, contract or plan, the said person, partnership, association or corporation shall have no obligation to deliver any merchandise or perform any services for which payment in full has not been deposited in the Financial Institution, and any amounts deposited which do not constitute payment in full shall be refunded to the estate of the deceased beneficiary of the plan or credited against the cost of merchandise or services contracted for by representatives of the deceased. Any balance remaining in the fund after payment for the merchandise and services as set forth in the agreement, contract or plan shall be paid to the estate of the beneficiary of the agreement, contract or plan.

(4) Subsection (1) of this section does not apply to contracts for funeral service or merchandise sold as burial insurance policies which are regulated by Article 24 of Chapter 58 of the General Statutes.

(5) "The Department shall approve forms for pre-need burial contracts. All such contracts must be in writing, and no contract form shall be used without prior approval of the Department. Any use or attempted use of an oral pre-need burial contract or any written pre-need burial contract in a form not approved by the Department shall be deemed to be a violation of this Article by the person selling services or merchandise thereunder."

Sec. 3. Within 30 days of receipt of a written demand for refund by any person, partnership or corporation who has paid funds for a pre-need funeral service, the Financial Institution with which such funds have been deposited shall refund to such person, partnership or corporation the entire amount paid together with all interest, dividends, increases or accretions earned on such fund.

After making refund to the person, partnership or corporation pursuant to the provisions of the preceding paragraph and giving notice to the Trustee of such payment, the Financial Institution shall be relieved from further liability to the Trustee.

Sec. 4. All trust funds mentioned in this Act shall be deposited in the name of the Trustee, as Trustee, within thirty (30) days after receipt thereof, with a Financial Institution and shall be held together with the interest, dividends, or accretions thereon, in trust, subject to the provisions of this Act. The Trustee at the time

169
of making deposit shall furnish to the Financial Institution the name of each payor, and the amount of payment on each account for which the deposit is being made.

Sec. 5. No person, firm, partnership, association or corporation may, without first securing from the department a license, accept and/or hold payments made on Pre-Need Burial contracts, except Financial Institutions as defined in Section 1 (2) hereof. Application for a license shall be in writing, signed by the applicant and duly verified on forms furnished by the Department. Each application shall contain at least the following:

The full names and address (both residence and place of business) of the applicant, and every member, officer and director thereof if the applicant is a firm, partnership, association or corporation. Any license issued pursuant to the application shall be valid only at the address stated in the application for the applicant or at a new address approved by the Department.

Upon receipt of the application and payment of a license fee of twenty-five dollars ($25.00), the Department shall issue a license unless it determines that the applicant has made false statements or representations in the application, or is insolvent, or has conducted, or is about to conduct, his business in a fraudulent manner, or is not duly authorized to transact business in this State.

Any person selling a pre-need funeral service contract shall collect from each purchaser a service charge of $2.00, and all of which fees so collected shall be remitted by the person collecting same to the State Banking Department at least once each month, and such funds shall be used by the Department in administering this Act.

Sec. 6. The licensee shall keep accurate accounts, books, and records in this State of all transactions, copies of all agreements, dates and amounts of payments made and accepted thereon, the names and addresses of the contracting parties, the persons for whose benefit funds are accepted, and the names of the depositories of the funds. The licensee shall make all books and records pertaining to the trust funds available to the Department for examination. The Department may at any time investigate the books, records, and accounts of the licensee with respect to its trust funds and for that purpose may require the attendance of and examine under oath all persons whose testimony it may require.

Sec. 7. The Department shall enforce the provisions of this Act and has the power to make investigations, subpoena witnesses, require audits and reports and conduct hearings as to violations of any provisions, and to establish such rules and regulations as are necessary to carry out the provisions of this Act.

Sec. 8. Any person wilfully violating the provisions of this Act shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), or shall be imprisoned for not less than ten (10) days nor more than six (6) months, or both.

Sec. 9. The provisions of this Act shall be separable, and in case any provision or part thereof shall be held to be unconstitutional or invalid for any reason, the same shall not be held to affect any other paragraph, provision, or part of this Act.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

170
CHAPTER 188
AN ACT ABOLISHING THE SALARY OF THE CONSTABLE OF HENDERSON TOWNSHIP IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 498 of the 1967 Session Laws, Section 9 of Chapter 862 of the 1965 Session Laws, Section 2 of Chapter 568 of the 1961 Session Laws, Chapter 568 of the 1961 Session Laws and Chapter 368 of the 1953 Session Laws are hereby repealed.

Sec. 2. It is the intent and purpose of this Act to provide that the constable of Henderson Township in Vance County shall receive no salary.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

CHAPTER 189
AN ACT TO AMEND G. S. 163-117 SO AS TO PROVIDE FOR NUMBERED SEATS IN THE FORTY-FIRST DISTRICT OF THE HOUSE OF REPRESENTATIVES.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1063 of the 1967 Session Laws is amended by striking from the third line thereof the number and comma "41."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

CHAPTER 190
AN ACT TO AMEND G. S. 163-151 RELATING TO SINGLE SHOT VOTING SO AS TO MAKE SECTION 3, SUB-SECTION (b) THEREOF INAPPLICABLE TO HOKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-151(3)(b) as the same appears in the 1967 Cumulative Supplement to Volume 3 of the General Statutes is hereby amended by striking out the word "Hoke" in column 2 immediately preceding the word "Jones" and immediately following the word "Halifax", and by striking out the word "Scotland" in column 3 immediately preceding the word "Surry" and immediately following the word "Sampson".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.
H. B. 352

CHAPTER 191

AN ACT TO AMEND CHAPTER 93A OF THE GENERAL STATUTES RELATING TO REAL ESTATE BROKERS AND SALES MEN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 93A-1 is hereby amended by inserting the following words after the word "salesman" in line four:

"or to advertise or hold himself or themselves out as engaging in or conducting such business".

Sec. 2. G. S. 93A-2 is hereby amended by inserting the words "lists or offers to list," at the end of line three, and by striking out the comma immediately following the word "others" in the last line of Subsection (a) thereof, inserting a period in lieu thereof, and striking out the remainder of the Subsection which consists of the words "as a whole or partial vocation".

Sec. 3. Subsection (c) of G. S. 93A-4, as the same appears in the 1967 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words "months of May or" immediately following the words "during the" in line four and inserting the words "month of" in lieu thereof.

Sec. 4. G. S. 93A-5 is hereby amended by rewriting Subsection (b) thereof to read as follows:

"(b) The secretary-treasurer of the Board shall also keep a current roster showing the names and places of business of all licensed real estate brokers and real estate salesmen, which roster shall be kept on file in the office of the Board and be open to public inspection."

Sec. 5. Subsection (a) of G. S. 93A-6, as the same appears in the 1967 Cumulative Supplement to the General Statutes, is hereby amended by adding a new paragraph at the end thereof to read as follows:

"(15) Violating any rule or regulation duly promulgated by the Board."

Sec. 6. G. S. 93A-9, as the same appears in the 1967 Cumulative Supplement to the General Statutes, is hereby amended by striking out the period following the word "chapter" in line three, inserting a colon in lieu thereof, and adding the following words:

"Provided, however, the resident state of such person offers the same privilege to residents of North Carolina."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April 1969.

H. B. 141

CHAPTER 192

AN ACT RELATING TO RIGHT OF APPEAL IN DRAINAGE DISTRICT HEARINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-75 is hereby amended by striking out the first three sentences thereof and substituting in lieu thereof the following:
"G. S. 156-75. Appeal from final hearing. Any landowner, party petitioner or the Clerk upon the report of the board of viewers, appeal to the Superior Court in session time or in chambers. Such appeal shall be taken and prosecuted as provided in special proceedings. Such appeal shall be based and heard only upon the exceptions filed thereto in writing by the appealing party, either as to issues of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal."

Sec. 2. G. S. 156-93.2(10) is hereby rewritten in its entirety to read as follows:

"(10) Any landowner, party petitioner or the Drainage District may, within ten days after the ruling or adjudication by the Clerk upon the report of the board of viewers, appeal to the Superior Court in session time or in chambers. Such appeal shall be taken and prosecuted as provided in special proceedings. Such appeal shall be based and heard only upon the exceptions filed thereto in writing by the appealing party, either as to issues of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal. All of the terms and provisions of G. S. 156-75 shall apply to the appeal."

Sec. 3. (15) Any landowner, party petitioner or the Drainage District may, within ten days after the ruling or adjudication by the Clerk upon the report of the board of viewers, appeal to the Superior Court in session time or in chambers. Such appeal shall be taken and prosecuted as provided in special proceedings. Such appeal shall be based and heard only upon the exceptions filed thereto in writing by the appealing party, either as to issues of law or fact, and no additional exceptions shall be considered by provisions of G. S. 156-75 shall apply to the appeal.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

H. B. 226

CHAPTER 193

AN ACT TO PROVIDE AN ELECTION OR REFERENDUM FOR CERTAIN AREAS IN ROCKINGHAM COUNTY ON THE QUESTION OF WHETHER OR NOT THEY SHALL BE ANNEXED TO THE MADISON-MAYODAN CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The area or territory, commonly known as the Huntsville School District, whose residents shall be the subject of the election or referendum hereinafter provided as to whether or not the said area shall be annexed to the territory of the Madison-Mayodan City Administrative Unit is hereby described as follows:

"Beginning at a point at the intersection of Dan River with the Rockingham-Stokes County line, thence north easterly with said river to a point west of D. W. Busicks south line, on the old Lindsey place, thence southerly with said line to the creek; thence northeasterly with said creek to the ford east of the W. R. Lindsey place; thence east with the road to the northern boundary of the Hopper Place, thence easterly with the Hopper line to 100 feet east of the Southern Railroad right-of-way; thence parallel with said railroad right of way to P. B. Neal's north line; thence with said line to Hogens Creek; thence south with Hogan's Creek to O. E. Paynes' south line; thence east with O. E. Paynes' south
line to the old Baggage road now U. S. 220; thence south with U. S. 220 to the Rockingham-Guilford line; thence west with said line to the Rockingham-Stokes line; thence north with same to the beginning."

Sec. 2. Upon presentation to the Rockingham County Board of Education of a petition signed by twenty-five per cent (25%) of the qualified voters who reside in the area described above, it shall be the duty of the Rockingham County Board of Education to petition the board of County Commissioners of Rockingham County for an election on the question of whether or not the area designated above shall be annexed to the Madison-Mayodan City Administrative Unit and become a part of same and its public school system. The Board of County Commissioners of Rockingham County shall conduct and hold an election or referendum in the above designated area, for the purpose of determining if said area shall be annexed to the Madison-Mayodan City Administrative Unit. The said election shall be held according to the rules and regulations set forth in Article XIV of Chapter 115 of the General Statutes and particularly according to the rules governing elections set forth in G. S. 115-122. The ballot to be used in the above designated area shall have written or printed thereon the words: "For Annexation to the Madison-Mayodan City Administrative Unit." Likewise, there shall also be printed on the same ballot the following: "Against Annexation to the Madison-Mayodan City Administrative Unit."

The Board of County Commissioners of Rockingham County shall have the power and authority to call upon the Rockingham County Board of Elections to hold or conduct such elections or referendum if the said Board of County Commissioners decides to do so, and the expense of such elections or referendums shall be paid by the Board of County Commissioners of Rockingham County. If a majority of the qualified voters voting in the area above described shall vote in favor of the annexation, then the area shall be annexed to the Madison-Mayodan City Administrative Unit, and the residents of the area so annexed shall become a part of the Madison-Mayodan City Administrative Unit. go to its public schools and shall pay the school taxes assessed in the Madison-Mayodan City Administrative Unit, together with such other taxes as may from time to time be lawfully imposed for the use and benefit of the Madison-Mayodan City Administrative Unit. If the majority of the qualified voters in said election and the above designated area shall vote against annexation, then the status of the said area shall be the same as the status prior to the election.

Sec. 3. In the event the above-described area is annexed to the Madison-Mayodan City Administrative Unit, then all land and buildings of the Rockingham County Board of Education located within the above-described area, shall continue to be the sole property of the Rockingham County Board of Education and may be sold, exchanged or otherwise handled as the sole property of the Rockingham County Board of Education, and all personal property including books, equipment, and fixtures shall become the sole property of the Madison-Mayodan City Administrative Unit.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.
CHAPTER 194

H. B. 292

AN ACT TO AMEND CHAPTER 215 OF THE PUBLIC-LOCAL LAWS OF 1931, RELATING TO FOX HUNTING IN HOKE AND OTHER COUNTIES SO AS TO EXEMPT HOKE COUNTY FROM THE PROVISIONS OF SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 215 of the Public-Local Laws of 1931 is amended by striking from line two of Section 1 thereof the word "Hoke".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

CHAPTER 195

H. B. 299

AN ACT RELATING TO HUNTING FROM PUBLIC ROADS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 450, Session Laws of 1951, is hereby repealed.

Sec. 2. It shall be unlawful for any person, except as herein provided, to discharge a firearm from the right-of-way of any public maintained roadway, in the act of taking or attempting to take game animals; provided however, this Act shall not apply to persons who have permission from the landowner or other person in charge of the land adjoining such public maintained roadway. Said permission may be (a) in writing; or (b) oral; or (c) implied. For the purpose of this Act, "implied" shall mean that the land adjoining such public maintained roadway is not posted. Permission obtained pursuant to the provisions of this Act may be continuous for one open hunting season.

Sec. 3. The wilful violation of this Act shall be punishable by not more than ten days' imprisonment or not more than fifty dollars' ($50.00) fine, or both, in the discretion of the Court.

Sec. 4. This Act shall apply only to the Counties of Duplin, Durham, and Stokes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on and after October 1, 1969.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

CHAPTER 196

H. B. 333

AN ACT TO AMEND G. S. 105-345, FIXING DISCOUNTS FOR PREPAYMENT OF TAXES IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345 is hereby amended by striking subsections (1) and (6) as the same apply to Johnston County and inserting in lieu thereof the following provisions:

"(1) On payments made during the month of October, the tax shall be paid at par or face value."
(6) Should any taxpayer desire to make a prepayment of his taxes between August first and October first of any year, he may do so by making payment to the county or city accountant, city clerk, auditor or treasurer, as the governing body may determine, and shall be entitled to the following discounts: If paid during the month of August, or before a deduction of two percent (2%) if paid during the month of September a deduction of one percent (1%).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1970.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

H. B. 363

CHAPTER 197
AN ACT TO EXTEND THE TIME FOR INCORPORATION OF A MUNICIPAL CORPORATION IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 545 of the Session Laws of 1967 is hereby amended by deleting from the third line thereof the date "January 1, 1969" and inserting in lieu thereof the date "January 1, 1971".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

H. B. 372

CHAPTER 198
AN ACT TO ALLOW PETITION BY FIFTY PER CENT OF THE PROPERTY OWNERS FOR STREET IMPROVEMENT IN LINCOLNTON.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-104 is hereby amended, but only as it applies to the Town of Lincolnton, to delete the requirement that a majority of the property owners representing a majority of the lineal feet abutting on a proposed improvement area involving railroad property sign such petition as is required by G. S. 160-104 and to require only fifty per cent (50%) of the property owners representing fifty per cent (50%) of the lineal feet to sign such petition.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

H. B. 407

CHAPTER 199
AN ACT TO MAKE G. S. 68-38, RELATING TO DEPREDATION OF DOMESTIC FOWLS, APPLICABLE IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 68-38 is hereby amended by inserting the word "Wilkes" immediately after the word "Wayne" and before the word "Wilson" in the list of counties contained therein.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 7th day of April, 1969.

H. B. 423

CHAPTER 200

AN ACT TO RE-ACTIVATE THE CHARTER OF THE TOWN OF ARAPAHOE,
AND TO APPOINT THE MAYOR AND COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Arapahoe is hereby re-activated, and
the following persons are hereby named to serve in the capacity indicated until
a municipal election is held as provided in the Town Charter:

Elmo M. Belangia as Mayor, and George R. Harper, Wilson A. Brinson, James
O. Fodrie, Jack D. Boyd, and Jerry L. Burton as Commissioners.

Sec. 2. The officials named herein shall take the oath of office immediately
and proceed to conduct the affairs of the Town as provided in the Town Charter
and the laws of North Carolina relating to municipalities.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April,
1969.

H. B. 416

CHAPTER 201

AN ACT APPOINTING THE MEMBERS OF THE BOARD OF EDUCATION OF
WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Mrs. Brooks Stanley, Harry L. "Bobby" Jordan, Billy Hooks, J. B.
Davis, Julian R. Parks, E. L. White, Mrs. J. T. Wyche, W. D. Brooks, Jr., and Dr.
W. C. Burns, are hereby appointed members of the Board of Education of the White-
ville City School Administrative Unit.

Sec. 2. The above-named members shall begin their terms of office on the first
Monday in April, 1969, and the terms of office of the above-named members shall
continue for a term of two (2) years thereafter and until their successors shall be
duly appointed and qualified.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April,
1969.

S. B. 224

CHAPTER 202

AN ACT AUTHORIZING JOHNSTON COUNTY TO LEVY SPECIAL PURPOSE
TAXES FOR CERTAIN PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 153-9:43) as the same appears in the 1967 Cumulative Supple-
mment to Volume 3C of the General Statutes is amended by adding the word "John-
CHAPTER 202  SESSION LAWS—1969

ston" immediately after the word "Hoke" and immediately before the word "Lenoir" in the fifth line of the second paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

S. B. 243  CHAPTER 203
AN ACT PERTAINING TO THE SALARIES OF THE SHERIFF AND REGISTER OF DEEDS OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Cherokee County shall be paid a salary of seven thousand dollars ($7,000.00) per annum, such salary to be paid in equal monthly installments.

Sec. 2. The Register of Deeds of Cherokee County shall be paid a salary of six thousand dollars ($6,000.00) per annum, such salary to be paid in equal monthly installments.

Sec. 3. This Act in no way repeals or alters G. S. 153-48.2 or Chapter 692 of the Session Laws of 1961, but all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.

S. B. 250  CHAPTER 204
AN ACT TO AMEND CHAPTER 684 OF THE SESSION LAWS OF 1947 RELATING TO THE CHARTER OF THE CITY OF KINGS MOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 684 of the Session Laws of 1947 is hereby amended by rewriting the first sentence of Section 1 thereof to read as follows: "On the second Tuesday after the first Monday in May, 1969, and biennially thereafter, there shall be elected six city commissioners, one from each of the six wards of the city, the original five of which are defined and described by a city map on file in the office of the city clerk, and the sixth of which shall be comprised of the territory annexed by the city in December, 1968, as shown on a map entitled "City of Kings Mountain, North Carolina, 1968 Annexation," prepared by W. K. Dickson and Company, Inc., and dated March 7, 1969, a copy of which is on file in the office of register of deeds in Cleveland County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1969.
S. B. 5

CHAPTER 205

AN ACT TO MAKE CERTAIN TECHNICAL AND CLARIFYING AMENDMENTS TO GENERAL STATUTES CHAPTER 9, "JURORS".

The General Assembly of North Carolina do enact:

Section 1. G.S. 9-2 is amended by inserting in the first sentence the words "qualified under this chapter" after the word "jurors", and by deleting in the last sentence the words "approximately three" and inserting in lieu thereof the words "not less than two times and not more than three".

Sec. 2. G.S. 9-4 is amended by insertion in the first sentence of the word "qualified" before the word "person".

Sec. 3. G.S. 9-5 is amended by rewriting the fourth sentence of the second paragraph to read as follows: "Pooling of jurors between or among concurrent sessions of various courts is authorized in the discretion of the senior regular resident superior court judge. When pooling is utilized, the senior regular resident superior court judge, after consultation with the chief district judge when a district court jury is required, shall specify the total number of jurors to be drawn for such concurrent sessions."

Sec. 4. G.S. 9-6 is amended by adding at the end of subsection (c) the following sentence: "If required to serve subsequently, the juror shall be considered on such occasion the same as if he were a member of the panel regularly summoned for jury service at that time."

Sec. 5. G.S. 9-6(e) is amended by inserting the words "within ten days" after the word "clerk" in line two.

Sec. 6. G.S. 9-11 is amended by inserting at the end of subsection (a) the following: "The clerk of superior court shall furnish the register of deeds the names of those additional jurors who are so summoned and who report for jury service."

Sec. 7. G.S. 9-21 is amended by rewriting the first two sentences of subsection (b) to read as follows: "In all capital cases the State may challenge peremptorily without cause six jurors for each defendant and no more. In all other criminal cases the State may challenge peremptorily without cause four jurors for each defendant and no more."

Sec. 8. Partial invalidity. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.
S. B. 240  

CHAPTER 206

AN ACT TO AMEND CHAPTERS 160 AND 97 OF THE GENERAL STATUTES TO AUTHORIZE MUNICIPALITIES TO ESTABLISH AUXILIARY POLICE DEPARTMENTS AND TO PROVIDE WORKMEN'S COMPENSATION BENEFITS TO THE MEMBERS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is hereby amended by inserting therein a new Section, to be designated G.S. 160-20.3, and to read as follows:

"G. S. 160-20.3. Auxiliary police. The governing body of any city or town may by ordinance provide for the organization of an auxiliary police department, made up of volunteer members. Duly appointed and sworn members of any auxiliary police department shall, while undergoing official training and while performing duties on behalf of the city or town pursuant to orders or instructions of the Police Chief of the city or town, be entitled to all powers, privileges, and immunities afforded by law to regularly employed policemen, including benefits under The North Carolina Workmen's Compensation Act."

Sec. 2. G. S. 97-2(50), as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes, is hereby amended as follows:

(a) by inserting in the second line of the last paragraph thereof, between the word "squad" and the word "under", the words "or duly appointed and sworn member of an auxiliary police department organized pursuant to G. S. 160-20.3"; and

(b) by inserting at the end of the fourth line of the last paragraph thereof, immediately following the word "squad", the words "or member of an auxiliary police department".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.

S. B. 249  

CHAPTER 207

AN ACT RELATING TO THE CLERK TO THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Sec. 153-40 of the General Statutes of North Carolina is rewritten to read as follows:

"Sec. 153-40. Clerk to board. The board of commissioners of each county shall, at the first regular meeting in December of each year, appoint a clerk to the board who shall perform the duties prescribed by G. S. Section 153-41 and such other duties as the board may assign. The board may confer the duties of clerk on the Register of Deeds or any other county officer or employee."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed to the extent of such conflict.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.
H. B. 174  CHAPTER 208

AN ACT TO AMEND G. S. 163-30 AND G. S. 163-31 REGARDING THE OATH OF OFFICE AND THE TIME OF THE MEETING OF COUNTY BOARDS OF ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-30 is hereby amended by deleting the words "ninth Saturday" in the sixth unnumbered paragraph and by inserting in lieu thereof the words "Monday following the ninth Saturday".

Sec. 2. G. S. 163-31 is hereby amended by deleting the words "ninth Saturday" in the first unnumbered paragraph and by inserting in lieu thereof the words "Monday following the ninth Saturday" and by deleting the words "seventh Saturday" on line five in the first unnumbered paragraph and by inserting in lieu thereof the words "Monday following the seventh Saturday."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.

H. B. 382  CHAPTER 209

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Charlotte-Mecklenburg Board of Education is authorized to pay the Chairman and members of the Board, as compensation as such officers, the sum of two hundred fifty dollars ($250.00) per month for the Chairman and two hundred dollars ($200.00) per month for each member of the Board to be paid monthly out of funds derived from the special school tax supplement or from current revenues.

Sec. 2. The Chairman and members of the Board shall be allowed ten cents (10c) per mile as travel expenses between their homes and the place of any meeting of the Board and for travel in furtherance of the business and affairs of schools or for the purpose of promoting the best interest of the schools, the amount of such allowance in any case to be paid monthly by the Board.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed in so far as they may apply to Mecklenburg County.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.

H. B. 400  CHAPTER 210

AN ACT TO AMEND G. S. 153-48.3, RELATING TO THE COMPENSATION OF EMPLOYEES ENGAGED IN THE COUNTY'S AMBULANCE SERVICE IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (4) of G. S. 153-48.3, as the same appears in the 1964 Replacement Volume of the General Statutes is hereby amended by striking out
the period at the end of said subdivision, inserting a colon in lieu thereof and adding the following words: "Provided, however, that in Pasquotank County the compensation of employees engaged in the County's ambulance service shall not be subject to any limitations as to the increase in compensation as compared with compensation for the preceding fiscal year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification and shall be applicable retroactively to July 1, 1968.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.

H. B. 411

CHAPTER 211

AN ACT TO AUTHORIZE PASQUOTANK COUNTY TO ENTER INTO CONTRACTS FOR A RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pasquotank County is hereby authorized and permitted, in its discretion, to contract with any company, firm, corporation or association for a system of retirement, disability or death benefits, or any combination thereof, for the employees and officials of Pasquotank County, including the governing body thereof, and to expend the funds necessary therefor.

The Board of Commissioners of Pasquotank County is hereby authorized, in its discretion, to require payroll deductions of officials and employees who elect to participate in the System in order to provide funds which may be used in assisting in defraying the cost of the System.

Sec. 2. The Board of Commissioners of Pasquotank County is hereby authorized to extend the permissible employment period of any employee who reaches 65 years of age from year to year up to December 31 of the year in which such employee reaches 70 years of age.

Sec. 3. The powers herein granted shall be construed to be supplemental to powers heretofore granted to the Board of Commissioners of Pasquotank County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.

H. B. 425

CHAPTER 212

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF RED SPRINGS, NORTH CAROLINA, TO APPOINT A CITY MANAGER AND TO PRESCRIBE HIS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Red Springs is hereby authorized to appoint a Town Manager, and the Town Manager shall be the administrative head of the Town government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the Town when appointed. He shall hold office during the pleasure of the governing body, and shall receive such compensation as it shall fix by ordinance.
Sec. 2. The Town Manager shall:

(1) be the administrative head of the Town government;

(2) see that within the Town the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed;

(3) attend all meetings of the governing body, and recommend for adoption such measures as he shall deem expedient;

(4) make reports to the council from time to time upon the affairs of the Town, keep the governing body fully advised of the Town's financial condition and its future financial needs;

(5) appoint and remove all heads of departments, superintendents, and other employees of the Town.

Sec. 3. Such Town officers and employees as the governing body shall determine are necessary for the proper administration of the Town shall be appointed by the Town Manager, and any such officer or employee may be removed by him; but the Town Manager shall report every such appointment and removal to the governing body at the next meeting thereof following any such appointment or removal.

Sec. 4. The officers and employees of the Town shall perform such duties as may be required of them by the Town Manager, under general regulations of the governing body.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1969.

H. B. 366

CHAPTER 213

AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 12 of Chapter 1281 of the 1957 Session Laws, as amended by Section 4 of Chapter 1111 of the 1961 Session Laws, is amended by adding at the end thereof the following:

"Provided, however, the Board of Aldermen of the City of New Bern is specifically authorized to negotiate an agreement with the Board of County Commissioners of Craven County and the Craven County Board of Elections, as contemplated by Section 163-71 of the General Statutes of North Carolina, whereby the registration books, process, and records of the County would be used as the official record of registration of persons qualified to vote in said City elections or in any special election called by the Board of Aldermen. In the event such agreement is reached between the named parties for a regular municipal election or a special election, said election shall be conducted by the Board of Elections of Craven County, subject to the laws of the State of North Carolina regulating the conduct of primary elections, with the exception of the following:

"1. There shall be one (1) voting place in each ward of the City of New Bern, the several voting places to be established by the Craven County Board of Elections."
CHAPTER 213  SESSION LAWS—1969

"2. Eligibility of candidates for office shall be determined under the provisions of this Charter.

"3. All candidates for Mayor or for membership on the Board of Aldermen shall file their candidacy with the City Clerk of the City of New Bern, as provided in this Charter, and shall pay the filing fees herein required. At the expiration of the term for filing, the City Clerk shall forthwith deliver to the Chairman of the Craven County Board of Elections a list of the candidates for each office over his signature and the seal of the City of New Bern to the end that the Craven County Board of Elections might proceed forthwith to have appropriate ballots printed.

"4. The Board of Aldermen, in meeting assembled at the City Hall on the next Friday night after the election, at 8:00 o'clock P. M., shall receive the certification of the results of the election from the Chairman of the Craven County Board of Elections, to the end that it might be inserted in the official records of the City of New Bern. The provisions of Section 11 of Chapter C of the Charter of the City of New Bern, being Session Laws of 1957, Chapter 1281, Section 22, shall control on the question of a run-off election, except that the written notice of a candidate demanding a second election as therein provided, shall be filed with the Chairman of the Craven County Board of Elections within five (5) days after the results of the election have been declared and announced by the Craven County Board of Elections. Such run-off election, in that event, shall be conducted by the Craven County Board of Elections.

"5. In the event the Board of Aldermen of the City of New Bern, the Board of Commissioners of Craven County, and the Board of Elections of Craven County are unable to reach an agreement with respect to the conduct of a particular election, said election shall be conducted by the Board of Aldermen of the City of New Bern as herein otherwise set forth."

Sec. 2. Section 25 of Chapter 1281 of the 1957 Session Laws is amended by striking therefrom the last sentence thereof.

Sec. 3. That Section 2 of Chapter A of the Charter of the City of New Bern, entitled "Corporate Limits," being Session Laws of 1961, Chapter 1111, Section 1, be modified to read as follows:

"The corporate limits of the City of New Bern shall be as follows:

Beginning at the intersection of the channels of the Neuse River and Trent River; thence from this beginning up and with the channel of Neuse River to the intersection of the channels of Neuse River and Jack Smith's Creek; thence up and with the channel of Jack Smith's Creek to the East prong of Jack Smith's Creek; thence up and with the East prong of Jack Smith's Creek to the center of the Atlantic and North Carolina Railroad culvert; thence along the center line of the Atlantic and North Carolina Railroad North sixty-seven degrees fifty-six minutes West four thousand five hundred sixty feet (4560) more or less to a point; thence South forty-degrees five minutes West along the Northwest boundary of Oakland Gardens two thousand six and nine tenths feet (2006.9) to the northern right of way line of Neuse Road (U. S. Highway 70); thence in a southwesterly direction across Neuse Road (U. S. Highway 70 West) to a point in the southwesterly right of way line of said Highway; thence South thirty-nine degrees thirty minutes West one thousand six hundred eighty and five tenths feet (1680.5) to the northeastern property line of Parrot Park Subdivision;
thence North fifty degrees twenty-seven minutes West four hundred ninety feet (490) more or less to a point; thence South forty-four degrees twenty-five minutes West twenty feet (20); thence North thirty-six degrees forty-five minutes West two hundred forty-one and five tenths feet (241.5); thence North thirty seven degrees 00 minutes West two hundred seventy-four and five tenths feet (274.5); thence South thirty-nine degrees forty-five minutes West four hundred ten feet (410); thence North fifty degrees twenty-five minutes West eight hundred sixty feet (860) to the Colony Estates Subdivision property line; thence North forty-three degrees forty-five minutes East two thousand four hundred fifty feet (2450) more or less to the center line of Neuse Road (U. S. Highway 70); thence in a westerly direction along the center line of U. S. Highway 70 one thousand four hundred twenty feet (1420) more or less to the northern right of way line of Colony Drive; thence along the northern right of way line of Colony Drive South fifty-three degrees thirty-three minutes West one thousand six hundred ninety one and eight hundredths feet (1691.08) to a point; thence North fifty degrees seven minutes West one hundred fifty-one and thirty-three hundredths feet (151.33) to a point; thence South thirty-nine degrees fifty-three minutes West one hundred forty-nine and twenty-three hundredths feet (149.23) to a point in the easterly right of way line of East Harnett Loop; thence along the easterly right of way line of East Harnett Loop North fifty degrees seven minutes West seventy-nine and thirty-nine hundredths feet (79.39); thence South thirty-nine degrees, fifty-three minutes West one hundred sixty-six feet (166) to a point; thence North eighty-six degrees fifteen minutes West one hundred fifty-one and sixty-five hundredths feet (155.65) to a point; thence South forty-four degrees thirty minutes West seventy-seven feet (77) to a point; thence South seventy-eight degrees forty-seven minutes West two hundred ninety-three and forty-one hundredths feet (293.41) to a point; (Northwest of intersection of Colony Drive and Roanoke Avenue); thence South eight degrees thirty-seven minutes East three hundred sixty-five and forty-seven hundredths feet (365.47) to a point; thence South eleven degrees thirteen minutes East one hundred fifty-five (155) feet to a point in the northerly right of way line of Halifax Circle; thence South eleven degrees twenty-four minutes West sixty-five feet (65) to a point in the southerly right of way line of Halifax Circle; thence South six degrees fifty-nine minutes East four hundred six and eleven hundredths feet (406.11) to a point; thence South twenty-six degrees eight minutes East one hundred ninety-three and three one hundredth feet (193.03) to a point; thence South thirteen degrees fifty-two minutes East one hundred seventy-nine and seventy-one hundredths feet (179.71) to a point; thence South seventy-two degrees twenty-two minutes East fifty-nine feet (59) to a point; thence South forty-six degrees nineteen minutes East one hundred eighty-four and sixty-nine hundredths feet (184.69) to a point in the southerly right of way line of Halifax Circle; thence South forty-three degrees forty-one minutes West twenty-five feet (25) along the southern right of way line of Halifax Circle; thence South forty-six degrees nineteen minutes East one hundred fifty feet (150) to a point; thence South forty-three degrees forty-one minutes West seven hundred seventeen and seventy-five hundredths feet (717.75) to a point in the eastern right of way line of Elizabeth Avenue; thence South forty-eight degrees thirteen minutes East seven hundred twelve and twenty-seven hundredths feet (712.27) along the eastern right of way line of Elizabeth Avenue to a point in the property line of the Parrot Park Subdivision; thence along Parrot Park Subdivision property line South forty-two
degrees forty-five minutes West seven hundred fifty-nine feet (759) to a point; thence along Parrot Park Subdivision property line South fifty-one degrees forty-five minutes East three thousand one hundred fifteen feet (3115) to a point; thence along Parrot Park Subdivision property line North thirty-nine degrees eleven minutes East two thousand fifteen feet (2015) to a point; thence South forty-six degrees forty-seven minutes East five hundred ninety and two tenths feet (590.2) to an iron; said line being parallel to Elizabeth Avenue and approximately two hundred eighty-six feet (286) South of the southern right of way line of Elizabeth Avenue; thence South forty-three degrees one minute West one thousand seven hundred forty-five feet (1745) to an iron, said line being the western property line of the Pinnix property; thence South eighty-two degrees nineteen minutes East six hundred seventeen and five tenths feet (617.5) to an iron in the northwest corner of Bern Village; thence South two degrees one minute East along the southwest boundary of Bern Village one thousand two hundred ninety-nine and six tenths feet (1299.6) to an iron in the northwestern right of way of U. S. Highway 17; thence South two degrees one minute East across U. S. Highway 17 four hundred twenty and one tenth feet (420.1) to the northwestern corner of Tryon Realty Company property; thence South thirty-one degrees twenty-eight minutes East three hundred fifty feet (350); thence South thirty-six degrees twenty-four minutes East thirty-four and sixty-six hundredths feet (34.66); thence South thirty-four degrees thirty-nine minutes East two hundred and two one hundredths feet (200.02); thence South thirty-four degrees fifty-three minutes East one hundred and two one hundredths feet (100.02); thence South thirty-one degrees twenty-three minutes East one hundred and nine one hundredths feet (100.09); thence South thirty degrees ten minutes East ninety-nine and twenty-two hundredths feet (99.22); thence South thirty degrees twenty minutes East two hundred forty-nine and forty-four hundredths feet (249.44) to the center line of the Seaboard Coast Line Railroad's main track; thence South thirty degrees twenty minutes East to the southern right of way line of said Seaboard Coast Line Railroad; thence in an easterly direction along the south right of way line of the Seaboard Coast Line Railroad to the West property line of Fifth Street extended; thence South two degrees ten minutes West to the center line of Lane's Branch thence east along the center line of Lane's Branch to a point approximately five hundred feet (500) East of the intersection of Lane's Branch and Pembroke Road; thence South sixty-five degrees, fifty-five minutes East one thousand one hundred fifty feet (1150) more or less; thence South twenty-four degrees, five minutes West, one thousand one hundred twenty-six feet (1126); thence South sixty-eight degrees 00 minutes East one thousand two hundred feet (1200) more or less; thence South sixty-one degrees fifty-five minutes East one thousand fifty-two feet (1052) to the westerly shore line of the Trent River; thence in a northerly direction along and with the westerly shore line of the Trent River to the mouth of and channel of Lawson Creek; thence eastwardly with the channel of Lawson Creek to the channel of Trent River to the point of beginning.

Saving and excepting, however, from the above description that certain parcel of property now owned by Manning, et al, which adjoins the subdivision known as Parrott Park and is more particularly described as follows:

Beginning at a point in the Northeasterly right of way line of Elizabeth Avenue, said point being in the Northwesterly right of way line of Bray Avenue; thence
from this point of beginning North 50 degrees 27' West 191 feet; thence South 38 degrees 50' West, along and with a ditch, 825 feet; thence North 64 degrees 40' East 300 feet; thence North 57 degrees 20' East 143 feet; thence North 39 degrees 11' East 420 feet to the point of beginning.

This description encompasses the property identified as being owned by W. H. Edwards on plat entitled "Map of and Vicinity Property of Elizabeth H. Parrott, by Albert R. Bell, C. E., New Bern, North Carolina, December 10, 1959."

Excepted from this exception is the property heretofore conveyed by the owners thereof to the owners of Parrott Park on which is situate a segment of Elizabeth Avenue, said plot being at the Northeast end of the property described above.

Sec. 4. That Section 9 of Chapter C of the Charter of the City of New Bern, entitled "Time For Candidates To File; Fee; Ballots," being Session Laws of 1957, Chapter 1281, Section 20, as amended, be modified by deleting the $10.00 filing fee required of the Mayor and inserting in lieu thereof the sum of $20.00, and by deleting the $2.00 filing fee required of each candidate for Alderman and inserting in lieu thereof the sum of $10.00.

Sec. 5. That Section 15 of Chapter C of the Charter of the City of New Bern, entitled "City Divided Into Wards," being Session Laws of 1957, Chapter 1281, Section 26, as amended by Session Laws of 1961, Chapter 1111, Section 13, be modified as follows:

"Section 15. City Divided Into Wards. "The City of New Bern shall be divided into five (5) wards, particularly bounded and described as follows:

"First Ward: Beginning at a point in Neuse River where the center line of Dunn Street extended will intersect with the channel of said river and running thence westwardly with the center line of Dunn Street to the center line of National Avenue, George Street, and the Atlantic and North Carolina Railroad: thence southwardly with the center line of George Street to the center line of Cypress Street; thence eastwardly with the center line of Cypress Street to the center line of Howard Street; thence southwardly with the center line of Howard Street to the center line of Metcalf Street; thence southwardly with the center line of Metcalf Street to the channel of the Trent River; thence with the channel of Trent River and Neuse River to the point of beginning.

"Second Ward: Beginning at a point in the Trent River where the center line of Metcalf Street extended intersects with channel of said river, and running thence northwardly with the center line of Metcalf Street to the center line of Howard Street to the center line of Cypress Street to the center line of George Street; thence northwardly with the center line of George Street to the center lines of National Avenue, Dunn Street, and the Atlantic and North Carolina Railroad; thence northwardly with the center line of the Atlantic and North Carolina Railroad to the center line of A Street; thence westwardly with the center line of A Street to the center line of F Street; thence northwardly with the center line of F Street to the center line of K Street; thence southwardly with the center line K Street to the center lines of Chapman Street, Main Street, I Street; thence southwardly with the center line of Chapman Street to the center line of Cedar Street; thence eastwardly with the center line of Cedar Street to the center line of Oak Street; thence southwardly with the center line of Oak Street and Rountree Street to the center line of Broad Street and Queen Street; thence westwardly with the center line of Queen Street to the center line of Princess Street; thence southwardly with the center line of Princess Street to
the center line of Pollock Street; thence westwardly with center line of Pollock Street to the center line of Liberty Street; thence southwardly with center line of Liberty Street and its extension to the channel of Lawson Creek; thence eastwardly with channel of Lawson Creek and Trent River to the point of beginning.

"Third Ward: Beginning at a point in Lawson Creek where the center line of Liberty Street extended intersects the channel of Lawson Creek; thence northwardly with the center line of Liberty Street to the center line of Pollock Street; thence eastwardly with the center line of Pollock Street to the center line of Princess Street; thence northwardly with the center line of Princess Street to the center line of Queen Street; thence eastwardly with the center line of Queen Street to the center line of Rountree Street; thence northwardly with the center line of Rountree Street and Oak Street to the center line of Cedar Street; thence westwardly with the center line of Cedar Street to the center line of Chapman Street; thence northwardly with the center line of Chapman Street to the center lines of Main Street, K Street, I Street; thence westwardly with the center line of Main Street to the eastern property line of the Green Heights Subdivision according to Map Book Two, page 42, as recorded in the Craven County Register of Deeds Office; thence South with the East property line of the Green Heights Subdivision to the South property line of the Green Heights Subdivision; thence westwardly with the canal and along the South boundary of the Green Heights Subdivision to the northwest corner of Lot 13 and the northeast corner of Lot 14 of the plan of the Green Park Place according to Map Book Two, page 79, as recorded in the Craven County Register of Deeds Office; thence South along the lines dividing Lots 13 and 14 of the Green Park Place Subdivision to the center line of Colonial Way; thence westwardly with the center line of Colonial Way to the center line of Chattawka Lane; thence southwardly with the center line of Chattawka Lane to the center line of Trent Boulevard; thence eastwardly with the center line of Trent Boulevard to the intersection of the West property line of Fourth Street and Fourth Street extended and/or the division line of Lots 400 and 401 of the Ghent Subdivision thence southwardly with the West property line of Fourth Street extended and Fourth Street to its intersection with the southern right of way line of the Seaboard Coast Line Railroad; thence westwardly to the westerly right of way line of Fifth Street extended; thence South two degrees, ten minutes West to the center line of Lane's Branch; thence east along the center line of Lane's Branch to a point approximately 500 feet East of the intersection of Lane's Branch and Pembroke Road; thence South sixty-five degrees, fifty-five minutes East one thousand one hundred fifty feet (1150) more or less; thence South twenty-four degrees, five minutes West one thousand one hundred twenty-six feet (1126); thence South sixty-eight degrees 00 minutes East one thousand two hundred feet (1200) more or less; thence South sixty-one degrees fifty-five minutes East one thousand fifty-two feet (1052) to westerly shore line of the Trent River; thence in a northerly direction along and with the westerly shore line of the Trent River to the mouth of and channel of Lawson Creek; thence in a westerly direction along and with the channel of Lawson Creek to the point of beginning.

"Fourth Ward: Beginning with the West property line of Fifth Street extended and the South line of the Seaboard Coast Line Railroad right of way, a point in the city limits line and running; thence eastwardly with the South line of the Seaboard Coast Line Railroad right of way to the West property line of
Fourth Street extended; thence northwardly with the West line of Fourth Street and Fourth Street extended, said extension being the division lines between Lots Nos. 400 and 401 of the Ghent subdivision to its intersection with the center line of Trent Boulevard; thence westwardly with the center line of Trent Boulevard to the center line of Chattawka Lane; thence northwardly with the center line of Chattawka Lane to the center line of Colonial Way; thence eastwardly with the center line of Colonial Way to the property lines between Lots Nos. 13 and 14 of the Green Park Place subdivision according to Map Book 2, page 79, as recorded in the Craven County Register of Deeds office; thence northwardly with the property lines between Lots Nos. 13 and 14 of the Green Park Place to the canal, said canal being the southern line of the Green Park Apartments according to Map Book 4, page 100, as recorded in the Craven County Register of Deeds office; thence eastwardly along the canal and the South property line of said Green Park Apartments to the eastern property line of said Green Park Apartments; thence northwardly with the East property line of the Green Park Apartments to Garfield Street, said line being also the West lot line of Lot No. 7 of the Green Heights subdivision, said subdivision being recorded in Map Book 2, page 42, in the Craven County Register of Deeds office; thence westwardly with the South property line of Garfield Street to a point West of Clark Avenue, said point being the Southeast corner of the Washington Park Subdivision; thence North fifteen degrees six minutes West seven hundred ten and fifteen hundredths feet (710.15) to a point on Dillahunt Street; thence North twenty-five degrees four minutes West four hundred twenty feet (420) more or less to a point in the southern right of way line of Hazel Avenue; thence in an easterly direction along the southern right of way line of Hazel Avenue two hundred fifty feet (250) more or less to a point; thence in a northerly direction across Hazel Avenue extended to the southeast corner of the Carver Heights Subdivision; thence North six degrees forty-five minutes West six hundred five and eighty-seven hundredths feet (605.87); thence North seven degrees fifty-two minutes West one hundred forty-two and eighty hundredths feet (142.80) to the center line of a canal; said canal being the West branch of Jack Smith's Creek; thence in a Northeasterly direction along the center line of said canal to its intersection with the center line of the Atlantic and North Carolina Railroad; thence along the center line of the Atlantic and North Carolina Railroad North sixty-seven degrees fifty-six minutes West four thousand five hundred sixty feet (4560) more or less to a point; thence South forty degrees five minutes West along the North-west boundary of Oakland Gardens two thousand six and nine tenths feet (2069) to the northern right of way line of Neuse Road (U. S. Highway 70); thence in a southwesterly direction across Neuse Road (U. S. Highway 70 West) to a point in the southwesterly right of way line of said Highway; thence South thirty-nine degrees thirty minutes West one thousand six hundred eighty and five tenths feet (1680.5) to the northeastern property line of Parrot Park Subdivision; thence North fifty degrees twenty-seven minutes West four hundred ninety feet (490) more or less to a point; thence South forty-four degrees twenty-five minutes West twenty feet (20); thence North thirty-six degrees forty-five minutes West two hundred forty-one and five tenths feet (241.5); thence North thirty-seven degrees 00 minutes West two hundred seventy-four and five tenths feet (274.5); thence South thirty-nine degrees forty-five minutes West four hundred ten feet (410); thence North fifty degrees twenty-five minutes West eight hundred sixty feet (860) to the Colony Estates Subdivision property line; thence North
forty-three degrees forty-five minutes East two thousand four hundred fifty feet (2450) more or less to the center line of Neuse Road (U. S. Highway 70); thence in a westerly direction along the center line of U. S. Highway 70 one thousand four hundred twenty feet (1420) more or less to the northern right of way line of Colony Drive; thence along the Northern right of way line of Colony Drive South fifty-three degrees thirty-three minutes West one thousand six hundred ninety-one and eight hundredths feet (1691.08) to a point; thence North fifty degrees seven minutes West one hundred fifty-one and thirty-three hundredths feet (151.33) to a point; thence South thirty-nine degrees fifty-three minutes West one hundred forty-nine and twenty-three hundredths feet (149.23) to a point in the easterly right of way line of East Harnett Loop; thence along the easterly right of way line of East Harnett Loop North fifty degrees seven minutes West seventy-nine and thirty-nine hundredths feet (79.39); thence South thirty-nine degrees, fifty-three minutes West one hundred sixty-six feet (166) to a point; thence North eighty-six degrees fifteen minutes West one hundred fifty-five and sixty-five hundredths feet (155.65) to a point; thence South forty-four degrees thirty minutes West seventy-seven feet (77) to a point; thence South seventy-eight degrees forty-five minutes West two hundred ninety-three and forty-one hundredths feet (293.41) to a point; (Northwest of intersection of Colony Drive and Roanoke Avenue); thence South eight degrees thirty-seven minutes East three hundred sixty-five and forty-seven hundredths feet (365.47) to a point; thence South eleven degrees thirteen minutes East one hundred fifty-five (155) feet to a point in the northerly right of way line of Halifax Circle; thence South eleven degrees twenty-four minutes West sixty-five feet (65) to a point in the southerly right of way line of Halifax Circle; thence South six degrees fifty-nine minutes East four hundred six and eleven hundredths feet (406.11) to a point; thence South twenty-six degrees eight minutes East one hundred ninety-three and three one hundredths feet (193.03) to a point; thence South thirteen degrees fifty-two minutes East one hundred seventy-nine and seventy-one hundredths feet (179.71) to a point; thence South seventy-two degrees twenty-two minutes East fifty-nine feet (59) to a point; thence South forty-six degrees nineteen minutes East one hundred eighty-four and sixty-nine hundredths feet (184.69) to a point in the southerly right of way line of Halifax Circle; thence South forty-three degrees forty-one minutes West twenty-five feet (25) along the southern right of way line of Halifax Circle; thence South forty-six degrees nineteen minutes East one hundred fifty feet (150) to a point; thence South forty-three degrees forty-one minutes West seven hundred seventeen and seventy-five hundredths feet (717.75) to a point in the eastern right of way line of Elizabeth Avenue; thence South forty-eight degrees thirteen minutes East seven hundred twelve and twenty-seven hundredths feet (712.27) along the eastern right of way line of Elizabeth Avenue to a point in the property line of the Parrot Park Subdivision; thence along Parrot Park Subdivision property line South forty-two degrees forty-five minutes West seven hundred fifty-nine feet (759) to a point; thence along Parrot Park Subdivision property line South fifty-one degrees forty-five minutes East three thousand one hundred fifteen feet (3115) to a point; thence along Parrot Park Subdivision Property line North thirty-nine degrees eleven minutes East two thousand fifteen feet (2015) to a point; thence South forty-six degrees forty-seven minutes East five hundred ninety and two tenths
feet (590.2) to an iron; said line being parallel to Elizabeth Avenue and approximately two hundred eighty-six feet (286) South of the Southern right of way line of Elizabeth Avenue; thence South forty-three degrees one minute West one thousand seven hundred forty-five feet (1745) to an iron, said line being the western property line of the Pinnix property; thence South eighty-two degrees nineteen minutes East six hundred seventeen and five tenths feet (617.5) to an iron in the northwest corner of Bern Village; thence South two degrees one minute East along the southwest boundary of Bern Village one thousand two hundred ninety-nine and six tenths feet (1299.6) to an iron in the Northwestern right of way of U. S. Highway 17; thence South two degrees one minute East across U. S. Highway 17 four hundred twenty and one tenth feet (420.1) to the Northwest corner of Tryon Realty Company property; thence South thirty-one degrees twenty-eight minutes East three hundred fifty feet (350); thence South thirty-six degrees twenty-four minutes East thirty-four and sixty-six hundredths feet (34.66); thence South thirty-four degrees thirty-nine minutes East two hundred and two one hundredths feet (200.02); thence South thirty-four degrees fifty-three minutes East one hundred and two one hundredths feet (100.02); thence South thirty-one degrees twenty-three minutes East one hundred and nine one hundredths feet (100.09); thence South thirty degrees ten minutes East ninety-nine and twenty-two hundredths feet (99.22); thence South thirty degrees twenty minutes East two hundred forty-nine and forty-four hundredths feet (249.44) to the center line of the Seaboard Coast Line Railroad's main track; thence South thirty degrees twenty minutes East to the southern right of way line of said Seaboard Coast Line Railroad; thence in an easterly direction along the South right of way line of the Seaboard Coast Line Railroad to the point of beginning.

Saving and excepting, however, from the above description that certain parcel of property now owned by Manning, et al, which adjoins the subdivision known as Parrott Park and is more particularly described as follows:

Beginning at a point in the Northwesterly right of way line of Elizabeth Avenue, said point being in the Northwesterly right of way line of Bray Avenue; thence from this point of beginning North 50 degrees 27' West 191 feet; thence South 38 degrees 50' West, along and with a ditch, 825 feet; thence North 64 degrees 40' East 300 feet; thence North 57 degrees 20' East 143 feet; thence North 39 degrees 11' East 420 feet to the point of beginning.

This description encompasses the property identified as being owned by W. H. Edwards on plat entitled "Map of and Vicinity Property of Elizabeth H. Parrott, by Albert R. Bell, C. E., New Bern, North Carolina, December 10, 1959."

Excepted from this exception is the property heretofore conveyed by the owners thereof to the owners of Parrott Park on which is situate a segment of Elizabeth Avenue, said plot being at the Northeast end of the property described above.

"Fifth Ward: Beginning at a point in the Neuse River where the center line of Dunn Street extended will intersect with the channel of said river and running thence northwardly with the channel of the said river to its intersection with Jack Smith's Creek extended; thence southwardly with the meanders of Jack Smith's Creek and the city limit line to the East prong of Jack Smith's Creek; thence southwardly with the East prong of Jack Smith's Creek and the city limit line to the culvert under the Atlantic and North Carolina Railroad; thence in a westerly direction along the center line of Atlantic and North Carolina Rail-
road to the West prong of Jack Smith's Creek one thousand fifty feet (1050) more or less; thence in a southwesterly direction along the center line of the West prong of Jack Smith's Creek (canal) to the northeast corner of Carver Heights Subdivision; thence South seven degrees fifty-two minutes East one hundred forty-two and eighty-hundredths feet (142.80) to a point; thence South six degrees forty-five minutes East six hundred five and eight-seven hundredths feet (605.87); thence in a southerly direction across Hazel Avenue extended to its southern right of way line; thence in a westerly direction along southern right of way line of Hazel Avenue two hundred fifty feet (250) more or less to a point, said point being the northern end of the eastern property line of the Washington Park Subdivision Addition No. 1; thence South twenty-five degrees four minutes East four hundred twenty feet (420) more or less to a point on Dillahunt Street; thence South fifteen degrees six minutes East seven hundred ten and fifteen hundredths feet (710.15) to the southeast corner of Washington Park Subdivision, said point being on the South property line of Garfield Street extension and West of Clark Avenue; thence eastwardly with the northern property line of the Green Park Apartment property recorded in Map Book Four, page 100, and the South property line of Garfield Street to the north-east corner of the Green Park Apartments property and the western property line of Lot 7 of Green Heights Subdivision as recorded in Map Book Two, page 42, in the Craven County Register of Deeds office; thence southwardly with the East property line of Green Park Apartments and the western line of Lot 7 of the Green Heights Subdivision to the canal and the North property line of Green Park Place; thence eastwardly with the canal and the South boundary line of Green Heights Subdivision to the southeast corner of the Green Heights Subdivision; thence northwardly with the eastern boundary of the Green Heights Subdivision to the center line of Main Street; thence eastwardly with the center line of Main Street to the center lines of K Street, Chapman Street, and I Street; thence northeastwardly with the center line of K Street to the center line of F Street; thence southwardly with the center line of F Street to the center line of A Street; thence northeastwardly with the center line of A Street to the center line of the Atlantic and North Carolina Railroad; thence south-eastwardly with the center line of the Atlantic and North Carolina Railroad to the intersection of George Street, National Avenue, and Dunn Street; thence northeasterly with the center line of Dunn Street to the point of beginning.

"The Board of Aldermen may, in its discretion, from time to time modify the boundaries of said wards by adopting a resolution declaring the modification."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Sec. 7. This Act shall take effect retroactively to March 1, 1969.

In the General Assembly read three times and ratified, this the 11th day of April, 1969.

H. B. 552

CHAPTER 214

AN ACT TO PROVIDE AN EMERGENCY APPROPRIATION FROM THE GENERAL FUND FOR THE PURPOSE OF SUPPLEMENTING THE APPROPRIATION TO NORTH CAROLINA STATE UNIVERSITY AT RALEIGH FOR THE CONSTRUCTION OF A NUCLEAR SCIENCE AND ENGINEERING RESEARCH CENTER.

WHEREAS, North Carolina State University was appropriated funds by the 1965
General Assembly to construct a Nuclear Science and Engineering Research Center, and

WHEREAS, bids have been received on this project which exceed the funds available by nine hundred forty-five thousand dollars ($945,000.00), and

WHEREAS, Federal Funds in the amount of nine hundred sixty-five thousand dollars ($965,000.00) were included in the appropriation which are not available for this purpose, and

WHEREAS, the University considers this to be the most urgent capital improvement need of the University at this time, and

WHEREAS, if contracts are not awarded now the price will be much higher at a later date; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. In compliance with the provisions of Chapter 143, Section 15 of the General Statutes of North Carolina, and upon the recommendation of the Governor, an emergency appropriation of nine hundred forty-five thousand dollars ($945,000.00) from the General Fund is hereby made to North Carolina State University at Raleigh to be used for the purpose of supplementing a 1965 appropriation to provide a Nuclear Science and Engineering Research Center. The 1965 appropriation was in the amount of one million nine hundred sixty-five thousand dollars ($1,965,000.00), including anticipated Federal Funds in the amount of nine hundred sixty-five thousand dollars ($965,000.00).

Sec. 2. This emergency appropriation of nine hundred forty-five thousand dollars ($945,000.00) shall be expended by North Carolina State University at Raleigh only for the purpose of constructing and equipping the Nuclear Science and Engineering Research Center.

Sec. 3. Said appropriation shall be considered to be a part of the Capital Improvement Bill which will be ratified by this 1969 Session of the General Assembly. This appropriation shall become a part of the recommended Capital Improvement Bill now before the 1969 General Assembly which includes a total recommended appropriation for North Carolina State University at Raleigh of two million eight hundred thirty-six thousand dollars ($2,836,000.00) and shall not increase the recommended capital improvement appropriation to North Carolina State University at Raleigh.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after the day of its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1969.
CHAPTER 215

S. B. 95

CHAPTER 215

AN ACT TO REWRITE G. S. 28-174, RELATING TO DAMAGES RECOVERABLE FOR DEATH BY WRONGFUL ACT.

WHEREAS, human life is inherently valuable; and

WHEREAS, the present statute is so written and construed that damages recoverable from a person who has caused death by a wrongful act are effectually limited to such figure as can be calculated from the expected earnings of the deceased, which is far from an adequate measure of the value of human life; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-174 is hereby rewritten to read as follows:

"Sec. 28-174. Damages recoverable for death by wrongful act; evidence of damages. (a) Damages recoverable for death by wrongful act include:

(1) Expenses for care, treatment and hospitalization incident to the injury resulting in death.

(2) Compensation for pain and suffering of the decedent.

(3) The reasonable funeral expenses of the decedent.

(4) The present monetary value of the decedent to the persons entitled to receive the damages recovered, including but not limited to compensation for the loss of the reasonably expected:

(i) Net income of the decedent,

(ii) Services, protection, care and assistance of the decedent, whether voluntary or obligatory, to the persons entitled to the damages recovered,

(iii) Society, companionship, comfort, guidance, kindly offices and advice of the decedent to the persons entitled to the damages recovered.

(5) Such punitive damages as the decedent could have recovered had he survived, and punitive damages for wrongfully causing the death of the decedent through maliciousness, wilful or wanton injury, or gross negligence.

(6) Nominal damages when the jury so finds.

"(b) All evidence which reasonably tends to establish any of the elements of damages included in subsection (a), or otherwise reasonably tends to establish the present monetary value of the decedent to the persons entitled to receive the damages recovered, is admissible in an action for damages for death by wrongful act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall not apply to litigation pending on its effective date.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1969.

S. B. 120

CHAPTER 216

AN ACT TO AMEND THE FEDERAL TAX LIEN REGISTRATION ACT TO COMPLY WITH THE FEDERAL TAX LIEN ACT OF 1966.

The General Assembly of North Carolina do enact:

Section 1. Article 11 of Chapter 44 of the General Statutes is hereby repealed, and the following Article is inserted in Chapter 44 in lieu thereof:
"Article 11

"Uniform Federal Tax Lien Registration Act

"Sec. 44-68.1. Federal tax lien; place of filing. (a) Notices of liens upon real property for taxes payable to the United States, and certificates and notices affecting the liens shall be filed in the office of the clerk of superior court of the county in which the real property subject to a Federal tax lien is situated.

"(b) Notices of liens upon personal property, whether tangible or intangible, for taxes payable to the United States and certificates and notices affecting the liens shall be filed as follows:

(1) If the person against whose interest the tax lien applies is a corporation or a partnership whose principal executive office is in this State, as these entities are defined in the internal revenue laws of the United States, in the office of the Secretary of State;

(2) in all other cases in the office of the clerk of superior court of the county where the taxpayer resides at the time of filing of the notice of lien.

"Sec. 44-68.2. Execution of notices and certificates. Certificate by the Secretary of the Treasury of the United States or his delegate of notices of liens, certificates, or other notices affecting tax liens entitles them to be filed and no other attestation, certification, or acknowledgment is necessary.

"Sec. 44-68.3. Duties of filing officer. (a) If a notice of Federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of any certificate described in subsection (b) is presented to the filing officer and

(1) he is the Secretary of State, he shall cause the notice to be marked, held and indexed in accordance with the provisions of Sec. 25-9-403(4) of the Uniform Commercial Code as if the notice were a financing statement within the meaning of that Code; or

(2) he is the clerk of superior court, he shall endorse and stamp thereon the name of the office in which it is presented and the date and time of receipt, and shall file, alphabetically index, and docket the notice so that the docket shows the name and address of the person named in the notice, the date and time of receipt, the serial number of the District Director, and the total unpaid balance of the assessment appearing on the notice of lien. No administrative rules or regulations shall be made which modify or are inconsistent with the Federal Tax Lien Act and this Act.

"(b) If a certificate of release, non-attachment, discharge or subordination of any tax lien is presented to the Secretary of State for filing he shall

(1) cause a certificate of release or non-attachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that the notice of lien to which the certificate relates shall not be removed from the files, and

(2) cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

"(c) If a refiling notice of Federal tax lien referred to in subsection (a) or any of the certificates or notices referred to in subsection (b) is presented for filing with
the clerk of superior court, he shall endorse or stamp thereon the name of the office in which it is presented and the date and time of receipt, permanently attach the refiled notice or certificate to the original notice of lien, alphabetically index the same and docket the notice or certificate on the same page where the original notice of lien is docketed.

"(d) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and time stated therein, any notice of Federal tax lien or certificate or notice affecting the lien, filed on or after October 1, 1969, naming a particular person, and if a notice or certificate is on file, giving the date and time of receipt of each notice or certificate. Upon request the filing officer shall furnish a copy of any notice of Federal tax lien or notice or certificate affecting a Federal tax lien.

"Sec. 44-68.4. Fees. (a) The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien in the office of the Secretary of State is:

(1) for a tax lien on tangible and intangible personal property, two dollars ($2.00);

(2) for a certificate of discharge or subordination, two dollars ($2.00);

(3) for all other notices, including a certificate of release or non-attachment, one dollar ($1.00).

"(b) The fee for furnishing the certificate provided for in Section 44-68.3(d) in the Office of the Secretary of State is two dollars ($2.00), and the fee for furnishing copies provided for in Section 44-68.3(d) is one dollar ($1.00) per page.

"(c) The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien in the office of the clerk of superior court and the fee for furnishing the certificate or copies provided for in Section 44-68.3(d), is as provided in G. S. 7A-308.

"(d) The officer shall bill the district directors of internal revenue on a monthly basis for fees for documents filed by them.

"Sec. 44-68.5. Tax liens and notices filed before effective date of this Act. Filing officers with whom notices of Federal tax liens, certificates and notices affecting such liens have been filed before October 1, 1969, shall, after that date, continue to maintain a file labeled 'Federal tax lien notices filed prior to October 1, 1969,' containing notices and certificates filed in numerical order of receipt. If a notice of lien was filed before October 1, 1969, any certificate or notice affecting the lien shall be filed in the same office.

"Sec. 44-68.6. Uniformity of interpretation. This Article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

"Sec. 44-68.7. Short title. This Article may be cited as the Uniform Federal Tax Lien Registration Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective October 1, 1969.
In the General Assembly read three times and ratified, this the 15th day of April, 1969.
S. B. 161  

CHAPTER 217  

AN ACT TO AMEND CHAPTER 316 OF THE SESSION LAWS OF 1947, AS AMENDED RELATING TO PROFESSIONAL BONDSMEN IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 316 of the Session Laws of 1947, as re-written by Chapter 995 of the Session Laws of 1947 and as re-written by Chapter 85 of the Session Laws of 1961 is hereby amended as follows:

(a) by striking out the words and figures "Five Thousand Dollars ($5,000.00)" wherever they appear, and inserting in lieu thereof the words and symbols "Ten Thousand Dollars ($10,000.00)";

(b) by inserting before the word "exclusive" in the next to the last line the words "or greater amount if required by this statute.";

(c) by adding the following new paragraph at the end thereof:

"In the event a person, firm, association or corporation engaging in such business or activity shall have made either one or more bonds, or, pledges or deposits in lieu thereof, or both, for appearances in any courts in Robeson County, and the amounts thereof shall be greater than Thirty Thousand Dollars ($30,000.00) but not greater than Forty-five Thousand Dollars ($45,000.00), then he or it shall deposit an amount sufficient to make Fifteen Thousand Dollars ($15,000.00) of total deposits; and if the amounts thereof shall be greater than Forty-five Thousand Dollars ($45,000.00) then he or it shall deposit an amount sufficient to make Twenty Thousand Dollars ($20,000.00) of total deposits."

Sec. 2. Section 3 of Chapter 316 of the Session Laws of 1947, as amended by Chapter 995 of the Session Laws of 1947 and as amended by Chapter 1126 of the Session Laws of 1953, is hereby re-written to read as follows:

"Sec. 3. No person, firm, association or corporation who shall sign, endorse, execute, or become surety on any appearance bond, or who shall pledge or deposit any cash, check, or other security of any nature in lieu of any appearance bond, shall charge or collect any fee on such bond, pledge or deposit in excess of ten percent (10%) of bond amount furnished by him or it when that bond amount is Two Thousand Dollars ($2,000.00) or less; or in excess of five percent (5%) of bond amount furnished by him or it when that bond amount is greater than Two Thousand Dollars ($2,000.00); provided, however, that a fee of Seven and One-Half Dollars ($7.50) may be charged on any bond amount furnished by him or it of Seventy-five Dollars ($75.00) or less, without reference to the percentages set out in this section.

No charges, by whatever name designated, other than those set out in this section, shall be made or collected by such person, firm, association or corporation.

As used in this section, "bond amount" also includes (a) pledge and deposit amounts when furnished in lieu of appearance bond, (b) any combination of these two or three types."

Sec. 3. That Section 3 of Chapter 85 of the Session Laws of 1961, which adds a new section to Chapter 316 of the Session Laws of 1947, is hereby amended to insert the words "the receipt number issued the individual bonded.", in line 10 thereof following the words and symbols "of each individual bonded."

Sec. 4. This Act shall apply to Robeson County only.
CHAPTER 217  
SECTION LAWS—1969

Sec. 5. All laws, and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 15th day of April, 1969.

S. B. 171  
CHAPTER 218

AN ACT TO AMEND G. S. 95-86 SO AS TO INCREASE THE PERSONS AND OCCUPATIONS COVERED BY THE MINIMUM WAGE ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 95-86(3)b, as the same appears in Volume 2C of the General Statutes, is rewritten to read as follows:

"b. Any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds;".

Sec. 2. G. S. 95-86(3)d is rewritten to read as follows:

"d. Newsboys, shoe shine boys, caddies on golf courses, baby sitters, ushers, doormen, concession attendants and cashiers in theaters;".

Sec. 3. G. S. 95-86(3)f is hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after January 1, 1970.

In the General Assembly read three times and ratified, this the 15th day of April, 1969.

S. B. 214  
CHAPTER 219

AN ACT TO AMEND G. S. 20-183.2(c) CONCERNING SAFETY EQUIPMENT INSPECTIONS OF MOTOR VEHICLES SOLD AT RETAIL.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of G. S. 20-183.2, as the same appears in the 1967 Supplement to 1965 Replacement Volume 1C of the General Statutes, is amended by adding at the end thereof the following: "Provided, however, a purchaser of a motor vehicle, who is licensed as a self-inspector, may conduct the required inspection, after entering into a written agreement with the dealer to follow such a procedure. A copy of such dealer-purchaser agreement must be filed with the Department of Motor Vehicles. Provided further, that any new and unregistered vehicle sold to a nonresident (as defined in G. S. 20-6) shall be exempt from the requirements of this section if such vehicle is not required to be registered in this State."

Sec. 2. All laws and all clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1969.

198
AN ACT TO AMEND CHAPTER 196, SESSION LAWS OF 1967, TO AUTHORIZE THE APPOINTMENT OF ABC OFFICERS IN THE TOWN OF MT. PLEASANT AND TO SPECIFY THEIR JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 196, Session Laws of 1967, is hereby amended by adding a new section immediately following Section 7, to be designated Section 7.1, and to read as follows:

"Sec. 7.1. The five per cent (5%) allocated for law enforcement in Section 7 of this Act shall be expended by the Town of Mt. Pleasant Alcoholic Beverage Control Board for law enforcement. In the expenditure of said funds, the Board shall employ one or more ABC officers to be appointed by and directly responsible to the Board. The persons so appointed shall take the oath prescribed by law for peace officers and shall have the same powers and authority, both within the Town of Mt. Pleasant and Cabarrus County, as other peace officers of the Town and County, including the common law of hot pursuit as set forth for ABC officers in G. S. 18-45(15)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1969.

AN ACT TO AMEND CHAPTER 195, SESSION LAWS OF 1967, TO AUTHORIZE THE APPOINTMENT OF ABC OFFICERS IN THE CITY OF CONCORD AND TO SPECIFY THEIR JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 195, Session Laws of 1967, is hereby amended by adding a new section immediately following Section 7, to be designated Section 7.1, and to read as follows:

"Sec. 7.1. The five per cent (5%) allocated for law enforcement in Section 7 of this Act shall be expended by the City of Concord Alcoholic Beverage Control Board for law enforcement. In the expenditure of said funds, the Board shall employ one or more ABC officers to be appointed by and directly responsible to the Board. The persons so appointed shall take the oath of office prescribed by law for peace officers and shall have the same powers and authority, both within the City of Concord and Cabarrus County, as other peace officers of the City and County, including the common law of hot pursuit as set forth for ABC officers in G. S. 18-45(15)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1969.
CHAPTER 222

S. B. 247

CHAPTER 222
AN ACT RELATING TO FILLING VACANCIES ON BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 153-6 of the General Statutes of North Carolina is rewritten to read as follows:

"Sec. 153-6. Vacancies. Vacancies occurring in the board of commissioners of any county shall be filled by appointment by the remaining members of the board. The person appointed to fill a vacancy shall be a member of the same political party, and, if the county is divided into districts for election of the board, a resident of the same district, as the member causing the vacancy. The board shall consult the county executive committee of the appropriate political party before filling a vacancy, but shall not be bound by its recommendations."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed to the extent of such conflict.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1969.

S. B. 266

CHAPTER 223
AN ACT AUTHORIZING THE COMMISSIONERS OF CASWELL COUNTY TO EXECUTE WARRANTY DEEDS.

The General Assembly of North Carolina do enact:

Section 1. Section 160-61.1 of the General Statutes of North Carolina is amended by inserting the word "Caswell," after the word "Bladen" in subsection (c) thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1969.

S. B. 279

CHAPTER 224
AN ACT TO PROVIDE FOR AN ELECTION IN THE TOWN OF FARMVILLE ON THE QUESTION OF AMENDING THE TOWN CHARTER TO ESTABLISH THE OFFICE OF TOWN MANAGER.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Farmville shall call and conduct, on the day of the regular Town election in 1969, a special election upon the question of amending the Town Charter to establish the office of Town Manager, as provided in Section 4 of this Act. No new registration of voters shall be required for such special election, and all qualified voters who are registered prior to the regular registration period for the regular 1969 Town election, and all who register during such period, shall be entitled to vote in the special election. The special election shall be conducted in accordance with the provisions of law relating to regular Town elections, except that the Board of Commissioners shall cause a notice of such special election to be published once at least fifteen days prior to the day of election in a newspaper published in or having substantial circu-
lation in the Town, in lieu of any other notice required by any other provision of general or local law.

Sec. 2. At such special election, ballots shall be provided which contain the words "For Town Manager Government" and "Against Town Manager Government", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast in such special election shall be cast "For Town Manager Government", then Section 4 of this Act shall become effective on July 1, 1969. If a majority of the votes cast in such special election shall be cast "Against Town Manager Government", then Section 4 of this Act shall have no force and effect.

Sec. 4. Subject to the provisions of Section 3 of this Act, Sections 13 through 18 of Chapter 36 of the Session Laws of 1965 are hereby rewritten to read as follows:

"Sec. 13. Appointment of Town Manager. The Board of Commissioners shall appoint a Town Manager, who shall be the administrative head of the Town government responsible for the administration of all Town departments. He shall be appointed with regard to merit only, and need not be a resident of the Town when appointed, but shall reside therein during his tenure. He shall hold office at the pleasure of the Board of Commissioners, and shall receive such compensation as it may fix.

"Sec. 14. General Duties of Town Manager. The Town Manager shall:

(a) be the administrative head of the Town government;

(b) see that within the Town the laws of the State and the ordinances, resolutions, regulations and policies of the Board of Commissioners are faithfully executed;

(c) attend all meetings of the Board of Commissioners;

(d) make reports to the Board of Commissioners from time to time upon the affairs of the Town, and keep the Board fully advised of the Town's financial condition and its future financial needs;

(e) make such recommendations to the Board of Commissioners as he shall from time to time deem expedient.

"Sec. 15. Fiscal Duties of Town Manager. The Town Manager shall prepare the Town budget in accordance with the general laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the Town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the Town and such subsidiary accounts and cost records as may be required by ordinance or by the Board of Commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments or agencies of the Town government; to examine and approve all contracts, orders and other documents by which the Town incurs financial obligation, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the Town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expend-
CHAPTER 224  SESSION LAWS—1969

itutes of the Town government to the Mayor and Board of Commissioners, and to take monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the Mayor, the Board of Commissioners and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the Town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the Town government as the Board of Commissioners may require by ordinance.

"Sec. 16. Appointment and Removal of Officers and Employees. Such Town officers and employees as the Board of Commissioners shall determine are necessary for the proper administration of the Town, except the Town Attorney, shall be appointed by the Town Manager, and such officers and employees may be removed by the Town Manager. The Town Manager shall report every appointment or removal of a department head to the Board of Commissioners at its next regular meeting following such appointment or removal. The officers and employees subject to appointment by the Town Manager shall perform such duties as may be required by him, under general policies of the Board of Commissioners.

"Sec. 17. Consolidation of Functions and Offices. The Board of Commissioners may consolidate in one or more offices the functions and duties of Town Clerk, Town Tax Collector, and Town Treasurer, or may assign the duties of one or more of such offices to the holder or holders of any other of such offices.

"Sec. 18. Town Attorney. The Board of Commissioners shall appoint a Town Attorney, who shall serve at the pleasure of the Board and shall receive such compensation as it may fix. The Town Attorney shall be an attorney at law who shall have qualified to practice in the State of North Carolina. He shall be the chief legal advisor of and attorney for the Town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the Board of Commissioners; to give advice in writing when so requested, to the Board of Commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the Town may be a party; to prepare all contracts, bonds and other instruments in writing in which the Town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the Board of Commissioners may require. In addition to the duties imposed upon the Town Attorney by this Charter or required by ordinance or resolution of the Board of Commissioners, he shall perform any duties imposed upon the chief legal officers of municipalities by law."

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. Subject to the provisions of Section 3 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1969.
H. B. 178

CHAPTER 225

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS FOR THE COUNTY
OF TRANSYLVANIA TO FIX THE FEES TO BE PAID TO THE JAILER FOR
SAID COUNTY.

The General Assembly of North Carolina Do Enact:

Section 1. The Board of Commissioners for the County of Transylvania is hereby
authorized and empowered, to pay the jailer of said County the sum of two dollars
($2.00) per day for each prisoner lawfully confined in the common county jail.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of
April, 1969.

H. B. 288

CHAPTER 226

AN ACT TO AMEND G. S. 18-57 SO AS TO PROVIDE FOR THE DISTRIBUTION
OF ABC STORE FUNDS IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-57 is hereby amended by adding at the end thereof the
following:

"After deducting from the gross receipts the amount necessary for the payment
of all salaries and operating expenses and retaining a sufficient and proper working
capital, as determined by the Board, the Northampton County Board of Alcoholic
Control shall allocate and disburse quarterly, as determined by audit, the net profits
derived from the operation of the stores, as follows:

1. Fifteen per cent (15%) of the net profits or twelve thousand five-hundred dol-
ars ($12,500.00), whichever is greater, for the enforcement of the Alcoholic Beverage
Control laws in Northampton County.

2. Twenty-five per cent (25%) of the remaining net profit shall be distributed
among the incorporated municipalities of Northampton County in the percentage
proportion that the population of each eligible municipality bears to the total popu-
lation of all eligible municipalities as indicated by the latest certified Federal Decen-
nial Census.

3. The remaining net profit shall be paid into the General Fund of Northampton
County."

Sec. 2. Chapter 426, Session Laws of 1967, and all laws and clauses of laws
in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 16th day of
April, 1969.
CHAPTER 227

AN ACT TO AMEND G.S. 89-14 RELATING TO LAND SURVEYORS SO AS TO AMEND SAID ACT AS IT PERTAINS TO ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 89-14, as the same appears in the 1965 Replacement Volume 2C, is hereby amended as follows:

"(a) By striking from line 1 thereof, the figure '1960' and substituting in lieu thereof '1971'.

(b) By striking from line 6 thereof, the period following the word 'year' and by substituting in lieu thereof the following: 'and submit a recommendation or request for his certification signed by a majority of the practicing attorneys in Alleghany, Wilkes and Yadkin Counties who handle legal matters requiring surveys, provided however, that the certificate shall be valid only until July 1, 1971.'

(c) Any persons licensed under this Act shall be restricted to the practice of surveying in Alleghany, Wilkes and Yadkin Counties."

Sec. 2. This Act shall apply only to Alleghany, Wilkes and Yadkin Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 329

CHAPTER 228

AN ACT TO PROVIDE FOR THE ELECTION OF THE HOKE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. As provided for in Section 2 of Chapter 972 of the 1967 Session Laws, effective July 1, 1969, the Board of Education of Hoke County shall consist of five (5) members, to be elected by the voters of the county as herein provided on a partisan basis in the same manner as members of the General Assembly. The term of office of each member shall be for a period of two (2) years beginning on the first Monday in December, next succeeding his election, and shall continue until a successor has been elected and qualified.

Sec. 2. The terms of office of Riley Jordan and Robert Gibson which expire in April, 1969, are hereby extended to the first Monday in December of 1970 or until their successors qualify.

Sec. 3. In the primary election to be held in 1970, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated (5) candidates for nomination as members of the Board of Education of Hoke County. The names of the persons so nominated by each political party shall be placed on the official county ballots of Hoke County, and shall be voted upon by the qualified voters of the county at large in the general election of 1970; and biennially thereafter, members of the Board of Education who are candidates to succeed the members whose terms shall expire shall be elected for a term of two (2) years.

Sec. 4. Vacancies in the membership of the Board of Education, for any cause, shall be filled immediately by the County Executive Committee of the political party
of the member causing such vacancy. The person appointed shall serve for the
remainder of the unexpired term.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of
April, 1969.

H. B. 356

CHAPTER 229

AN ACT TO AMEND THE STATE BANKING LAWS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-122 is hereby amended by rewriting Subsection (6) to read
as follows:

"(6) In the first half of each calendar year, the State Banking Commission shall
review the estimated cost of maintaining the office of the Commissioner of Banks
for the next fiscal year. If the estimated fees provided for under subdivisions (1)
and (2) shall exceed the estimated cost of maintaining the office of the Commissioner
of Banks for the next fiscal year, then the State Banking Commission may reduce
by uniform percentage the fees provided for in subdivisions (1) and (2) of this Section
but not in a percentage greater than fifty percent (50%) nor to an amount which
will reduce the amount of the fees to be collected below the estimated cost of main-
taining the office of the Commissioner of Banks for the next fiscal year. If the esti-
mated fees provided for under subdivisions (1) and (2) shall be less than the esti-
mated cost of maintaining the office of the Commissioner of Banks for the next fiscal
year, then the State Banking Commission may increase by uniform percentage the
fees provided for in subdivisions (1) and (2) of this Section to an amount which
will increase the amount of the fees to be collected to an amount at least equal
to the estimated cost of maintaining the office of the Commissioner of Banks for
the next fiscal year. Such fees shall be reduced whenever a surplus exists which
exceeds the estimated cost of operating the office of the Commissioner of Banks
for one year, even if such reduction shall result in the collection of a smaller sum
than the estimated cost of maintaining the office of the Commissioner of Banks
for that year. In no event shall any surplus at the end of any fiscal year resulting
from the collection of fees pursuant to this Section revert to the General Fund."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of
April, 1969.

H. B. 373

CHAPTER 230

AN ACT TO EXTEND THE JURISDICTION OF THE LINCOLNTON ABC OFFI-
CER OR OFFICERS TO LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 603 of the 1967 Session Laws, is hereby amended by adding
a new Section 5.1 to read as follows:

"Sec. 5.1. The Town of Lincolnton Board of Alcoholic Control may appoint one
or more persons to serve as ABC officers. Such officers shall have the same power
and authority as granted county ABC officers in G. S. 18-45(15) and shall have juris-
diction throughout Lincoln County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of
April, 1969.

H. B. 412

CHAPTER 231

AN ACT AMENDING CHAPTER 552 SESSION LAWS OF 1957, THE SAME
BEING THE CHARTER OF THE TOWN OF JEFFERSON, SO AS TO EXTEND
THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 552, Session Laws of 1957, be and the
same is hereby amended, by adding at the end thereof the following description,
so as to include within the Town of Jefferson an area bounded as follows: "Beginning
on a twin maple, corner of Paul Bower, Harold D. Cox, and Herbert Francis, and
in the east line of the present corporate limits of the Town of Jefferson; thence
running south 84 degrees 14 minutes east 1,063.67 feet to an iron stake at a mahoga-
ny, corner of Harold D. Cox; thence with the line of Harold D. Cox, south 1 degree
16 minutes west 565.23 feet to an iron point, corner of Wade Williams; thence with
the line of the said Wade Williams, south 1 degree 38 minutes west 818.48 feet
to an iron stake, corner of E. V. Searcy; thence with the line of the said E. V.
Searcy and continuing, south 0 degrees 7 minutes east 1190.89 feet to an iron stake
at U. S. Highway 221 and North Carolina Highway 88; thence running westward
and northwestward with said highways to an iron stake at the present corporate
limits of the said Town of Jefferson; and thence running northward with the corpo-
rate limits of said Town to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of
April, 1969.

H. B. 424

CHAPTER 232

AN ACT TO AMEND THE CHARTER OF THE CITY OF HICKORY TO PROVIDE
FOR THE APPOINTMENT OF A SPECIAL REGISTRATION COMMISSIONER
FOR CITY ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 2.32 of the Charter of the City of Hickory, as set forth in
Chapter 323 of the Session Laws of 1961, is hereby amended by adding a new subsec-
tion (f) after subsection (e) as follows:

"(f) In addition to the registration officials and procedures herein provided,
the city council may appoint the city clerk or some other city employee to serve
as a special registration commissioner. Such commissioner, after taking the oath
required for registrars by subsection (b) of Section 2.31 of this subchapter, shall
be authorized and empowered to register any qualified voter who applies at the
H. B. 438

CHAPTER 233

AN ACT TO AMEND G. S. 115-126 SO AS TO AUTHORIZE THE ASHEBORO
CITY BOARD OF EDUCATION IN RANDOLPH COUNTY TO LEASE SCHOOL
FACILITIES TO THE CITY OF ASHEBORO FOR A TERM OF TWENTY-FIVE
YEARS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (e) of G. S. 115-126 is hereby amended by adding at the
end thereof the following:

"The Asheboro City Board of Education is hereby authorized and empowered
to lease to the City of Asheboro for a term not exceeding twenty-five (25) years,
upon such terms and conditions as the Board shall deem best for the public interest
that certain property located in Asheboro Township and more particularly described
as follows:

BEGINNING at an iron pipe in the southern intersection of the rights of way
of N. C. Highway No. 49 and South Park Street, running thence along the west
right of way of South Park Street South 1 deg. 12 min. East 594.30 feet to
a stake; thence South 88 deg. 48 min. West 414.17 feet to a stake in C. W. Brow-
er's east line; thence along C. W. Brower's east line North 00 deg. 21 min. West
152.66 feet to an iron pipe in the southern right of way line of N. C. Highway
No. 49; thence along the southern right of way line of N. C. Highway No. 49
North 43 deg. 35 min. East 215.51 feet to an iron pipe; thence continuing along
the southern right of way line of N. C. Highway No. 49 North 42 deg. 28 min.
East 270.37 feet to an iron pipe; thence continuing along said N. C. Highway
No. 49 right of way North 37 deg. 04 min. East 118.62 feet to the BEGINNING,
containing 3.454 acres, more or less.

Provided, that the lease shall permit the City of Asheboro to sublease the property,
and shall require the City to be responsible for the upkeep, maintenance
and repair of the property until it should be sublet. In the event the City of
Asheboro sublets the property, it shall require the sublease to provide proper
upkeep, maintenance and repairs thereto. Any compensation received by the
City of Asheboro from the sublessee shall be paid to the Asheboro City Board
of Education, less any expenses incurred by the City, prior to the execution of
the sublease, for repairs, maintenance and upkeep of the property.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1969.

H. B. 444

CHAPTER 234

AN ACT TO INCLUDE CUMBERLAND IN THE PROVISIONS FOR REMOVAL AND DISPOSAL OF TRASH AND IN THE PROVISIONS REGARDING SPECIAL ASSESSMENTS FOR WATER AND SEWER FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. Section 153-10.1 is hereby amended to add in the second paragraph, line 1, after "Craven," the word "Cumberland," so as to include Cumberland County in the provisions for removal and disposal of trash.

Sec. 2. G. S. Section 153-294.19 is hereby amended by deleting "Cumberland" from line 4 thereof so as to make Article 24A of Chapter 153 regarding special assessments for water and sewerage facilities applicable to Cumberland County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1969.

H. B. 455

CHAPTER 235

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF WEST BLADENBORO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 175 of the Private Laws of 1913 and Chapter 177 of the Private Laws of 1917, constituting the charter of the Town of West Bladenboro in Bladen County, are hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 463

CHAPTER 236

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FOREST CITY, CHAPTER 2 OF THE PRIVATE LAWS OF 1925.

The General Assembly of North Carolina do enact:

Section 1. Chapter 2 of the Private Laws of 1925, as amended, is hereby further amended by adding at the end of the first paragraph of Section 5 thereof the following:

"The Board of Commissioners may, in its discretion, install a loose-leaf or card registration book system for use in conducting town elections. Such registration books and cards shall be in such form as the Board may prescribe. The Board may at any time authorize the registrar or registrars to purge the present registration books in the manner authorized by general law and to transfer to the new registration books the names of such qualified voters as remain on the present registration books following such purging."

208
Sec. 2. Chapter 2 of the Private Laws of 1925 is hereby further amended by inserting in Section 5 thereof a new subsection 7A to read as follows:

"7A. The Board of Commissioners shall appoint a town manager, who shall be the administrative head of the town government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and need not be a resident of the town when appointed. He shall hold office during the pleasure of the Board of Commissioners and shall receive such compensation as it shall determine. The manager shall:

"(a) be the administrative head of the town government;

"(b) see that within the town the laws of the State and the ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed;

"(c) attend all meetings of the Board, and recommend for adoption such measures as he shall deem expedient;

"(d) make reports to the Board from time to time upon the affairs of the town, keep the Board fully advised of the town's financial condition and its future financial needs;

"(e) appoint and remove all heads of departments, superintendents, and other town employees, except the town attorney. Such municipal officers and employees as the Board of Commissioners shall determine are necessary for the proper administration of the town shall be appointed by the manager, and any such officer or employee may be removed by him; but the manager shall report every such appointment and removal to the Board at the next meeting thereof following any such appointment or removal. The officers and employees of the municipality shall perform such duties as may be required of them by the manager, under general regulations of the Board of Commissioners."

Sec. 3. Chapter 2 of the Private Laws of 1925 is further amended by inserting therein, between Sections 8 and 9, a new Section 8A to read as follows:

"Sec. 8A. Cable television. The town shall have authority to grant franchises for cable television service pursuant to G. S. 160-216a, or in lieu of granting franchises, shall have authority to acquire, construct, own, and operate a cable television system as defined in G. S. 160-216a within the town and within the areas served by the town's electric distribution system, to make reasonable installation and service charges for cable television service, and to make reasonable rules and regulations regarding the operation and use of such system. The town may appropriate funds for the acquisition, construction, and operation of such system, and may issue its bonds and notes for the same pursuant to and in accordance with Article 28 of Chapter 160 of the General Statutes."

Sec. 4. (a) Subject to approval of the voters as hereinafter provided, Chapter 2 of the Private Laws of 1925 is hereby further amended by rewriting the first paragraph of Section 5 thereof to read as follows:

"Sec. 5. Officers. All powers conferred on the Town of Forest City and the administration of the government of said town shall be exercised by and vested in a principal officer styled the mayor, and five commissioners. Regular town elections shall be held biennially in the odd-numbered years. In the regular election in 1969, there shall be elected a mayor and five commissioners, and the candidate for mayor and the two candidates for commissioner who receive the largest number of votes shall be declared elected for terms of four years, and the three candidates for commission-
er who receive the next largest number of votes shall be declared elected for terms of two years. In the regular election in 1971, and quadrennially thereafter, there shall be elected three commissioners to serve for terms of four years. In the regular election in 1973, and quadrennially thereafter, there shall be elected a mayor and two commissioners to serve for terms of four years. Any vacancy in the office of mayor or commissioner shall be filled by the Board of Commissioners for the remainder of the unexpired term. Except as otherwise provided herein, regular Town elections shall be conducted in accordance with the general laws relating to municipal elections. The Board of Commissioners shall have the power to make all necessary rules and regulations concerning elections and the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this Act, and in harmony with the Constitution and laws of the United States and the Constitution of North Carolina, and in the absence of the exercise of this power by the Board of Commissioners, all elections shall be held in accordance with the provisions of the general laws of the State for the holding of elections by municipalities. The Board of Commissioners may, in its discretion, install a loose-leaf or card registration book system for use in conducting town elections. Such registration books and cards shall be in such form as the board may prescribe. The Board may at any time authorize the registrar or registrars to purge the present registration books in the manner authorized by general law and to transfer to the new registration books the names of such qualified voters as remain on the present registration books following such purging.

(b) The Board of Commissioners of the Town of Forest City shall call and conduct, on the day of the regular town election in 1969, a special election upon the charter amendment specified in subsection (a) of this Section. No new registration of voters shall be required for such special election, and all qualified voters who are registered prior to the regular registration period for the regular 1969 town election, and all who register during such period, shall be entitled to vote in the special election. The special election shall be conducted in accordance with the provisions of law relating to regular town elections, except that the Board of Commissioners shall cause a notice of such special election to be published once at least fifteen days prior to the day of election in some newspaper published in or having general circulation in the town, in lieu of the notices required by G. S. 160-51 and G. S. 160-365, or any other notice required by law. At such special election, ballots shall be provided which contain the words "For Four-Year Terms for Mayor and Commissioners" and "Against Four-Year Terms for Mayor and Commissioners", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

(c) If a majority of the votes cast in such special election shall be cast "For Four-Year Terms for Mayor and Commissioners", then subsection (a) of this Section shall become effective immediately. If a majority of the votes cast in such special election shall be cast "Against Four-Year Terms for Mayor and Commissioners", then subsection (a) of this Section shall have no force and effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. Except as provided in subsection (c) of Section 4 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.
H. B. 485

CHAPTER 237

AN ACT TO AMEND G. S. 136-1 RELATING TO THE MEMBERSHIP OF THE STATE HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 136-1, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3B of the General Statutes, is hereby amended by rewriting the first paragraph in its entirety to read as follows:

"There is hereby created a State Highway Commission, to be composed of a chairman and twenty-three members to be appointed by the Governor, and they shall serve at the pleasure of the Governor. All vacancies shall be filled by appointment by the Governor."

(b) The fourth paragraph of the above referred to G. S. 136-1 is hereby amended by striking out the semicolon immediately following the word "area" in line three, inserting a period in lieu thereof, and striking out the remainder of the sentence which reads, "provided, however, each commissioner shall be responsible for relations with the public generally and with individual citizens regarding highway matters in the division in which he resides."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 502

CHAPTER 238

AN ACT TO INCREASE THE MAXIMUM NUMBER OF MEMBERS OF SCHOOL COMMITTEES TO SEVEN PERSONS IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 115-70 by striking out the word "five", which appears after the word "than", and before the word "persons", in the sixth line of said G. S. 115-70, by inserting in lieu of the word "five" the word "seven".

Sec. 2. That this Act shall apply only to Cumberland County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 503

CHAPTER 239

AN ACT APPOINTING CERTAIN MEMBERS OF FAIRMONT CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That pursuant to the provisions of Chapter 307, Session Laws of 1955, Dr. Milton J. Jordan and Mr. Willie Brooks Webster be and they are hereby appointed members of the Fairmont City Board of Education for terms of four (4) years each from and after July 1, 1969, and until their respective successors are duly appointed and qualified.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 519

CHAPTER 240

AN ACT TO AMEND CHAPTER 112 OF THE SESSION LAWS OF 1967 RELATING TO ELECTIONS IN THE CITY OF NEWTON.

The General Assembly of North Carolina do enact:

Section 1. Article IV of the Charter of the City of Newton, as enacted by Chapter 112, Session Laws of 1967, is hereby amended by renumbering Section 4.4 thereof as Section 4.5, and by inserting immediately preceding such Section a new Section 4.4 to read as follows:

"Section 4.4. Use of County Registration Books. The City is hereby authorized, pursuant to agreement between its Board of Aldermen and the Board of Commissioners and Board of Elections of Catawba County, to use the registration books, records, and facilities of the Catawba County Board of Elections in the registration of voters and the conduct and holding of regular and special municipal elections in the City. If such registration books and records are used by the City, then all persons residing in the City who are properly registered on the registration books of the County of Catawba shall be deemed registered to vote in regular and special municipal elections of the City, and the procedures, rules, and laws governing registration of voters in municipal elections of the City shall be governed by the general election laws pertaining to registration of voters in the general elections of Catawba County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

S. B. 144

CHAPTER 241

AN ACT AMENDING ARTICLE IV OF CHAPTER 84 OF THE GENERAL STATUTES SO AS TO PERMIT DISTRICT BAR ASSOCIATIONS TO ASSESS AND COLLECT ANNUAL MEMBERSHIP FEES FOR THE PROMOTION AND MAINTENANCE OF ITS ADMINISTRATION, ACTIVITIES AND PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. That Article IV of Chapter 84 of the General Statutes be, and the same is hereby, amended by adding a new section immediately following General Statute 84-18, and preceding General Statute 84-19, to be numbered "G. S. 84-18.1." and reading as follows:

"Section 84-18.1. Membership Fees of District Bars. Any district bar may from time to time by a majority vote of its membership prescribe an annual membership fee to be paid by its active members as a service charge to promote and maintain its administration, activities and programs. Such fee shall be in addition to, but shall not exceed, the amount of the membership fee prescribed by Section 84-34 for active members of the North Carolina State Bar. Every active member of a district bar which has prescribed an annual membership fee shall keep its secretary-
treasurer notified of his correct mailing address and shall pay the prescribed fee at the time and place set forth in the demand for payment mailed to him by its secretary-treasurer. The name of each active member of a district bar who shall be more than twelve (12) full calendar months in arrears in the payment of any such fee shall be furnished by the secretary-treasurer of the district bar to the Council of the North Carolina State Bar. In the exercise of its powers as set forth in Section 84-23, the Council shall thereupon take such disciplinary or other action with reference to the delinquent as it considers necessary and proper.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

S. B. 237

CHAPTER 242

AN ACT TO PROVIDE FOR A PERIOD OF PROBATION WHEN A NEW DRIVER’S LICENSE IS ISSUED UNDER THE PROVISIONS OF G.S. 20-19(e).

The General Assembly of North Carolina do enact:

Section 1. Subsection (e) of G.S. 20-19, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by adding a new sentence at the conclusion thereof to read as follows: "When a new license is issued under the provisions of this subsection, it may be issued upon such terms and conditions as the Department may see fit to impose. The terms and conditions imposed by the department may not exceed a period of three years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 313

CHAPTER 243

AN ACT TO ADD TWO NEW MEMBERS TO THE GREENVILLE CITY BOARD OF EDUCATION AND TO PROVIDE THAT THE CITY COUNCIL SHALL APPOINT MEMBERS TO SAID BOARD OF EDUCATION WITHOUT ANY RECOMMENDATION FROM SUCH BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The terms of office of the members of the Greenville City Board of Education shall continue as now fixed by law. That in addition to the number of members of the Greenville City Board of Education there shall be appointed and added to said Greenville City Board of Education two (2) additional or new members. The terms of office of said new members shall be of the same duration as the terms of office of the present membership of the Greenville City Board of Education. The said two (2) new members shall be appointed by the City Council of Greenville and their terms of office shall begin on July 1, 1969 and they shall be appointed without any recommendation from the Greenville City Board of Education.

Sec. 2. All appointments to membership of the Greenville City Board of Education of whatsoever nature and kind and whether said appointments are made for
new terms of office, reappointments or to fill vacancies in office of members of said
Board of Education shall be made by the City Council of Greenville and without
any recommendations of any nature or kind on the part of the Greenville City
Board of Education or any of its members.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 4. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of
April, 1969.

H. B. 443

CHAPTER 244

AN ACT TO CHANGE THE STYLE OF THE TOWN OF RAEFORD TO THE CITY
OF RAEFORD AND TO CHANGE THE NAME OF THE BOARD OF COMMIS-
SIONERS TO THE CITY COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. The name of the governing body of the Town of Raeford in Hoke
County is hereby changed from the "Board of Commissioners" to the "City Council",
and the style of the "Town of Raeford" is hereby changed to the "City of Raeford".

Sec. 2. Chapter 125 of the Private Laws of 1901, and all acts amendatory thereof,
are hereby amended by substituting the word "City" for the word "Town" wherever
the same appears, and by substituting the words "City Council" for the words "Board
of Commissioners" wherever the same appear.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of
April, 1969.

H. B. 448

CHAPTER 245

AN ACT FIXING THE COMPENSATION OF THE SHERIFF, AUDITOR AND
REGISTER OF DEEDS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 270 of the Session Laws of 1967 is hereby amended:

(1) By striking from line 2 of Section 1 the words and figures, "ten thousand
five hundred dollars ($10,500.00)"; and by substituting in lieu thereof the words and
figures, "twelve thousand five hundred dollars ($12,500.00)".

(2) By striking from line 2 of Section 2 the words and figures, "ten thousand
five hundred dollars ($10,500.00)"; and by substituting in lieu thereof the words and
figures, "twelve thousand five hundred dollars ($12,500.00)" and by striking from
line 3 of Section 2 the words and figures "one hundred dollars ($100.00)" and insert-
ing in lieu thereof the words and figures "one hundred twenty-five dollars ($125.00)".

(3) By striking from line 2 of Section 4 the words and figures, "ten thousand
five hundred dollars ($10,500.00)" and by substituting in lieu thereof the words and
figures, "eleven thousand seven hundred dollars ($11,700.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.
In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 458  CHAPTER 246
AN ACT TO MAKE CHAPTER 504 OF THE SESSION LAWS OF 1965, RELATING TO HISTORIC BUILDINGS AND SITES, APPLICABLE TO THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 504 of the Session Laws of 1965, as amended, is hereby further amended by adding at the end thereof a new sentence to read as follows:

"This Act shall apply to the City of Wilmington and the area within its zoning jurisdiction."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.
In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 462  CHAPTER 247
AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Beginning on July 1, 1969, the Register of Deeds of Haywood County shall receive a salary not to exceed nine thousand dollars ($9,000.00) per annum in lieu of all fees and commissions received by his office to be paid in equal monthly installments from the General Fund of the County, such salary to be set by the Board of County Commissioners.

Sec. 2. The Register of Deeds shall faithfully collect, account for and turn over to the treasurer of said county, to be disposed of as hereinafter provided, all fees, commissions, profits and emoluments of every kind now or hereinafter by any law accruing, belonging or appertaining to him by virtue of his office; and said fees shall be the property of Haywood County and used as a part of the General Funds of the County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on ratification.
In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 378  CHAPTER 248
AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARD OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That the hereinafter named persons are hereby appointed members of the County Boards of Education for the several counties in the State as follows:
Alamance: George M. Bullard, W. Adrian Jobe, each for a term of four years.
Alexander: Hal Teague, Leslie Millsaps, each for a term of two years, W. Ray Lackey, Roy Rogers, Bill L. Mauney, for a term of four years.
Alleghany: F. H. Spry, Duke C. Bledsoe, Jr., each for a term of four years.
Ashe: Robert Goodman, Wayne Johnson, each for a term of four years, Lionel Ballou, Howard Reeves, Jake C. Little, John C. Payne, each for a term of two years.
Avery: Ralph Gwaltney, Scott Wiseman, each for a term of four years.
Beaufort: David C. Lee, Jr. for a term of two years, Carmer H. Wallace, Sr., Jasper G. Warren, W. L. Guilford, each for a term of four years.
Bertie: Johnnie Walker, Wilson Jernigan, each for a term of four years.
Brunswick: Joe N. Gainey, Delmas E. Babson, each for a term of four years.
Camden: W. Frank Williams, Horace Cuthrell, each for a term of four years.
Catawba: Bruce Teague, John F. Hunsucker, each for a term of four years.
Chatham: James L. Griffin, Lewis Norwood, each for a term of four years.
Clay: William T. Groves, James T. Price, each for a term of four years.
Columbus: Horace Miller, Donald Currie, E. M. Griffin, Bobby Sessions, Robert R. Carroll, Waldo Marlowe, each for a term of two years.
Cumberland: E. Bruce McFadyen, H. E. Maxwell, each for a term of four years.
Currituck: Ervin M. Cooper, Richard M. Poyner, each for a term of four years, Baxter Williams for a term of two years.
Dare: Nellie Perry, Louis Midgett, Catherine H. Burrus, each for a term of two years, Jaccie F. Burrus for a term of four years.
Davidson: I. Tom Johnson, B. E. Mendenhall, Robert L. Ripple, each for a term of four years.
Edgecombe: William H. Brake for a term of four years.
Franklin: Jones Winston for a term of four years.
Gates: A. F. Stallings, Jr., Paige Riddick, each for a term of four years.
Greene: Sam Corbett, Sara M. Stocks, R. S. Holloman, W. D. Cobb, Jr., Denver Hughes, each for a term of two years.
Halifax: Mrs. Joyce H. Shearin, C. M. Moore, Jr., C. H. Leggett, Jr., A. G. Wilcox, Jr., each for a term of four years, John I. Walston, Jr., Mrs. A. L. Williams, W. Carlos Burt, each for a term of two years.
Harnett: C. L. Corbett, Hoke Smith, each for a term of four years.
Hertford: George E. Gibbs, Ralph C. Mason, Jr., each for a term of four years.
Hoke: Robert L. Gibson, Riley M. Jordan, each for a term of two years.
Hyde: Cecil R. Silverthorne, Wesley W. Ballance, Earl Pugh, Seth B. Credle, Jr., Alex M. Elcy, each for a term of two years.
Iredell: C. Wilson White, J. Oscar Stradley, each for a term of four years.
Johnston: Harold M. Medlin, John M. Radford, each for a term of four years.
Jones: Abbott Meadows for a term of two years.
Lee: J. Glenn Edwards, C. M. Wicker, each for a term of four years.
Lincoln: June W. Dellinger, C. Rhyne Little, each for a term of four years.
Madison: Emery Wallin, William A. Whitson, each for a term of two years.
Martin: Macon M. Holliday, Leroy Harrison, each for a term of four years.
George S. McRorie, H. N. Jackson, each for a term of two years.
Mitchell: Brown Ferguson for a term of four years.
Northampton: John Heller, James Hedgepeth, C. G. Parker, Jr., Scott Bowers, W. C. Conner, Lawrence H. Taylor, John Wesley Parker, each for a term of two years.
Pender: W. D. Robbins, Ivey L. Player, each for a term of four years.
Perquimans: Miss Thelma W. Elliott, George W. Baker, Emmett Long, each for a term of four years.
Pitt: Sam E. Nelson, J. B. Congleton, Jr., A. D. McLawhorn, Jr., each for a term of four years.
Polk: Eugene Kanipe, Kay T. Conner, Hubert McEntyre, Glenn York, Ralph Arledge, each for a term of four years.
Rowan: E. Linwood Foil for a term of two years, Lane C. Drye, W. Curtis Rogers, each for a term of four years.
Rutherford: Beaty L. Bass, Dorothy C. Crenshaw, A. P. (Buddy) Weathers, Jr., each for a term of four years.
Sampson: Leland Lee, Bynum Jackson, James A. Ezzell, Joe Butler, L. B. Wilson, each for a term of two years.
Stokes: S. Leroy Smith, J. R. (Bill) Jones, each for a term of four years.
Surry: J. Ford Cockerham, Clinton W. Moseley, each for a term of four years.
Tyrrell: Durwood Cooper, Dan E. Davis, Colon H. Snell, each for a term of two years.
Union: Lane B. Price, Bill F. Howie, James L. Davis, J. Conley Baucom, Roy Richardson, each for a term of two years.
Warren: Dr. Charles Bunch, Ben C. Harris, Roger C. Moore, W. Boyd Mayfield, Robert C. Gupton, each for a term of four years.
Washington: Joseph H. Peele, A. W. Alexander, Jr., each for a term of four years.
Wilkes: Robert R. Smoak for a term of four years.
Wilson: Rex Best, Jr., William H. Tomlinson, each for a term of four years.
Yadkin: John W. Conaway, Edwin M. Speas, Odell Groce, each for a term of four years.

Yancey: I. E. Clevenger, Albert Edwards, A. F. Blakenship, Ralph Silver, Carter Thomas, each for a term of four years.

**Sec. 2.** That the members of the several County Boards of Education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, 1969, and shall, unless otherwise herein provided, hold office until the first Monday in April, 1971, and until their successors are elected and qualified, and together with the members of the Boards of Education of the several counties whose terms will not expire on the first Monday in April, 1969, shall constitute the Boards of Education of the respective counties.

**Sec. 3.** All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

**Sec. 4.** This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1969.

**S. B. 26**

**CHAPTER 249**

AN ACT TO ESTABLISH THE NORTH CAROLINA UNDERWRITING ASSOCIATION SO AS TO PROVIDE A METHOD WHEREBY ADEQUATE FIRE AND EXTENDED COVERAGE INSURANCE MAY BE OBTAINED IN THE BEACH AREA OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

**Section 1.** Article 18A of Chapter 58 of the General Statutes of North Carolina is hereby repealed in its entirety and in lieu thereof the following is substituted:

"Sec. 58-173.1. Declarations and purpose of the Act. It is hereby declared by the General Assembly of North Carolina that an adequate market for fire and extended coverage insurance is necessary to the economic welfare of the beach area of the State of North Carolina and that without such insurance the orderly growth and development of the beach area of the State of North Carolina would be severely impeded; that furthermore, adequate insurance upon property in the beach area is necessary to enable home owners and commercial owners to obtain financing for the purchase and improvement of their property; and that while the need for such insurance is increasing the market for such insurance is not adequate and is likely to become less adequate in the future; and that the present plans to provide adequate insurance on property in the beach area, while deserving praise, have not been sufficient to meet the needs of this area. It is further declared that the State has an obligation to provide an equitable method whereby every licensed insurer writing fire and extended coverage in North Carolina is required to meet its public responsibility instead of shifting the burden to a few willing and public spirited insurers. It is the purpose of this Act to accept this obligation and to provide a mandatory program to assure an adequate market for fire and extended coverage insurance in the beach area of North Carolina."

"Sec. 58-173.2. Definition of terms. In this Article, unless the context otherwise requires,

"(1) 'Essential Property Insurance' means insurance against direct loss to property as defined and limited in the standard statutory fire policy and extended coverage endorsement thereon, as approved by the Commissioner;"
"(2) 'Association' means the North Carolina Insurance Underwriting Association established pursuant to the provisions of this Act;

"(3) 'Plan of Operation' means the plan of operation of the Association approved or promulgated by the Commissioner of Insurance, pursuant to the provisions of this Act;

"(4) 'Insurable Property' means real property at fixed locations in beach areas of the State as that term is hereinafter defined or the tangible personal property located therein, but shall not include insurance on motor vehicles, farm and manufacturing risks, which property is determined by the Association, after inspection and pursuant to the criteria specified in the plan of operation, to be in an insurable condition: Provided, however, any one and two family dwellings built in substantial accordance with the North Carolina Uniform Residential Building Code and any structure or building built in substantial compliance with the North Carolina Building Code, including the design-wind requirements, which is not otherwise rendered uninsurable by reason of use or occupancy, shall be an insurable risk within the meaning of this Act, but neighborhood, area, location, environmental hazards beyond the control of the applicant or owner of the property shall not be considered in determining insurable condition. Provided further, that any structure commenced on or after January 1, 1970, not built in substantial compliance with the North Carolina Uniform Residential Building Code or the North Carolina Building Code, including the design-wind requirements therein, shall not be an insurable risk. The owner or applicant shall furnish with the application proof in the form of a certificate from a local building inspector, contractor, engineer or architect that the structure is built in substantial accordance with the North Carolina Uniform Residential Building Code or the North Carolina Building Code;

"(5) 'Commissioner' means the Commissioner of Insurance of the State of North Carolina;

"(6) 'Beach Area' means all of that area of the State of North Carolina South and East of the inland waterway from the South Carolina line to Fort Macon (Beaufort Inlet); thence South and East of Core, Pamlico, Roanoke and Currituck Sounds to the Virginia line, being those portions of land generally known as the Outer Banks;

"(7) 'Net Direct Premiums' means gross direct premiums (excluding reinsurance assumed and ceded) written on property in this State for fire and extended coverage insurance, including the fire and extended coverage components of home owners and commercial multiple peril package policies as computed by the Commissioner, less return premiums upon cancelled contracts, dividends paid or credited to policyholders or the unused or unabsorbed portion of premium deposits, and further excluding premiums on farm properties and manufacturing risks."

"Sec. 58-173.3. North Carolina Insurance Underwriting Association created. There is hereby created the North Carolina Insurance Underwriting Association, consisting of all insurers authorized to write and engage in writing within this State, on a direct basis, property insurance, except town and county mutual insurance associations and assessable mutual companies as authorized by General Statute 58-77(5b, 58-77(5d, and 58-77(7)b. Every such insurer shall be a member of the Association and shall remain a member of the Association so long as the Association is in existence as a condition of its authority to continue to transact the business of insurance in this State."
"Sec. 58-173.4. Powers and duties of the Association. The Association shall, pursuant to the provisions of this Act and the plan of operation, and with respect to essential property insurance on insurable property, have the power on behalf of its members:

(a) to cause to be issued policies of insurance to applicants;
(b) to assume reinsurance from its members;
(c) to cede reinsurance to its members and to purchase reinsurance in behalf of its members."

"Sec. 58-173.5. Temporary directors of Association. Within ten days after the effective date of this Act the Commissioner shall appoint a temporary Board of Directors of this Association, which shall consist of eleven (11) representatives of members of the Association. Such temporary Board of Directors shall prepare and submit a plan of operation in accordance with Section 58-173.7 and shall serve until the permanent Board of Directors shall take office in accordance with said plan of operation."

"Sec. 58-173.6. Members of Association to participate in its writings, expenses, profits and losses in proportion to net direct premium of such member. All members of the Association shall participate in its writings, expenses, profits and losses in the proportion that the net direct premium of such member written in this State during the preceding calendar year bears to the aggregate net direct premiums written in this State by all members of the Association, as certified to the Association by the Commissioner after review of annual statements, other reports and any other statistics the Commissioner shall deem necessary to provide the information herein required and which the Commissioner is hereby authorized and empowered to obtain from any member of the Association, provided, however, that a member shall annually receive credit for essential property insurance voluntarily written in the beach area and its participation in the writings in the Association shall be reduced accordingly. Each member’s participation in the Association shall be determined annually in the same manner as the initial determination. Any insurer authorized to write and engage in writing any insurance, the writing of which requires such insurer to be a member of the Association, pursuant to the provisions of General Statute 58-173.3 of this Act, who is authorized and engaged in writing such insurance after the effective date of this Act, shall become a member of the Association on the January 1 immediately following such authorization and the determination of such insurer’s participation in the Association shall be made as of the date of such membership in the same manner as for all other members of the Association."

"Sec. 58-173.7. Directors to submit plan of operation to Commissioner for review and approval. Within ninety (90) days after the effective date of this Act, the directors of the Association shall submit to the Commissioner for his review and approval, a proposed plan of operation. Such proposed plan shall set forth the number, qualifications, terms of office, and manner of election of the members of the Board of Directors, and shall grant proper credit annually to each member of the Association for essential property insurance voluntarily written in the beach area and shall provide for the efficient, economical, fair and non-discriminatory administration of the Association and for the prompt and efficient provision of essential property insurance in the beach areas of North Carolina so as to promote orderly community development in those areas and to provide means for the adequate maintenance and improvement of the property in such
areas. Such proposed plan may include a preliminary assessment of all members
for initial expenses necessary to the commencement of operation; the establish-
ment of necessary facilities; management of the Association; plan for the assess-
ment of members to defray losses and expenses; underwriting standards; proce-
dures for the acceptance and cession of reinsurance; procedures for determining
the amounts of insurance to be provided to specific risks; time limits and proce-
dures for processing applications for insurance and for such other provisions
as may be deemed necessary by the Commissioner to carry out the purposes
of this Act.

"The proposed plan shall be reviewed by the Commissioner and approved by
him if he finds that such plan fulfills the purposes provided by General Statute
58-173.1 of this Act. In the review of the proposed plan the Commissioner may,
in his discretion, consult with the directors of the Association and may seek
any further information which he deems necessary to his decision. If the Commissi-
on approves the proposed plan, he shall certify such approval to the directors
and the plan shall become effective ten (10) days after such certification. If the
Commissioner disapproves all or any part of the proposed plan of operation he
shall return the same to the directors with his written statement for the reasons
for disapproval and any recommendations he may wish to make. The directors
may alter the plan in accordance with the Commissioner's recommendation or
may within thirty (30) days from the date of disapproval return a new plan
to the Commissioner. Should the directors fail to submit a proposed plan of opera-
tion within ninety (90) days of the effective date of this Act, or a new plan which
is acceptable to the Commissioner, or accept the recommendations of the Commissi-
oner within thirty (30) days after his disapproval of the plan, the Commis-
sioner shall promulgate and place into effect a plan of operation certifying the
same to the directors of the Association. Any such plan promulgated by the Com-
missioner shall take effect ten (10) days after certification to the directors: Provi-
ded, however, that until a plan of operation is in effect, pursuant to the provi-
sions of this Act, any existing temporary placement facility may be continued in effect
on a mandatory basis on such terms as the Commissioner may determine.

"The directors of the Association may, subject to the approval of the Commis-
sioner, amend the plan of operation at any time. The Commissioner may review
the plan of operation at any time he deems expedient or prudent, but not less
than once in each calendar year. After review of such plan the Commissioner
may amend the plan after consultation with the directors and upon certification
to the directors of such amendment."

"Sec. 58-173.8. Persons eligible to apply to Association for coverage; contents
of application. (a) Any person having an insurable interest in insurable property,
may, on or after the effective date of the plan of operation, be entitled to apply
to the Association for such coverage and for an inspection of the property. Such
application may be made on behalf of the applicant by a broker or agent author-
ized by him. Every such application shall be submitted on forms prescribed
by the Association after consultation with the Commissioner, which application
shall contain statement as to whether or not there is any unpaid premiums due
from the applicant for fire insurance on the property.

"The term 'insurable interest' as used in this subsection shall be deemed to
include any lawful and substantial economic interest in the safety or preserva-
tion of property from loss, destruction or pecuniary damage.
"(b) If the Association determines that the property is insurable and that there is no unpaid premium due from the applicant for prior insurance on the property, the Association upon receipt of the premium, or such portion thereof, as is prescribed in the plan of operation, shall cause to be issued a policy of essential property insurance for a term of one (1) year. Any policy issued pursuant to the provisions of this section shall be renewed annually, upon application therefor, so long as the property meets the definition of 'insurable property' set forth in G.S. 58-173.24.

"(c) If the Association, for any reason, denies an application and refuses to cause to be issued an insurance policy on insurable property to any applicant or takes no action on an application within the time prescribed in the plan of operation, such applicant may appeal to the Commissioner and the Commissioner, or a member of his staff designated by him, after reviewing the facts, may direct the Association to issue or cause to be issued an insurance policy to the applicant. In carrying out his duties pursuant to this section, the Commissioner may request, and the Association shall provide any information the Commissioner deems necessary to a determination concerning the reason for the denial or delay of the application."

"Sec. 58-173.9. Association members may cede insurance to the Association. Any member of the Association may cede to the Association essential property insurance written on insurable property, to the extent, if any, and on the terms and conditions set forth in the plan of operation."

"Sec. 58-173.10. Rates, rating plans and rate rules applicable. The rates, rating plans and rating rules applicable to the insurance written by the Association shall be in accord with the manual rates in current usage throughout the State of North Carolina. No special surcharge (other than those presently in effect) may be applied to the fire or extended coverage rates of properties located in the beach area."

"Sec. 58-173.11. Appeal from acts of the Association to Insurance Commissioner; appeal to the Superior Court from the Commissioner. Any person insured pursuant to this Act, or his representative, or any affected insurer, who may be aggrieved by an act, ruling or decision of the Association, may, within thirty (30) days after such ruling appeal to the Commissioner. Any hearings held by the Insurance Commissioner pursuant to such an appeal shall be in accordance with the procedure set forth in General Statute 58-9.2: Provided, however, the Insurance Commissioner is authorized to appoint a member of his staff as Deputy Commissioner for the purpose of hearing such appeals and a ruling based upon such hearing shall have the same effect as if heard by the Commissioner. All persons or insureds aggrieved by any order or decision of the Insurance Commissioner may appeal as is provided by the provisions of General Statute 58-9.3."

"Sec. 58-173.12. Reports of inspection made available. All reports of inspection performed by or on behalf of the Association shall be made available to the members of the Association, applicants, agents or broker, and the Commissioner."

"Sec. 58-173.13. Association and Commissioner immune from liability. There shall be no liability on the part of and no cause of action of any nature shall arise against the Insurance Commissioner or any of his staff, the Association or its agents or employees, or against any participating insurer, for any inspections made hereunder or any statements made in good faith by them in any reports or communications concerning risks submitted to the Association, or at
any administrative hearings conducted in connection therewith under the provisions of this Act."

"Sec. 58-173.14. Association to file annual report with Commissioner. The Association shall file in the Office of the Commissioner on an annual basis on or before July 1 a statement which shall summarize the transactions, conditions, operations and affairs of the Association during the preceding year. Such statement shall contain such matters and information as are prescribed by the Commissioner and shall be in such form as is approved by him. The Commissioner may at any time require the Association to furnish to him any additional information with respect to its transactions or any other matter which the Commissioner deems to be material to assist him in evaluating the operation and experience of the Association."

"Sec. 58-173.15. Commissioner may examine affairs of the Association. The Commissioner may from time to time make an examination into the affairs of the Association when he deems it to be prudent and in undertaking such examination he may hold a public hearing pursuant to the provisions of General Statute 58-9.2. The expenses of such examination shall be borne and paid by the Association."

"Sec. 58-173.16. Commissioner authorized to promulgate reasonable rules and regulations. The Commissioner of Insurance shall have authority to make reasonable rules and regulations, not inconsistent with law, to enforce, carry out and make effective the provisions of this Article. The Commissioner shall not be liable for any act or omission in connection with the administration of the duties imposed upon him by the provisions of this Article."

Sec. 2. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

S. B. 384

CHAPTER 250

AN ACT TO AMEND THE CHARTER OF LUMBERTON, AS AMENDED BY CHAPTER 282, SESSION LAWS OF 1965, SO AS TO AUTHORIZE THE ROBESON COUNTY BOARD OF ELECTIONS AND THE CITY COUNCIL TO ALTER ELECTION PRECINCTS.

The General Assembly of North Carolina do enact:

Section 1. Section 12 of Chapter 282, Session Laws of 1965, is hereby amended by rewriting the first sentence of the first quoted paragraph thereof to read as follows:

"Sec. 13. Election wards or precincts. There shall be eight election wards or precincts, as hereinafter described, which may be altered by the Robeson County Board of Elections: Provided, that the Board of Elections shall first submit its recommendation for changing the wards or precincts to the City Council and obtain its approval."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
CHAPTER 250  
SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 427  
CHAPTER 251

AN ACT TO REDEFINE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF PLYMOUTH, WASHINGTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Plymouth in Washington County are hereby redefined and extended to include the following described territory:

BEGINNING at a point on Welch's Creek which is reached by extending the center line of Pine Street, located on the south edge of Little Richwood Subdivision, North 73 degrees West to a point on the North side of the track of the Atlantic Coastline Railroad right-of-way; thence running along said Atlantic Coastline Railroad right-of-way North 63 degrees 35 minutes East 1000 feet; thence North 73 degrees 30 minutes West 4092 feet to Welch's Creek. Running from beginning point South 73 degrees 30 minutes East 4092 feet to a point on the north side of the track on the Atlantic Coastline Railroad right-of-way; thence with the north side of and parallel with the track of said Atlantic Coastline Railroad right-of-way South 63 degrees 35 minutes West 1000 feet; thence South 73 degrees East 2720 feet through and with the center line of Pine Street of Little Richwood Subdivision to a point on the eastern side of Wilson Street extended; thence South 38 degrees East 525 feet to a point on the old Norfolk Southern Railway bed (now abandoned) where a ditch crosses same; thence with said ditch South 82 degrees East 389 feet; thence North 77 degrees East 165 minutes; thence North 57 1/2 degrees East 1226 feet; thence North 87 1/2 degrees East 1535 feet; thence North 75 degrees East 147 feet; thence North 85 degrees East 1490 feet; thence North 70 degrees East 181 minutes; thence North 85 degrees East 759 minutes to the run of Peacock Swamp; thence North 38 degrees East 838 minutes to a point located on the northeast edge of NCSR #1114 at the east edge of the swamp and highland of Peacock Swamp; thence northwardly, following the east edge of the swamp and the highland of Peacock Swamp or upper Conaby Creek to and across the Norfolk Southern Railway track at the point where the north edge of the right-of-way of said railroad is intersected by the east edge of the swamp and highland on the east side of Conaby Creek; thence with the north edge of said Norfolk Southern Railway right-of-way North 72 degrees 20 minutes East 5000 feet; thence North 73 degrees East 173 minutes; thence North 69 degrees East 200 minutes; thence North 62 degrees 15 minutes East 168 minutes to an iron marker in the north edge of the right-of-way of Norfolk Southern Railway Company; thence North 21 degrees 30 minutes West 1478 feet to an iron stake in the south edge of the right of way of NCSR #1300; thence North 27 degrees West 100 minutes to the southeast corner of Rebecca Spruill lot; thence with the east line of the Rebecca Spruill and Johnnie Johnson land North 27 degrees West 1546 minutes to an iron marker in the edge of Conaby Creek; thence up the run of Conaby Creek 1600 feet to an iron marker; thence North 19 degrees 45 minutes West 4540 feet to an iron marker in the south shore line of Roanoke River; thence up Roanoke River to the mouth of Welch's Creek; thence up Welch's Creek to the BEGINNING.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Section 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 450  CHAPTER 252

AN ACT TO EXTEND THE TOWN LIMITS OF THE TOWN OF ROBERSONVILLE IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The town limits of Robersonville in Martin County are hereby extended by the incorporation within the said town limits of the following described property:

BEGINNING at a concrete monument on the southeast side of Green Street, the present city limits of the Town of Robersonville, running thence North 24 degrees 15 minutes East 1028 feet with the present town limits of Robersonville to a concrete monument on the northwest side of Green Street; thence with city limits South 57 degrees 15 minutes East 150 feet to a concrete monument; thence South 497 feet to a concrete monument; thence South 28 degrees 15 minutes West 607.16 feet to a concrete monument; thence North 54 degrees 50 minutes West 1007 feet to the point of BEGINNING. For more perfect description see map of same titled "Plat of Land Belonging to R. B. Nelson" prepared by L. S. Manning, R. L. S., dated December 19, 1968.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.

H. B. 563  CHAPTER 253

AN ACT EXTENDING THE TIME FOR MUNICIPAL GOVERNING BOARDS TO FIX THEIR OWN COMPENSATION IN 1969.

The General Assembly of North Carolina do enact:

Section 1. The Committee Substitute for House Bill 52, enacted as Chapter 180 of the Session Laws of 1969, is amended by rewriting Section 2 thereof to read as follows:

"Sec. 2. Notwithstanding the deadline for action prescribed in Section 1 of this Act, cities and towns may take action hereunder in 1969 on or before the first day of May."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.
S. B. 191  CHAPTER 254
AN ACT ENABLING MUNICIPALITIES TO FINANCE REDEVELOPMENT PRO-GRMS ON AN ANNUAL BASIS.

The General Assembly of North Carolina do enact:

Section 1. Section 160-462 of the General Statutes is hereby amended by adding the following new Subsection (18) at the end thereof:

"(18) To perform redevelopment project undertakings and activities in one or more contiguous or non-contiguous redevelopment areas which are planned and carried out on the basis of annual increments."

Sec. 2. Subsection (d)(7) of Section 160-463 of the General Statutes is amended to read as follows:

"(7) A statement of the estimated cost and method of financing redevelopment under the plan; provided, that where redevelopment activities are performed on the basis of annual increments, such statement to be sufficient shall set forth a schedule of the activities proposed to be undertaken during the incremental period, together with a statement of the estimated cost and method of financing such scheduled activities only."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1969.

S. B. 338  CHAPTER 255
AN ACT AUTHORIZING THE GREENSBORO CITY BOARD OF EDUCATION TO EXECUTE AND DELIVER A QUITCLAIM DEED FOR CERTAIN LAND.

WHEREAS, pursuant to the provisions of G. S. 115-126, The Greensboro City Board of Education has heretofore made an exchange of lands with K Industries, Inc., and there was inadvertently omitted from the deed from The Greensboro City Board of Education to K Industries, Inc., a tract of land owned by The Greensboro City Board of Education which contained 0.595 acres, more or less, this tract of land being described in a deed dated June 18, 1963, from Southeastern Builders, Inc., to The Greensboro City Board of Education, which deed is recorded in Deed Book 2098, Page 471, in the office of the Register of Deeds of Guilford County, North Carolina; and

WHEREAS, K Industries, Inc., has subsequently merged with Kirkman & Koury, Inc.; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. In order to correct the error hereinbefore referred to The Greensboro City Board of Education is hereby authorized to execute and deliver to Kirkman & Koury, Inc., a quitclaim deed for the tract of land described in the deed recorded in Deed Book 2098, Page 471, hereinbefore referred to.

Sec. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1969.
CHAPTER 256

AN ACT TO REPEAL CHAPTER 355 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO ELECTIONS IN THE TOWN OF AURORA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 355 of the Public-Local Laws of 1941 is hereby repealed.

Sec. 2. Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner of the Town of Aurora shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of two dollars and fifty cents ($2.50), and shall be substantially in the following form: "I , do hereby give notice that I am a candidate for election to the office of (Mayor or Commissioner), Town of Aurora, to be voted on at the election to be held on , and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Aurora residing at .

(Signature)

(Date)

Sec. 2. Except as provided in this Act, all municipal elections in the Town of Aurora shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 18th day of April, 1969.

CHAPTER 257

AN ACT TO ALLOW PERSONS RESIDING WITHIN ANNEXED AREAS OF THE TOWN OF MAYODAN AND THE TOWN OF CLAYTON TO VOTE AND TO BE ELIGIBLE FOR OFFICE IN THE MUNICIPAL ELECTION OF 1969.

WHEREAS, certain areas have been annexed to the Town of Mayodan and the Town of Clayton effective May 1, 1969; and

WHEREAS, a Town election will be held in May, 1969; and

WHEREAS, G.S. 160-45 requires that a person reside within the Town for thirty (30) days immediately preceding an election, and G.S. 160-25 requires that candidates for office be voters of the Town; and

WHEREAS, voters who reside in the annexed area should be permitted to vote and should be eligible to office; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G.S. 160-45, otherwise qualified voters who reside within the Town of Mayodan and the Town of Clayton on the day of the May, 1969 municipal election in each Town shall be eligible to register for and to vote in the respective Town election, and shall be eligible as candidates for any office to be filled in the respective Town.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 18th day of April, 1969.

H. B. 220

CHAPTER 258

AN ACT TO ESTABLISH THE HUNTING SEASON FOR BEAR, DEER, AND SQUIRREL IN THE COUNTIES OF DUPLIN, ONSLOW AND PENDER.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, the open season for the taking of bear, male deer, and squirrels, shall begin on October 1 of each calendar year and end January 1, next following.

Sec. 2. The taking of female deer (doe) is expressly forbidden at any time.

Sec. 3. It shall be lawful during the open season to take bear, male deer and squirrels during the hours between sunrise and sunset, with a shotgun no larger than number ten (10) gauge, a rifle, or with bow having minimum pull of forty-five (45) pounds and non-poisonous, non-barbed, non-explosive arrows with minimum broad head width of 7/8 inch, unless otherwise specifically permitted by this article.

Sec. 4. Game animals, except squirrels, listed in this Act shall not be taken from any automobile, or from any powered or self-propelled vehicle, or any vehicle especially equipped to provide for taking bear or deer by any unlawful means or by aid of, or with the use of any jack light, or any artificial light, net, fire, salt lick, or poison; nor shall any such jack light, trap, net, fire, salt lick, or poison be used to take bear, or male deer nor shall such animals be taken at any time from an airplane, power boat, sail boat, or any boat under sail, or any floating device pulled by a power boat, or a sail boat during the hours between sunset and sunrise, or from any other floating device: Provided that this Section does not prohibit the transportation of hunters or their legally taken game by means of any boat or other floating device, and shall not prohibit the hunter shooting from his stand if such stand is not with, or a part of, such boat or floating device. However, it shall be lawful to take or attempt to take bear, male deer and squirrels during the open season, therefor with the aid of dogs. It shall be lawful for individuals or organized field trial clubs or associations for the protection of game, to hold trials or train dogs at any time: Provided, that no firearm be used and that no game animals shall be taken during the closed season by reason thereof.

It shall be unlawful for any person or persons to hunt with guns or dogs upon the lands of another without first having obtained permission from the owner or owners of such lands, and said permission so obtained may be continuous for the open hunting season.

It shall be unlawful for any person to hunt, take or kill squirrels, with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off, or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined. It shall be unlawful for any person, while hunting game animals with a gun to refuse to surrender said gun for inspection upon request of a duly authorized officer.

Sec. 5. This Act shall not prevent any person from killing or causing to be killed bear, deer, or squirrels at any time when such animals are committing depredations upon his property. Animals killed for this reason shall be given to houses of alms.
Sec. 6. It shall be lawful to take bear with the aid of dogs and firearms during the closed season therefor when a depredation has been committed. Upon notice of such damage to a duly authorized officer and verification of such damage by said officer, said officer shall issue a permit to the owner, tenant or other person in charge of the damaged property to chase and take or attempt to take such bear with the aid of dogs and firearms. A duly authorized officer is an officer constituted a game protector by G. S. 113-92. Any bear taken pursuant to Section 6 of this Act shall not be required to be given to houses of alms.

Sec. 7. The North Carolina Wildlife Resources Commission is authorized, during the open season as provided herein, to permit hunting for male deer on the "Holly Shelter Wildlife Refuge" in Pender County, provided however, that there shall not be authorized during one open season
a. more than five (5) calendar hunting days for still hunting with bow and arrow; and,

b. more than two (2) calendar hunting days for still hunting with firearms; and,

c. more than five (5) calendar hunting days for hunting with the aid of dogs and firearms.

Sec. 8. Duplin County, defined area closed to deer hunting, terminal date: Beginning with the effective date of this Act and expiring on October 1, 1974, it shall be unlawful to take or attempt to take deer in that area of Duplin County described as follows: Beginning at the center line intersection of North Carolina Highway Fifty (50) and North Carolina Highway Forty-One (41) in Chinquapin; thence, along the center line of North Carolina Highway Fifty (50) in a southerly direction to the intersection of State Road #1827 (Pinhook); thence, in a northwesterly direction along the center line of State Road #1827 to the center line intersection of State Road #1827 and North Carolina Highway Forty-One (41); thence, in a northerly and easterly direction along the center line of North Carolina Highway Forty-One (41) to the point of beginning.

Sec. 9. Penalties for any violation of this Act shall be the same as those provided for violation of prohibited acts under Chapter 113 of the General Statutes of North Carolina.

Sec. 10. This Act shall apply only to the counties of Duplin and Pender.

Sec. 11. The provisions of this Act shall remain in full force and effect, unless expressly repealed by some subsequent Act of the General Assembly, and shall not be repealed by implication or by general repealing clauses in any Act of the General Assembly conferring authority in the North Carolina Wildlife Resources Commission over the game animals, the open season and manner of taking the game animals herein provided for.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect after July 1, 1969.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.
CHAPTER 259

AN ACT PROHIBITING THE DISCHARGE OF FIREARMS ON OR ACROSS ANY HIGHWAY IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to discharge any firearm from, on or across any highway or public road or highway right-of-way or public road right-of-way in Haywood County without the written permission of the owners of the land abutting the highway or road where the shooting occurs. Any violation of this Act shall be a misdemeanor, punishable by a fine of not more than fifty dollars ($50.00), or imprisonment for not more than 30 days, or both, in the discretion of the court.

Section 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

S. B. 298

CHAPTER 260

AN ACT TO AMEND CHAPTER 385, SESSION LAWS, 1949, AS AMENDED, RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The amendments set out in this Act all relate to portions of Section 4 of Chapter 385, Session Laws, 1949, which section includes "The Greensboro Public School Code" as enacted by the General Assembly at its 1949 Session.

Sec. 2. Chapter 385, Session Laws, 1949, as amended, is hereby further amended as follows:

(1) Section 4.3 as set out in Section 4. of Chapter 385, is amended to read as follows:

"Sec. 4.3. Election of associate and assistant superintendents: no oath required. Upon nomination by the superintendent of schools, the board shall elect one or more associate or assistant city superintendents of schools and may designate the title of each such associate or assistant superintendent. Each such associate or assistant superintendent shall be elected to serve for a term of two or four years as the board may determine; provided, however, that if such term would extend beyond June 30 of the year during which the end of the two-year or four-year term would occur, the term may either be decreased or increased so that it will end on June 30 of such year as may be determined by the board. Such associate or assistant superintendents are not intended to be officers within the constitutional meaning of that term, and it shall not be necessary for any of them to take any oath of office."

(2) Sec. 4, as set out in Section 4 of Chapter 385, is amended by adding next after Section 4.5 of Article 4, the following:

"Sec. 4.7. Appointment of assistant principals. Upon nomination by the city superintendent of schools, the board may appoint one or more assistant principals for any school or schools in the administrative unit and may define, or
may authorize the city superintendent of schools to define, their powers and
duties."

(3) Sec. 4.3, as set out in Section 4 of Chapter 385, is amended to read as follows:
"Sec. 4.3. Election of treasurer and assistant treasurer. Upon nomination of the
city superintendent of schools, the board shall elect a treasurer and assistant
treasurer, and shall define, or authorize the city superintendent of schools to
define, the powers and duties of the treasurer and assistant treasurer."

(4) Sec. 4.5, as set out in Section 4 of Chapter 385, is amended to read as follows:
"Sec. 4.5. Authority to employ persons other than those elected by the board
and to define their powers and duties; delegation of authority. With the exception
of those employees whose election by the board is required, the city superintend-
ent of schools is authorized to employ all such persons as may be necessary
for the proper operation of the schools, to define their duties and powers, and
to fix their compensation within such limits as may be prescribed by the board.
The city superintendent of schools is authorized to delegate such authority here-
inbefore in this Section conferred upon him to such other employee or employees
of the board as he may deem proper."

(5) Sec. 7.2, as set out in Section 4 of Chapter 385, is amended to read as follows:
"Sec. 7.2. Deeds to be kept by board's business official. All deeds for real property
owned by the board shall, after registration thereof, be kept in the custody of
the business official.

(6) Article 7, as set out in Section 4 of Chapter 385, is amended by adding at
the end of the Article the following Section.

"Sec. 7.5. Powers and duties of school employees with respect to property of the
board. Subject to the general control of the board, the city superintendent of
schools, as the principal administrative officer of the board, may define the pow-
ers and duties of principals, assistant principals, teachers, and other employees
of the board with respect to the custody, protection, and care of schools, buildings
and premises and other property of the board."

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 22nd day of
April, 1969.

S. B. 300

CHAPTER 261

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEM-
BERS OF THE BOARD OF EDUCATION OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Johnston County shall continue to be
constituted with five members as its membership, and the present members of the
Board of Education of Johnston County shall continue to hold their offices for the
terms of office now established and until the term of office of each member has
expired as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Term of Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norman B. Grantham</td>
<td>First Monday in December, 1970</td>
</tr>
<tr>
<td>E. W. Ellis</td>
<td>First Monday in December, 1970</td>
</tr>
<tr>
<td>Ray A. Boyette</td>
<td>First Monday in December, 1972</td>
</tr>
<tr>
<td>Harold Medlin</td>
<td>First Monday in December, 1974</td>
</tr>
<tr>
<td>John M. Radford</td>
<td>First Monday in December, 1974</td>
</tr>
</tbody>
</table>

and his successor has been elected and qualified as hereinafter set forth.
Sec. 2. At the primary election to be held in the year 1970 for the nomination of county officers, there shall be nominated by the political parties, as defined in Chapter 163 of the General Statutes, two candidates for membership on the Board of Education of Johnston County. The candidates of the political parties shall file notice of candidacy with the Board of Elections of Johnston County by 12:00 o'clock Noon on or before the Friday preceding the sixth Saturday before such primary election is to be held. which notice shall state the name of each candidate, age, place of residence and political party with which he affiliates, and which shall be accompanied by a filing fee of five dollars ($5.00). The primary election shall be conducted according to the laws applicable to primaries for the nomination of county officers and as provided by Chapter 163 of the General Statutes, as amended. The candidates shall be voted on at large by the voters or eligible electors of Johnston County, and the results declared according to said primary laws. At the general election to be held in Johnston County for the year 1970, the candidates of the political parties so nominated shall be voted upon by the electors of the County at large, and the two nominees receiving the highest number of votes in descending order shall be declared to be elected as members of the Johnston County Board of Education and shall take office and qualify on the first Monday in December, 1970, and shall hold office for terms of six years or until their successors are elected and qualified.

Sec. 3. In the primary election to be held in Johnston County in the year 1972 for the nomination of candidates for county officers, there shall be nominated one candidate from each of the political parties for the Board of Education of Johnston County, and the filing of notice of candidacy, filing fees and other procedure, as set forth above in Section 2 of this Act, shall be followed in the primary of 1972. In said primary one candidate shall be declared to be the nominee of each party according to said primary laws. The candidates so nominated in the primary of 1972 shall be elected in the general election of 1972, and the nominee receiving the highest number of votes shall be declared to be elected to the Board of Education of Johnston County and shall serve for a term of six years or until his successor is elected and qualified.

Sec. 4. At the primary election to be held in the year 1974 for the nomination of candidates for county officers, there shall be nominated two candidates from each of the political parties for membership on the Johnston County Board of Education. The filing of notice of candidacy, filing fees and other procedure, as set forth in Section 2 of this Act, shall be followed in the primary of 1974. Two candidates from each political party shall be declared to be the nominees of their party, according to said primary laws. The candidates of each political party so nominated shall be elected in the general election of the year 1974, and the two candidates receiving the highest number of votes in descending order shall be declared to be elected to membership on the Johnston County Board of Education and shall serve for terms of six years each or until their successors are elected and qualify. All candidates in any primary and all nominees in any general election shall be voted upon by the electors of Johnston County at large. Thereafter, as vacancies occur in the membership of the Johnston County Board of Education by reason of expiration of terms of office, they shall be filled by nomination in the primaries and by election in the general elections according to the number of vacancies to be filled and according to the procedure set forth in this Act.
Sec. 5. In case of a vacancy on the Board of Education of Johnston County caused by death, resignation, change of residence, failure to qualify, or for any other cause whatsoever, the vacancy shall be filled by the executive committee of the political party of the member causing the vacancy until the next primary and general election to be held in Johnston County for the nomination and election of County officers when a candidate shall be nominated and elected for the remainder of the unexpired term.

Sec. 6. The Chairman of the Board of Education of Johnston County shall be elected by the members of said Board of Education at the first regularly scheduled meeting in January of each year, and the Superintendent of Schools of Johnston County shall ex officio be the Secretary of said Board of Education. The said Board of Education of Johnston County shall continue to exercise all the powers and duties as provided by Chapter 115 of the General Statutes, as amended, or as may be provided by any local act of the General Assembly applicable to Johnston County.

Sec. 7. The method or procedure of organizing the Board of Education of Johnston County as set forth in this Act and the method or procedure for nominating and electing the members of the Board of Education of Johnston County as set forth in this Act shall be the sole, only and controlling Act for the organization and election of the members of said Board of Education of Johnston County. No Act which purports to appoint members of said Board of Education or to organize or constitute the Board of Education of Johnston County other than as set forth in this Act shall be valid or have any force and effect. Any and all provisions of the Omnibus Act of 1969 relating to the appointment of certain members of the Board of Education of the respective counties of North Carolina as set forth and applied to Johnston County are hereby repealed and no appointments made under said Omnibus Act of 1969 to the Board of Education of Johnston County shall be valid.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

S. B. 381  
CHAPTER 262

AN ACT TO AUTHORIZE CERTAIN MUNICIPAL CORPORATIONS IN MOORE COUNTY TO HOLD AN ELECTION FOR THE SALE OF BEER AND WINE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-127 is hereby amended by adding at the end thereof the following:

"Any duly chartered municipal corporation in Moore County, North Carolina, having its own police department or other law enforcement agency, is hereby authorized to hold an election as provided in this Section, notwithstanding the population limitation or any previous vote by the County."

Sec. 2. This Act shall apply only to duly chartered municipal corporations in Moore County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
CHAPTER 262  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 250  CHAPTER 263
AN ACT AMENDING CHAPTER 593 OF THE SESSION LAWS OF 1965 TO INCREASE THE SALARY OF THE REGISTER OF DEEDS OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 593 of the Session Laws of 1965 is hereby amended by striking out the numerals "$3,000.00" directly across from the words "Register of Deeds" and substituting therefor the numerals "$4,200.00".

Sec. 2. The purpose and intent of this Act is to increase the salary of the Register of Deeds of Clay County from three thousand dollars ($3,000.00) to forty-two hundred dollars ($4,200.00) per year.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 251  CHAPTER 264
AN ACT TO CLARIFY PROVISIONS OF CHAPTER 20 OF THE GENERAL STATUTES CONCERNING PRIVATE AND PAROCHIAL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES.

The General Assembly of North Carolina do enact:

Section 1. Article 7 of Chapter 20, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by adding a new section thereto, to be numbered Section 20-218.1, and to read as follows:

"Section 20-218.1. Private and parochial school buses. The term 'school bus' as used in this chapter shall include public, private, and parochial school buses, and the term 'school activity bus' as used in this chapter shall include public, private, and parochial school activity buses."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1970.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 325  CHAPTER 265
AN ACT PROHIBITING THE HUNTING OF GAME ANIMALS WITH DOGS BETWEEN MARCH 1 AND OCTOBER 15 IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful to take, by or with the use of dogs, any game animal, including varments (vermin) between March 1 and October 15.

Sec. 2. The terms "take" and "game animal" as used herein shall be as defined in G. S. 113-83.

Sec. 3. Nothing in this Act shall prohibit the holding of field trials under the auspices of recognized associations and groups.
Sec. 4. This Act shall apply to Beaufort County.
Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 6. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 364

CHAPTER 266
AN ACT TO PROVIDE CREDIT TOWARD THE SATISFACTION OF THE SENTENCE WHEN THE DEFENDANT IS UNABLE TO SECURE HIS RELEASE ON BAIL PENDING APPEAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-184 as the same appears in Volume 1C of the General Statutes is hereby amended by striking all of the language of the last sentence of said paragraph and by substituting in lieu thereof the following:

"The sentence shall begin as of the date of the commitment in the event the defendant has been admitted to bail pending the appeal. If the defendant has not been admitted to bail pending the appeal, the defendant shall receive credit towards the satisfaction of the sentence for all the time the defendant has spent in custody pending the appeal, except when the sentence is death or life imprisonment. Provided, however, if the sentence on appeal is a consecutive sentence imposed to begin at the expiration of a sentence or sentences by virtue of which the defendant is in custody, then, in that event, the defendant will not be entitled to receive credit on the sentence on appeal for the time spent in custody by virtue of the pre-existing sentence or sentences. This provision shall apply to all trials commenced after the ratification of this amendment."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Article are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 339

CHAPTER 267
AN ACT TO REGULATE AND FIX THE SALARIES OF THE SHERIFF AND REGISTRER OF DEEDS OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the effective date of this Act, the salary of the Sheriff of Lenoir County shall be fixed by the Commissioners of Lenoir County at a sum of not less than eighty-one hundred dollars ($8100.00) per annum nor more than ten thousand five hundred dollars ($10,500.00) per annum, payable in equal monthly installments.

Sec. 2. From and after the effective date of this Act, the salary of the Register of Deeds of Lenoir County shall be fixed by the Commissioners of Lenoir County at a sum of not less than seven thousand dollars ($7,000.00) nor more than ninety-five hundred dollars ($9500.00) per annum, payable in equal monthly installments.

Sec. 3. Chapter 736 of the Sessions Laws of 1959 and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1969.
In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 419  
CHAPTER 268  
AN ACT AMENDING CHAPTER 456 OF THE 1965 SESSION LAWS RELATING TO THE SALARIES OF CERTAIN OFFICIALS OF PENDER COUNTY.  
The General Assembly of North Carolina do enact:  
Section 1. Sections 1 and 2 of Chapter 456 of the 1965 Session Laws are amended by striking therefrom the words and figures "fifteen dollars ($15.00)" and substituting in lieu thereof the words and figures "twenty dollars ($20.00)".  
Sec. 1A. Nothing in this Act shall limit the authority of the Board of Commissioners of Pender County to fix their own compensation and allowances in accordance with G.S. 153-13, as amended by Chapter 180, Session Laws of 1969.  
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 3. This Act shall become effective upon its ratification.  
In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 422  
CHAPTER 269  
AN ACT TO INCREASE FROM THREE HUNDRED DOLLARS ($300.00) TO FIVE HUNDRED DOLLARS ($500.00) THE AMOUNT OF A CHILD'S YEARLY ALLOWANCE FOR SUPPORT ALLOTTED FROM A PARENT'S ESTATE.  
The General Assembly of North Carolina do enact:  
Section 1. G.S. 30-17 is hereby amended by striking from lines seven and eight the words and figures "three hundred dollars ($300.00)" and inserting in lieu thereof the words and figures "six hundred dollars ($600.00)".  
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 3. This Act shall become effective upon its ratification and shall be applicable only with respect to estates of persons dying on or after the ratification of this Act.  
In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 446  
CHAPTER 270  
AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PITT COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN PITT COUNTY, AND TO AUTHORIZE THE DIVISION, OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.  
The General Assembly of North Carolina do enact:  
Section 1. The Board of County Commissioners for the County of Pitt is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons,
firms and corporations listing property for taxation in Pitt County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G. S. 105-308 or G. S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G. S. 105-308 and G. S. 105-310.

Sec. 3. Authority is hereby granted to the Board of County Commissioners for the County of Pitt to divide, or combine townships in Pitt County for tax listing purposes. The Tax Supervisor of Pitt County, with the approval of the Board of County Commissioners, may appoint one or more list takers for each such unit so combined or divided.

Sec. 4. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Pitt County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Pitt County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Pitt County. If the Board of County Commissioners of Pitt County has adopted regulations relating to any matter covered by this Act, the listing in Pitt County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 6. This Act shall apply only to Pitt County.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 452

CHAPTER 271

AN ACT AMENDING ARTICLE I OF CHAPTER 113 OF THE GENERAL STATUTES RELATING TO THE BOARD OF CONSERVATION AND DEVELOPMENT AND THE DIRECTOR THEREOF.

The General Assembly of North Carolina do enact.

Section 1. G. S. 113-4 is amended by striking from the third line thereof "twenty-four" and substituting in lieu thereof "twenty-seven".

Sec. 2. G. S. 113-5 is rewritten in its entirety to read as follows:

"G. S. 113-5. All members of the Board of Conservation and Development shall be appointed by the Governor. The Governor may designate one member of the Board to serve as its Chairman. In the event the Governor does not designate a Chairman, the Governor shall be Chairman. In making appointments to the Board, the Governor shall, as nearly as possible, appoint an equal number of persons interested in conservation, in development and in parks and tourist industry. All present and future members appointed to the Board shall serve at the pleasure of the Governor and until their successors are appointed and qualify."

237
CHAPTER 271  SESSION LAWS—1969

Sec. 3. There is hereby enacted a Section to be designated as G. S. 113-5.1 and to read as follows:

"The Governor shall appoint a member of the Board to serve as Vice-Chairman. The Chairman, with the advice of the Director, shall appoint a person to be Secretary to the Board who need not be a member of the Board.

"The Chairman shall preside at all meetings of the Board, shall appoint members of the Board to each of the Board's committees and shall designate the Chairman of each committee after consultation with the Governor and the Director of the Department. The Chairman shall have authority to vote on all matters coming before the Board.

"It shall be the duty of the Vice-Chairman to perform the duties of the Chairman in his absence, and he shall perform such other duties as the Chairman may direct.

"The Secretary shall record all votes and shall prepare and keep a permanent record of the minutes of all meetings of the Board. The Secretary shall perform such other duties as the Chairman may direct."

Sec. 4. G. S. 113-12 is amended by adding at the end thereof a paragraph to read as follows:

"The Director, subject to the approval of the Board, shall have authority to establish new divisions within the Department and to appoint deputy directors and assistant directors of the Department."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 6. This Act shall be in full force and effect upon ratification.
In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 471  CHAPTER 272
AN ACT TO AMEND G. S. 160-227.1 TO MAKE THE SUBDIVISION LAWS APPLICABLE TO MUNICIPALITIES IN MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-227.1, as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby amended by striking out of the sixth and seventh lines thereof the word "McDowell".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 22nd of April, 1969.

H. B. 480  CHAPTER 273
AN ACT TO PROVIDE FOR THE APPOINTMENT AND COMPENSATION OF THE PASQUOTANK COUNTY ACCOUNTANT BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The present County Accountant of Pasquotank County shall continue to hold his position or office until the expiration of his term of office on March
1, 1971. On and after March 1, 1971, the Board of County Commissioners of Pasquotank County shall appoint a County Accountant for Pasquotank County and fix his compensation as provided by G. S. 153-115.

Sec. 2. Effective March 1, 1971, Chapter 61 of the Public-Local Laws of 1915, Chapter 302 of the Public-Local Laws of 1939, and that portion of Section 1 of Chapter 1088 of the Session Laws of 1959, relating to the salary of the County Accountant are hereby repealed. Effective March 1, 1971, any and all other Public-Local or Local Acts pertaining to the County Accountant of Pasquotank County are hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 498

CHAPTER 274

AN ACT AMENDING CHAPTER 382 OF THE SESSION LAWS OF 1967 SO AS TO AUTHORIZE THE TOWN OF KERNERSVILLE TO JOIN WITH FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM IN JOINT PURCHASING ARRANGEMENTS.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 382 of the 1967 Session Laws of North Carolina is hereby rewritten as follows:

"Section 1. That G. S. 153-246 be amended by adding a paragraph at the end thereof to read as follows:

In addition to the authority granted herein for counties, and for cities and counties, to enter into joint administrative functions and activities through consolidated agencies, Forsyth County, the City of Winston-Salem and the Town of Kernersville, or any two of these units of local government, are hereby expressly authorized to enter into agreements for the joint purchasing of goods, supplies, materials and services, with or without consolidating their respective purchasing departments. The Board of Commissioners of Forsyth County, the Board of Aldermen of the City of Winston-Salem and the Board of Aldermen of the Town of Kernersville, or any two of these Boards desiring to enter into joint purchasing arrangements, are authorized to adopt resolutions setting out the manner in which this authority is to be exercised and the procedures to be followed in carrying out such joint purchasing arrangements. Said resolutions may provide that the joint purchasing arrangements and practice will continue until revoked by the Board of any party to such arrangement."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.
CHAPTER 275  

AN ACT TO ESTABLISH THE SALARIES OF THE SHERIFF AND REGISTER OF DEEDS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salaries of the Sheriff and Register of Deeds of Wake County shall be fifteen thousand five hundred dollars ($15,500.00) for the Sheriff and twelve thousand dollars ($12,000.00) for the Register of Deeds.

Sec. 2. Payments of the above annual salaries shall be made in twelve equal monthly installments.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 504  

CHAPTER 276

AN ACT AMENDING CHAPTER 1073 OF THE 1959 SESSION LAWS SO AS TO PROVIDE FOR THE ISSUANCE OF PISTOL PERMITS IN CLAY COUNTY BY THE CLERK OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1073 of the Session Laws of 1959 is amended by inserting the word "Clay" after the word "Cherokee" and before the word "Currituck" in the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 520  

CHAPTER 277

AN ACT TO APPOINT TWO MEMBERS TO THE BOARD OF EDUCATION OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Ray Kinsland and Paul Marr are hereby appointed to the Swain County Board of Education for a two (2) year term each, to begin the first Monday in April, 1969.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.
H. B. 526

CHAPTER 278

AN ACT TO AMEND G. S. 105-345 RELATING TO THE PREPAYMENT OF TAXES AND LATE INTEREST CHARGES IN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 105-345 is amended by adding a new Subsection designated as Subsection (8) and to read as follows:

"(8) However, notwithstanding Subsections (1) through (7) hereof, the Commissioners of Mecklenburg County shall have the authority by resolution duly adopted to establish such discounts (if any) as they deem appropriate for the prepayment of taxes by all taxpayers in the County of Mecklenburg and the City of Charlotte, provided that no discount shall be in excess of two percent (2%) and further provided that no discount shall be given for taxes paid after the first day of December after the due date; and further, the Commissioners of Mecklenburg County shall have the authority by resolution duly adopted to add such rate of interest as they deem appropriate upon all taxes not paid on or before the first day of February next after the due date, provided that said rate of interest shall not exceed one percent (1%) per month and shall not be less than one-half of one percent (1/2%) per month."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Section shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 527

CHAPTER 279

AN ACT TO AMEND G.S. 143-129 RELATING TO PURCHASES BY MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 143-129 is amended by deleting from line five for the first paragraph the words "two thousand dollars ($2,000.00)" and inserting in lieu thereof the words "three thousand dollars ($3,000.00)."

Sec. 2. This Act shall be applicable only to Mecklenburg County.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 538

CHAPTER 280

AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS OF Rutherford

COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salary of the Register of Deeds of Rutherford County shall be seven thousand eight hundred dollars ($7,800.00).

Sec. 2. The salary shall be paid in monthly installments.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1969.
In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 539

CHAPTER 281

AN ACT TO FIX THE SALARY OF THE SHERIFF OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salary of the Sheriff of Rutherford County shall be eight thousand five hundred dollars ($8,500.00).

Sec. 2. The Sheriff shall receive reimbursement for actual necessary expenses in connection with his duties in an amount not to exceed two thousand dollars ($2,000.00) per year.

Sec. 3. The salary and expenses may be paid in monthly installments.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon July 1, 1969.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 544

CHAPTER 282

AN ACT TO PROVIDE FOR THE NOMINATION, ELECTION AND TERMS OF OFFICE OF MEMBERS OF THE WASHINGTON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Washington County Board of Education shall consist of five members who shall be elected by a vote of the people of Washington County on a partisan basis in the same manner as members of the General Assembly. The term of office of each member shall be for four years.

Sec. 2. Two members of the Washington County Board of Education shall reside in Plymouth Township, one in Lees Mill Township, one in Skinnersville Township, and one in Scuppernong Township.

Sec. 3. The terms of office of Sidney J. Hassell, of Lees Mill Township, James H. Ward of Plymouth Township, and Gordon A. Chesson of Skinnersville Township, shall all expire on the first Monday in December, 1970. The terms of office of Joseph H. Peele of Plymouth Township and Alvah W. Alexander, Jr., of Scuppernong Township shall expire on the first Monday in December, 1972. At the primaries and general elections to be held in 1970 and biennially thereafter, as their terms of office expire, the members of the Washington County Board of Education shall be nominated and elected according to the primary and general election laws established for the nomination and election of members of the General Assembly. The successors in office of the members herein named shall reside in the same townships as their predecessors. All vacancies shall be filled by a member who is a resident of the same township as his predecessor.

Sec. 4. The chairman and members of the Washington County Board of Education shall receive the compensation provided for them in Chapter 358 of the Session Laws of 1959.

Sec. 5. Any vacancy on the Washington County Board of Education by reason of death, resignation, change of residence of a member from the township from which nominated and elected, physical inability to perform the duties of his office,
or otherwise, shall be filled by the remaining members of said Board of Education for the unexpired term. Said Board of Education shall have such authority, powers and duties as are provided by Chapter 115 of the General Statutes of North Carolina, as amended, and such other powers and duties as may be given to said Board of Education by any public-local or local act. The members so elected under the provisions of this Act shall qualify and take their oaths of office on the first Monday in December following their election.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 547  

CHAPTER 283

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CAPE CARTERET WITH REFERENCE TO THE ELECTION AND MEETINGS OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 929, Session Laws of 1963, is hereby amended by rewriting the last sentence thereof to read as follows: "At the regular municipal election in 1969, and biennially thereafter, all members of the board of commissioners shall be elected at large by the qualified voters of the Town."

Sec. 2. Section 4 of Chapter 727, Session Laws of 1959, is hereby amended by deleting the word "three" in line 3 thereof, and by inserting in lieu thereof the word "five", and by deleting in line 7 the words "and shall begin at noon on the day next following their election", and inserting in lieu thereof the words "and the mayor and board of commissioners shall take office at the end of the business session of the first regularly scheduled meeting of the board of commissioners following their election."

Sec. 3. Section 5 of Chapter 727, Session Laws of 1959, is hereby amended by rewriting the first sentence to read as follows: "At noon on the day following a regular municipal election the incumbent board of commissioners shall meet and the newly elected members and newly elected mayor shall assume the duties of their offices at the end of the business session of such meeting."

Sec. 4. Section 14 of Chapter 727, Session Laws of 1959, is amended by deleting the word "three" in lines 3 and 4 and inserting in lieu thereof the word "five".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 549  

CHAPTER 284

AN ACT RELATING TO THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Craven County is authorized and empowered by a unanimous vote of the duly elected members of said Board to fix the
compensation of the Chairman and members thereof; provided, that the salary of the Chairman of said Board of Education shall not exceed the sum of one hundred ($100.00) dollars per month and the salaries of the members of said Board shall not exceed the sum of seventy-five ($75.00) dollars per month for each member.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 556

CHAPTER 285

AN ACT TO VALIDATE THE SPECIAL BOND ELECTION HELD IN THE TOWN OF LINCOLNTON, NORTH CAROLINA, ON JANUARY 14, 1969.

The General Assembly of North Carolina do enact:

Section 1. All proceedings heretofore had or taken in the Town of Lincolnton at, or in connection with, the special election held in said Town on January 14, 1969, at which the majority of the qualified voters of said Town voting at such election approved the issuance of two hundred twenty-five thousand dollars ($225,000.00) of bonds to finance the construction of a new Town Hall and the issuance of seventy-five thousand dollars ($75,000.00) of bonds to finance the construction of a new Fire Station, are hereby ratified, validated and confirmed notwithstanding that notice of said special election was not published in the manner prescribed by law, providing that no action, suit or proceeding to contest the validity of such special election or of said bonds has heretofore been instituted in any court in the State.

Sec. 2. This Act shall apply to the Town of Lincolnton only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 559

CHAPTER 286

AN ACT TO CLARIFY THE SMALL WATERSHED LAWS WITH RESPECT TO PROJECT MAINTENANCE IN DUPLIN, PENDER AND SAMPSON COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 139-8 is hereby amended by inserting in line 1 of paragraph (6) of said Section, after the word "structures" and before the word "as", the words and punctuation ", works and projects"; and paragraph (6) of said Section is further amended by adding at the end of said paragraph, before the period, the following: ", including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake"; so that said paragraph (6) as so amended will read as follows:

"(6) To construct, improve, operate, and maintain such structures, works and projects as may be necessary or convenient for the performance of any of the operations authorized in this chapter, including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake."
Sec. 2. (a) It is hereby declared that the provisions of General Statutes Chapter 139 were intended to authorize the maintenance of watershed improvement works and projects, as well as watershed improvement structures. All expenditures heretofore incurred by any local watershed sponsor for any such maintenance of works, projects, or structures are hereby validated and confirmed.

(b) The proceeds of any tax heretofore approved by the voters of a county for a county watershed improvement program, or authorized by special or local act for a county watershed improvement program, may be expended for such maintenance of works and projects, as well as structures, if the board of county commissioners or other watershed governing body after a public hearing determines that the proceeds should be so expended. Notice of such hearing shall be published as provided for notices under Article 2 of General Statutes Chapter 139.

(c) The proceeds of any tax hereafter approved by the voters of a county for a watershed improvement program may be expended for such maintenance of works and projects, as well as structures, with or without the holding of a public hearing as designated by subsection (b) of this Section, even though any election procedures preliminary to the vote approving the tax may have been initiated prior to the ratification of this Act.

(d) No action based on the alleged invalidity of the expenditures herein confirmed or of the use of tax proceeds herein authorized shall lie after January 1, 1970, to enjoin or contest any such expenditure or any such use of tax proceeds.

Sec. 3. This Act shall be applicable only in Duplin, Pender and Sampson Counties.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 570

CHAPTER 287

AN ACT TO AMEND CHAPTER 79 OF THE SESSION LAWS OF 1965 TO CHANGE THE TIME OF ELECTION IN THE TOWN OF AYDEN.

The General Assembly of North Carolina do enact:

Section 1. Section 4.1 of the Charter of the Town of Ayden, as enacted by Chapter 79 of the Session Laws of 1965, is hereby amended by inserting in the second line thereof, between the word "The" and the word "first", the words "Tuesday after the".

Sec. 2. Any action or proceedings heretofore taken by the Board of Commissioners of the Town of Ayden relating to the calling and conduct of the 1969 Town election to be held on Tuesday, May 6, 1969, and any notice thereof heretofore published or posted, is hereby ratified, legalized, confirmed, and validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.
CHAPTER 288

H. B. 590

CHAPTER 288

AN ACT TO PROVIDE FOR THE REMOVAL OF UNAUTHORIZED MOTOR VEHICLES FROM PRIVATE PARKING LOTS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; provided, that such private parking lot be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto and the parking spaces within the lot be clearly marked by signs setting forth the name of each individual lessee or owner; a vehicle parked in a privately owned parking space in violation of this section may be removed from such space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges. No person shall be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any motor vehicle removed from such lot pursuant to this section except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from aforesaid space to place of storage.

Sec. 2. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than ten dollars ($10.00) in the discretion of the Court.

Sec. 3. This Act shall apply only to Wilson County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

S. B. 306

CHAPTER 289

AN ACT TO AMEND CHAPTER 993, SESSION LAWS OF 1949, TO MAKE MORE DEFINITE THE OUTSIDE BOUNDARIES OF PINEHURST, MOORE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 993, Session Laws of 1949, is hereby amended by rewriting Section 1 thereof to read as follows:

'Section 1. For all the purposes of this Act, but only for such purposes, all that territory within the area hereinafter described shall be and constitute the municipal corporation to be known and hereinafter referred to as Pinehurst, the said area being described as follows:

'In Moore County, North Carolina, beginning at a concrete marker in the southern boundary of Linden Road, said point being the northwest corner of the King property; thence with the western boundary of Pinehurst, Inc. lands, North 01 degree 55' East 1,249.50' to a concrete marker; thence South 88 degrees 05' East 815.04' to a concrete marker; thence North 01 degree 55' East 463' to a concrete marker; thence North 69 degrees 46' West 1,372.6 feet to a concrete marker; thence North 01 degree 55' East 815.6' to a concrete marker; thence North 24 degrees 21' East approximately 1,215 feet to the southern boundary of the right of way
of N. C. Highway #211; thence following the southern boundary of the right of way of N. C. Highway #211 in a southeasterly and easterly direction to its intersection with the southeastern boundary line of Dundee Road; thence North 57 degrees 04' East 100' to a point on the northeast boundary of the right of way of N. C. Highway #211; thence following the northeast boundary of the right of way of N. C. Highway #211 in an easterly direction to its intersection with the northwesterly line of the property of the Moore Memorial Hospital; thence North 37 degrees 08' East along the northwest property line of Moore Memorial Hospital approximately 2,950 feet to the western boundary of the right of way of U. S. Highway #15-501; thence in a southerly direction along the western boundary of the right of way of U.S. Highway #15-501 approximately 10,650 feet to its intersection with the Dixie Gas Pipe Line; thence in a southwesterly direction approximately 4,150 feet along the Dixie Gas Pipe Line to its point of intersection with the Mineral Springs-Sandhills Township line; thence in a westerly direction with the Mineral Springs-Sandhills Township line 9,550 feet to its point of intersection with the Aberdeen-West End C.P. & L. electric distribution line; thence as said distribution line northwesterly 4,200 feet to an iron pipe in the western boundary line of Pinehurst, Inc.; thence North 23 degrees 40' East 1,735 feet to a concrete marker; thence North 20 degrees 25' West 374.2 feet to a concrete marker; thence North 40 degrees 18' East approximately 1,347 feet to the northern boundary of the right of way of the Norfolk-Southern Railroad; thence westerly with the Northern boundary of the right of way of the Norfolk-Southern Railroad approximately 470 feet to a concrete marker; thence North 16 degrees 15' West 392.3 feet to a concrete marker in the southern boundary of Linden Road; thence South 80 degrees 56'; West 415.0 feet to the point of beginning."

Sec. 2. Except as herein amended, Chapter 993, Session Laws of 1949, and Chapter 732, Session Laws of 1951, shall remain in full force and apply to the entire area described in Section 1 of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

S. B. 307 CHAPTER 290

AN ACT TO AUTHORIZE THE GREENSBORO CITY BOARD OF EDUCATION AND THE CITY OF GREENSBORO TO ENTER INTO CONTRACTS WHEREBY THE BOARD OF EDUCATION MAY FURNISH THE CITY CERTAIN SERVICES IN CONNECTION WITH THE CITY'S RECREATION PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. The Greensboro City Board of Education, hereinafter referred to as the "board", and the City of Greensboro, hereinafter referred to as the "city", are authorized to enter annually into a contract whereby the board may furnish to the city certain services and certain school buses necessary for the performance of such services in connection with the city's recreation programs.

Sec. 2. Each such contract shall contain such terms and conditions and shall be for such compensation as may be agreed upon by the board and the city; provided, however, that the buses to be used for such purpose shall be such buses as shall be owned by the board and as will not be needed by the board for school purposes

247
CHAPTER 290  

SEVEN LAWS—1969

during the periods when they are used in connection with the city's recreation pro-
grams.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of
April, 1969.

S. B. 309

CHAPTER 291

AN ACT TO AUTHORIZE THE CREATION AND ORGANIZATION OF A HOUS-
ING APPEALS BOARD TO WHICH APPEALS MAY BE TAKEN FROM THE
DECISION OF THE BUILDING INSPECTOR UPON ANY PROVISION OF THE
HOUSING CODE OF THE TOWN OF MOUNT AIRY IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. (a) The Town Board of Commissioners of the Town of Mount Airy
may provide for the creation and organization of a Housing Appeals Board to which
appeals may be taken from the decision of the building inspector upon any provision
of the housing code of the Town.

(b) The Housing Appeals Board shall consist of five members to serve for three-
year staggered terms. It shall have power to elect its own officers, to fix the times
and places for its meetings, to adopt necessary rules of procedure, and to adopt
all other rules and regulations not inconsistent herewith which may be necessary
for the proper discharge of its duties; and it shall keep an accurate record of all
its proceedings.

(c) An appeal from any decision or order of the building inspector may be taken
by any person aggrieved thereby or by any officer, board or commission of the Town.
Any appeal from the building inspector to the Appeals Board shall be taken within
such reasonable time as shall be prescribed by the Board by general rule and shall
be taken by filing with the building inspector and with the secretary of the Board
a notice of appeal which shall specify the grounds upon which the appeal is based.
Upon the filing of any notice of appeal, the building inspector shall forthwith trans-
mit to the Board all the papers constituting the record upon which the decision
appealed from was made. When an appeal is from a decision of the building inspec-
tor refusing to allow the person aggrieved thereby to do any act, his decision shall
remain in force until modified or reversed. When any appeal is from a decision
of the building inspector requiring the person aggrieved to do any act, the appeal
shall have the effect of suspending the requirement of the building inspector until
the hearing by the Board, unless the building inspector certifies to the Board, after
the notice of appeal is filed with him, that by reason of the facts stated in the
certificate (a copy of which shall be furnished the appellant), a suspension of his
requirement would cause imminent peril to life or property, in which case the
requirement shall not be suspended except by a restraining order, which may be
granted for due cause shown and upon not less than one day's written notice to
the building inspector, by the Board or by the Superior Court of Surry County.

(d) The Appeals Board shall fix a reasonable time for the hearing of all appeals
and shall render its decision within a reasonable time. Any party may appear in
person or by agent or attorney. The Board may reverse or affirm, wholly or partly
or may modify the decision appealed from, and may make such decision and order
as in its opinion ought to be made in the matter, and to that end it shall have

248
all the powers of the building inspector; but the concurring vote of three members of the Board shall be necessary to reverse or modify any decision of the building inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed. public safety and welfare secured and substantial justice done.

(e) Every decision of the Appeals Board shall be subject to review by the Superior Court of Surry County by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(f) If a person fails to comply with an order of the building inspector or, upon appeal, an order of the Appeals Board to repair, alter, improve, vacate, close or demolish a building or dwelling, the building inspector may cause such building or dwelling to be repaired, altered, improved, vacated, closed or demolished; provided, that the duties of the building inspector as set forth herein shall not be exercised until the Housing Appeals Board shall have, by resolution or other written decree, ordered the inspector to proceed to effectuate the above purposes with respect to the particular property or properties involved; and such order shall further provide that the amount of costs incurred as a result of the exercise of such duties shall become a lien against the real property involved.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

H. B. 340

CHAPTER 292

AN ACT AMENDING G. S. 14-111.2 RELATING TO OBTAINING AMBULANCE SERVICES WITHOUT INTENDING TO PAY THEREFOR, SO AS TO MAKE THE SAME APPLICABLE TO CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-111.2 as the same appears in the 1967 Cumulative Supplement to the 1953 Recompiled Volume 1B of the General Statutes is hereby amended by inserting in the last paragraph thereof immediately after the word "Caswell," the words "Catawba, Chatham, Cumberland," and immediately after the word "Randolph," the word "Rockingham,", and it is further amended by inserting in the last paragraph thereof immediately after the word "Davie", the word "Forsyth" and immediately after the word "Surry", the word "Wilkes".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1969.
CHAPTER 293

AN ACT AMENDING ARTICLE 1B OF CHAPTER 113 OF THE GENERAL STATUTES RELATING TO STATE AID TO AIRPORTS SO AS TO PROVIDE THAT THE STATE MAY PARTICIPATE IN UP TO FIFTY PER CENT OF THE COSTS OF CERTAIN PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-28.8(3) is amended by adding at the end thereof the following:

"provided, however, that the State may participate in up to fifty percent (50%) of the total cost of land easements, land purchases, runway lights and approach facilities (visual and electronic)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1969.

CHAPTER 294

AN ACT TO AMEND G. S. 18-37 AND 18-38 RELATING TO THE STATE BOARD OF ALCOHOLIC CONTROL AND THE DIRECTOR OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-37 is hereby rewritten in its entirety to read as follows:

"G. S. 18-37. State Board of Alcoholic Control; membership; compensation. A State Board of Alcoholic Control is hereby created, and shall consist of a chairman and two associate members. The chairman and associate members of the Board shall be men well known for their character, ability, and business acumen. The chairman of the Board shall devote his full time to his official duties. He shall receive a salary to be fixed by the Governor, subject to the approval of the Advisory Budget Commission, together with necessary traveling expenses allowed under the general law. The two associate members of the Board shall receive no compensation for their services except the per diem, subsistence and travel allowances provided for members of similar State boards and commissions by Chapter 138 of the General Statutes."

Sec. 2. G. S. 18-38 is hereby rewritten in its entirety to read as follows:

"G. S. 18-38. Appointment of members; powers and duties of chairman; term of appointment. The Chairman and the associate members of the State Board of Alcoholic Control shall be appointed by the Governor, and shall serve at the pleasure of the Governor. The Governor shall fill any vacancy arising on the State Board by appointment of a successor, to serve at the pleasure of the Governor. The chairman of the Board shall have such powers and perform such duties as the Board shall prescribe, including the authority to appoint, promote, demote and discharge all subordinate officers and employees of the State Board of Alcoholic Control, and they shall perform such duties as the chairman may assign. Except as the State Board may provide otherwise, the chairman of the Board shall have all the powers and duties heretofore imposed upon the Director of the State Board of Alcoholic Control."
Sec. 3. The terms of office of the incumbent members and the director of the State Board of Alcoholic Control shall terminate on the effective date of this Act.

Sec. 4. G. S. 18-40 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on the fifth day following the date of ratification of this Act.

In the General Assembly read three times and ratified, this the 23rd day of April, 1969.

S. B. 292

CHAPTER 295

AN ACT TO AMEND ARTICLE 6A OF CHAPTER 153 OF THE GENERAL STATUTES RELATING TO THE SALARIES OF APPOINTIVE AND ELECTIVE COUNTY OFFICIALS AND EMPLOYEES SO AS TO MAKE IT APPLICABLE TO WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G.S. 153-48.5 as the same appears in Volume 3C of the General Statutes of North Carolina is amended by inserting the word "Wilson" after the comma following the word "Wilkes" and before the word "Yadkin".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of April, 1969.

S. B. 370

CHAPTER 296

AN ACT TO AMEND G. S. 15-47 SO AS TO AUTHORIZE THE CUSTODIAN OF A PRISON TO HAVE BAIL FIXED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-47 is hereby amended by adding at the end of the first paragraph thereof the following: "In the event the arresting officer fails to have bail fixed as required by this Section, the custodian of the person arrested shall, have bail fixed in a reasonable sum, and take bail as authorized in G. S. 15-108.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1969.

H. B. 308

CHAPTER 297

AN ACT TO MAKE WILMINGTON COLLEGE AND ASHEVILLE-BILTMORE COLLEGE CAMPUS OF THE UNIVERSITY OF NORTH CAROLINA UNDER THE DESIGNATIONS OF "THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON", AND "THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE."

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-2 is amended by adding at the end of subsection (b) of said section the following:
"On July 1, 1969, the University of North Carolina at Wilmington shall become a campus of the University of North Carolina.

"On July 1, 1969, the University of North Carolina at Asheville shall become a campus of the University of North Carolina."

Sec. 2. A new Part 3B of Article 1 of Chapter 116 of the General Statutes is enacted to read as follows:

"Part 3B. The University of North Carolina at Wilmington."

"Sec. 116-39.1. The University of North Carolina at Wilmington. (a) Wilmington College shall become a campus of the University of North Carolina under the designation the University of North Carolina at Wilmington on July 1, 1969, whereupon it shall cease to be subject to any of the provisions and terms of Article 2, Chapter 116 of the General Statutes, and shall become subject to the terms of Article 1, Chapter 116 of the General Statutes.

"(b) The Board of Trustees of Wilmington College shall, on or before July 1, 1969, execute proper legal instruments conveying to The University of North Carolina, without consideration, all right, title and interest of the grantor in and to the real and personal property of Wilmington College, including all endowments, executors contracts, and unexpended State appropriations or other appropriations; New Hanover County and the City of Wilmington shall continue to be solely liable for the repayment of all indebtedness incurred by that county in aid of Wilmington College."

Sec. 3. A new Part 3C of Article 1 of Chapter 116 of the General Statutes is enacted to read as follows:

"Part 3C. The University of North Carolina at Asheville."

"Sec. 116-39.2. The University of North Carolina at Asheville. (a) Asheville-Biltmore College shall become a campus of the University of North Carolina under the designation the University of North Carolina at Asheville on July 1, 1969, whereupon it shall cease to be subject to the terms and provisions of Article 2, Chapter 116 of the General Statutes, and shall become subject to the terms of Article 1, Chapter 116 of the General Statutes.

"(b) The Board of Trustees of Asheville-Biltmore College shall, on or before July 1, 1969, execute proper legal instruments conveying to The University of North Carolina, without consideration, all right, title and interest of the grantor in and to the real and personal property of Asheville-Biltmore College, including all endowments, executors contracts, and unexpended State appropriations or other appropriations; Buncombe County, the City of Asheville participating in the financial affairs of said college, shall continue to be solely liable for the repayment of all indebtedness incurred by said county and municipalities in aid of Asheville-Biltmore College, if such obligations have been heretofore contracted for and assumed."

Sec. 4. Amend the title to Article 2 of Chapter 116 of the General Statutes by striking out the comma, appearing after the words "Winston-Salem State College", and by inserting in lieu of said comma a period, and by striking out from said title, or caption, the following: "Asheville-Biltmore College, Wilmington College."

Sec. 5. Subsection (6) of G. S. 116-45 be, and the same is hereby, repealed.

Sec. 6. G. S. 116-45.2 be, and the same is hereby, repealed.
Sec. 7. Subsection (1) of G. S. 116-175 is hereby amended by striking out the comma, appearing after the words "Winston-Salem College", in the last two lines of said subsection, and by inserting in lieu thereof a period, and by striking out in the last line of said subsection the words: "Asheville-Biltmore College" and "Wilmington College."

Sec. 8. G. S. 116-189 Subsection (1) is amended by striking out, in the fourth line of said subsection (1), the words "Asheville-Biltmore College", and by striking out, in the sixth and seventh lines of said subsection (1), the words "Wilmington College."

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. G.S. 116-39.1(b) and G.S. 116-39.2(b) set forth in Section 2 and Section 3 of this Act, shall take effect upon the ratification of this Act. The remainder of this Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 24th day of April, 1969.

H. B. 472

CHAPTER 298

AN ACT TO PROVIDE FOR A NEW REGISTRATION OF VOTERS IN ASHE COUNTY IN LIEU OF AND PRIOR TO SETTING UP A LOOSE-LEAF SYSTEM OTHERWISE.

The General Assembly of North Carolina do enact:

Section 1. That, in lieu of setting up a loose-leaf system for the registration books in the various precincts of Ashe County as now permitted by statute, a new registration of voters shall be held in said county prior to January 1, 1970, and the new voter list placed on loose-leaf registration books as hereinafter provided.

Sec. 2. The County Board of Elections of Ashe County is hereby authorized and empowered to fix the dates for the beginning and the close of the period for said new registration provided, however, that said period be set to end prior to January 1, 1970.

Sec. 3. That the cost of conducting such new registration and providing the necessary books and materials with which to conduct it shall be paid by the Board of County Commissioners of Ashe County, including loose-leaf registration books for each township.

Sec. 4. That this new registration shall continue for all qualified voters now on the registration books as well as for new voters during the periods for registration now set up by law prior to the primary election and the general election of 1970.

Sec. 5. That the County Board of Elections of Ashe County is hereby empowered to designate a special registrar or registrars for each of the townships of said county prior to the beginning of the new registration, and said board shall give due and proper notice of the said new registration by publication in the local newspaper, announcement over the local radio station, and by posting a notice at the courthouse door of Ashe County and at each of the voting or polling places in said county.

Sec. 6. That the Board of Elections of Ashe County shall have the authority, by giving due and proper notice thereof, to designate the days and hours on such days that the township registrars shall be available for the new registration of voters as herein provided and shall further have the authority to designate days and hours on such days when voters, instead of going to the township voting places, may register with the County Board of Elections if they choose to do so.
CHAPTER 298  SESSION LAWS—1969

Sec. 7. The Board of Elections of Ashe County is further authorized, in its discretion, to provide for the registration of disabled voters now on the registration books who are suffering from continuing chronic disability preventing their attendance at the polling place.

Sec. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed or suspended during the period of new registration of voters herein provided for and directed.

Sec. 9. This Act shall be in full force and effect as to its various provisions from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1969.

H. B. 611  CHAPTER 299

AN ACT AMENDING ARTICLE 21 OF CHAPTER 130 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MEDICAL EXAMINERS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 130-202.2 be amended by changing the period at the end thereof to a semi-colon, and adding a proviso to read as follows:

"Provided, however, if a county has abolished the office of coroner pursuant to the provisions of G. S. Chapter 152A at a time when G. S. Chapter 152A was in effect in such county: (1) the provisions of this Article relating to coroner shall not be applicable to such county, (2) the provisions of G. S. 152A-9 shall remain in full force and effect in such county, and (3) Chapter 152 of the General Statutes shall not be applicable in such county."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1969.

H. B. 636  CHAPTER 300

AN ACT TO AMEND CHAPTER 14, SECTION 197 OF THE GENERAL STATUTES OF NORTH CAROLINA BY REMOVING DARE COUNTY AS AN EXEMPTED COUNTY FROM THE PROVISIONS OF THIS ACT RELATING TO THE USE OF INDECENT LANGUAGE.

The General Assembly of North Carolina do enact:

Section 1. Section 14-197 of the General Statutes of North Carolina is hereby amended to delete Dare County from those counties which are exempted from the provisions of this Section relating to the use of indecent language.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1969.
H. B. 637  
CHAPTER 301
AN ACT TO AMEND CHAPTER 14, SECTION 269.1 OF THE GENERAL STATUTES OF NORTH CAROLINA BY REMOVING DARE COUNTY AS AN EXEMPTED COUNTY FROM THE PROVISIONS OF THIS ACT RELATING TO THE CONFISCATION OF FIREARMS.

The General Assembly of North Carolina do enact:

Section 1. Section 14-269.1 of the General Statutes of North Carolina is hereby amended to delete Dare County from those counties which are exempted from the provisions of this Section relating to the confiscation of firearms.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1969.

H. B. 98  
CHAPTER 302
AN ACT AMENDING CHAPTER 1063 OF THE SESSION LAWS OF 1967, SO AS TO PROVIDE THAT GENERAL STATUTE 163-117 SHALL NOT APPLY TO THE SEATS IN THE HOUSE OF REPRESENTATIVES FOR THE THIRTIETH DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1063 of the Session Laws of 1967 is amended by adding immediately after the numbers and punctuation "27," and immediately before the numbers and punctuation "31," the numbers and punctuation "30," so that the provisions of General Statute 163-117, as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, shall not apply to the Seats in the House of Representatives for the Thirtieth District.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1969.

H. B. 469  
CHAPTER 303
AN ACT FIXING THE SALARY OF THE BOARD OF COMMISSIONERS OF NEWPORT.

The General Assembly of North Carolina do enact:

Section 1. The members of the Town of Newport Board of Commissioners shall be paid the sum of fifteen dollars ($15.00) per month.

"Sec. 1A. Nothing in this Act shall limit the authority of the Board of Commissioners to fix their own compensation and allowances in accordance with G. S. 160-9.1, added by Chapter 181, Session Laws of 1969."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 25th day of April, 1969.
CHAPTER 304  SESSION LAWS—1969

H. B. 470  CHAPTER 304
AN ACT CHANGING THE COMPENSATION OF THE SHERIFF, REGISTER OF DEEDS AND COUNTY COMMISSIONERS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 498 of the Session Laws of 1967 is hereby amended by striking out the eighth line the words and figures "six thousand five hundred dollars ($6,500.00)" and inserting in lieu thereof the words and figures "seven thousand four hundred dollars ($7,400.00)".

Sec. 2. Section 4 of Chapter 498 of the Session Laws of 1967 is hereby further amended by deleting from the ninth and tenth lines the words and figures "two thousand three hundred dollars ($2,300.00)" and inserting in lieu thereof the words and figures "two thousand four hundred dollars ($2,400.00)".

Sec. 3. Section 5 of Chapter 498 of the Session Laws of 1967 is hereby amended by striking from the fourth and fifth lines the words and figures "eight thousand two hundred and fifty dollars ($8,250.00)" and inserting in lieu thereof the words and figures "nine thousand one hundred and fifty dollars ($9,150.00)".

Sec. 4. Section 7 of Chapter 498 of the Session Laws of 1967 is hereby amended by striking from lines five and six the words and figures "one thousand dollars ($1,000.00)" and 'one thousand nine hundred dollars ($1,900.00)" and inserting in lieu thereof the words and figures "one thousand two hundred dollars ($1,200.00)" and 'two thousand one hundred dollars ($2,100.00)".

"Sec. 5. Nothing in this Act shall limit the authority of the Board of Commissioners of Vance County to fix their own compensation in accordance with G. S. 153-13 as amended by Chapter 180, Session Laws of 1969, on and after July 1, 1969."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1969.

H. B. 523  CHAPTER 305
AN ACT TO AMEND CHAPTER 105 OF THE GENERAL STATUTES TO PROVIDE LIMITATIONS UPON THE USE TO BE MADE OF LISTS OF EMPLOYEES FURNISHED TAX COLLECTORS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (f) of Section 385, Article 27, Subchapter II of Chapter 105 of the General Statutes is hereby amended by substituting in place of the period at the end thereof a comma immediately following the word "misdemeanor" and by adding thereafter the wording as follows:

"and any tax collector or tax supervisor who receives, upon such written demand, any list of employees of any person, firm or corporation shall not release or furnish such list or any copy thereof, or disclose any name or information thereon, to any other person, firm or corporation, and shall not use such list in any manner or for any purpose not directly related to and in furtherance of the collection and foreclosure of taxes. Any tax collector or tax supervisor who shall violate or allow the violation of the provisions of this subsection shall be guilty of a misdemeanor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 25th day of April, 1969.

H. B. 638

CHAPTER 306

AN ACT PROHIBITING THE USE OF RIFLES IN THE MAINLAND AREA OF DARE COUNTY FROM THE NORTHERN BOUNDARY LINE OF THE TOWN OF KILL DEVIL HILLS TO THE NORTHERN BOUNDARY LINE OF THE COUNTY OF DARE.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, other than while upon his own property, to discharge a rifle.

Sec. 2. This Act shall not apply to any law enforcement officer in the pursuit of his duties.

Sec. 3. This Act shall apply only in that area of Dare County which lies North of the North line of the municipality of the Town of Kill Devil Hills, North Carolina, and South of the dividing line between Dare County and Currituck County, and bounded on the East by the Atlantic Ocean, and on the West by Kitty Hawk Bay and Currituck Sound.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1969.

S. B. 431

CHAPTER 307

AN ACT AUTHORIZING CABARRUS COUNTY BOARD OF EDUCATION TO EXCHANGE REAL PROPERTY.

WHEREAS, the Kannapolis City Board of Education and Cabarrus County Board of Education and Cannon Mills Company have entered into a Plan for Exchange and Acquisition of Real Property for Public School Purposes, which Plan was filed in the office of the Clerk of Superior Court of Cabarrus County on August 14, 1968, and filed in the office of the Superintendent of Schools for the Kannapolis City Administrative Unit, in the office of the Superintendent of Schools for the Cabarrus County Board of Education on August 15, 1968, and published in The Daily Independent, a newspaper for general circulation in Cabarrus County on August 16 and 19, 1968; and

WHEREAS, by the terms of the said Plan, it was agreed:

I. That Kannapolis City Board of Education and Cabarrus County Board of Education shall deed and convey in fee simple to Cannon Mills Company a tract of land containing approximately 3.138 acres on the West side of South Main Street, on the North side of Cabarrus Drive, on the East side of West Avenue, and on the South side of West "C" Street in Kannapolis, being known as the McLiver School property; and also another tract of land containing approximately 2 acres at the Northeast intersection of Third and Narrow Streets in Kannapolis, and known as a part of the Carver School property, which said two tracts of land, more fully described in the Plan, are now undesirable for school purposes;
II. Cannon Mills Company shall deed and convey in fee simple to the Cabarrus County Board of Education a tract of land containing approximately 1.95 acres, on the East side of South Ridge Avenue and the South side of Center Grove Road and adjoining the Aycock School property, which said tract of land, more fully described in the Plan, is needed for the operation of the Aycock School;

III. Cannon Mills Company shall pay to the public school authorities the sum of two hundred seven thousand dollars ($207,000.00), which represents the difference in the market value of the property referred to above in Paragraphs I and II:

Now, therefore,

_The General Assembly of North Carolina do enact:_

**Section 1.** That the Kannapolis City Board of Education and the Cabarrus County Board of Education be, and they are hereby, authorized to consummate the said Plan for Exchange and Acquisition of Real Property for Public School Purposes and to execute, make and deliver any and all deeds and instruments necessary to make the conveyance.

Sec. 2. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1969.

**H. B. 262**

**CHAPTER 308**

_**AN ACT TO AMEND THE CHARTER OF THE TOWN OF FAIRMONT SO AS TO FIX THE SALARY OF THE MAYOR AND THE TOWN COMMISSIONERS.**_

_The General Assembly of North Carolina do enact:_

**Section 1.** Chapter 282, Session Laws of 1943, is hereby amended by deleting from Section 1 thereof the words and figures "three hundred dollars ($300.00) per annum", and inserting in lieu thereof the words and figures "one hundred dollars ($100.00) per month"; and further amend said section by deleting the words and figures "one hundred dollars ($100.00)" and inserting in lieu thereof the words and figures "four hundred dollars ($400.00)".

**Sec. 2 1/2.** Nothing in this Act shall limit the authority of the Board of Commissioners to take action under G. S. 160-9.1, added by Chapter 181, Session Laws of 1969.

**Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 3.** This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

**H. B. 343**

**CHAPTER 309**

_**AN ACT TO DIRECT THE BOARD OF COUNTY COMMISSIONERS OF RUTHERFORD COUNTY TO INVEST THE CARE, CUSTODY AND CONTROL OF THE COUNTY JAIL IN THE SHERIFF OF THE COUNTY.**_

_The General Assembly of North Carolina do enact:_

**Section 1.** Notwithstanding the provisions of any general, local or special act authorizing the Board of County Commissioners of Rutherford County to operate the County Jail and to appoint the jailer thereof, the Board of County Commissioners is hereby directed, effective July 1, 1969, to place the exclusive care, custody and control of the County Jail in the Sheriff of the County, and authorize the Sheriff to appoint the jailer or keeper thereof.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 344
CHAPTER 310
AN ACT TO DIRECT THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY TO INVEST THE CARE, CUSTODY AND CONTROL OF THE COUNTY JAIL IN THE SHERIFF OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of any general, local or special act authorizing the Board of County Commissioners of Polk County to operate the County Jail and to appoint the jailer thereof, the Board of County Commissioners is hereby directed, effective July 1, 1969, to place the exclusive care, custody and control of the County Jail in the Sheriff of the County, and authorize the Sheriff to appoint the jailer or keeper thereof.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 377
CHAPTER 311
AN ACT TO AMEND CHAPTER 952 OF THE SESSION LAWS OF 1959 RELATING TO WATER CONNECTIONS IN THE TOWN OF HAVELOCK.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 952 of the Session Laws of 1959 is hereby amended by adding at the end thereof the new sentence to read as follows: "In addition to authority granted by G. S. 160-240, the Board of Commissioners of the Town of Havelock may require owners of improved property which may be located upon or near any water line of the Town to connect with the Town water system, and may establish and collect reasonable charges for such connections."
Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 3. This Act shall be effective upon its ratification.
In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 479
CHAPTER 312
AN ACT TO AMEND CHAPTERS 62 AND 664 OF THE 1965 SESSION LAWS RELATING TO THE COMPENSATION OF THE CHAIRMAN AND OTHER MEMBERS OF THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 62 of the Session Laws of 1965 is hereby amended by striking out the words and figures "fifty dollars ($50.00)" in line five of Section 1 and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)", it being the intent and purpose of this amendment to permit the Board of County Commissioners
of Pasquotank County to increase from fifty dollars ($50.00) to one hundred dollars ($100.00) per month the regular travel and expense allowance of the Chairman of the Board of County Commissioners in connection with official duties performed in Pasquotank County.

Sec. 2. Chapter 664 of the Session Laws of 1965 is hereby amended by rewriting Section 3 to read as follows:

"Sec. 3. G. S. 153-13 is hereby amended by adding the following at the end thereof:

'Provided, however, each Commissioner of Pasquotank County shall be paid twenty five dollars ($25.00) per day as compensation for each day of performance of official duties in Pasquotank County, and the Board of County Commissioners of Pasquotank County may authorize a payment to each Commissioner of a travel and expense allowance not exceeding fifty dollars ($50.00) per month for travel and other expenses incurred in performing official duties in Pasquotank County. The Board of County Commissioners of Pasquotank County is also authorized, in its discretion, to provide, in addition to the foregoing, for reimbursement of such expenses as may be incurred by Commissioners in performing official duties outside Pasquotank County."

"Sec. 2 1/2. Nothing in this Act shall limit the authority of the Board of Commissioners of Pasquotank County to fix their own compensation in accordance with G. S. 153-13 as amended by Chapter 180, Session Laws of 1969."

Sec. 3. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 482

CHAPTER 313

AN ACT TO AMEND CHAPTER 121, PRIVATE LAWS OF 1931, RELATING TO INITIATIVE, REFERENDUM AND RECALL IN THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 121, Private Laws of 1931, is hereby amended by rewriting the first sentence of Section 83 thereof to read as follows: "Any proposed ordinance may be submitted to the City Council by a petition signed by fifteen percent (15%) of the number of registered voters of the City of Asheville.

Sec. 2. Chapter 121, Private Laws of 1931, is hereby amended by deleting from Section 83, Subsection (b) in line two thereof the words "forty-five", and inserting in lieu thereof the word, "ninety".

Sec. 3. Chapter 121, Private Laws of 1931, is hereby amended by adding at the end of Section 83 thereof the following sentence: "Any question submitted by petition as provided under this Section cannot be resubmitted by petition within a three-year period from the date of the election at which said question was first voted on."

Sec. 4. Chapter 121, Private Laws of 1931, is hereby amended by deleting from Section 85 thereof, immediately after the word "follows" in line 5, the remaining part of the second sentence and inserting in lieu thereof the following: "a petition, signed by 15% of the number of registered voters of the City of Asheville, demanding
an election of a successor of the person sought to be removed, shall be filed with the chairman of the City Board of Elections, and the petition shall contain a general statement of the grounds for which the removal is sought."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 486

CHAPTER 314

AN ACT TO AMEND ARTICLE 5, CHAPTER 87, SECTION 64 OF THE GENERAL STATUTES RELATING TO EXAMINATION, RENEWAL AND REINSTATEMENT FEES FOR PERSONS AND FIRMS ENGAGED IN REFRIGERATION CONTRACTING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-64 is hereby amended by deleting from the third and fourth lines thereof the words "twenty-five dollars ($25.00)" and inserting in lieu thereof the words "thirty dollars ($30.00)".

Sec. 2. G. S. 87-64 is hereby amended by deleting from the thirteenth line thereof the words "twenty-five dollars ($25.00)" and inserting in lieu thereof the words "thirty dollars ($30.00)".

Sec. 3. G. S. 87-64 is hereby amended by deleting from the eighteenth line the words "thirty dollars ($30.00)" and inserting in lieu thereof the words "thirty-five dollars ($35.00)".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 489

CHAPTER 315

AN ACT TO AMEND ARTICLE 24 OF CHAPTER 153 OF THE GENERAL STATUTES TO PERMIT THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY TO EXERCISE THE POWER OF EMINENT DOMAIN WITH RESPECT TO WATER AND SEWER SYSTEMS IN THE SAME MANNER AS PERMITTED IN ARTICLE 9 OF CHAPTER 136 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-284 as the same appears in the 1964 Replacement Volume 3C of the General Statutes of North Carolina is amended by inserting in subdivision (1) after the words "Chapter 40," appearing in line 7 and before the words "and improved" appearing in line 8 the following: "or as provided in (3) hereinafter.", and by adding after subdivision (2) a new subdivision (3) to read as follows:

"(3) Use in the exercise of its authority of eminent domain under this Article the procedure and authority described in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now appears or as hereafter amended, provided that whenever the words 'State Highway Commission,' 'Highway Commission' or 'Commission' appear therein they shall be deemed to mean the Board of Commissioners
of Mecklenburg County, and provided further that whenever therein the words 'Director,' 'Director of Highways' or 'Director of Highway Commission' appear they shall be deemed to mean County Manager of Mecklenburg County; provided further that nothing herein shall be construed to enlarge the power of the Board of Commissioners of Mecklenburg County to condemn property already devoted to public use."

Sec. 2. The provisions of this Act shall apply only to Mecklenburg County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 4. This Act shall be in full force and effect from and after the date of its ratification, but that this Act shall not apply to any condemnation procedures in which a complaint or petition has been filed before said date of ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 558

CHAPTER 316

AN ACT TO AUTHORIZE THE TOWN OF HIGHLANDS IN MACON COUNTY TO MAKE APPROPRIATIONS FROM NONTAX FUNDS FOR CERTAIN PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Highlands in Macon County is hereby authorized and empowered to appropriate annually from nontax funds a sum not exceeding two thousand dollars ($2,000.00) annually for the purpose of advertising the Town, promoting the tourist industry and other industries, and to pay portions of said authorized appropriation to the Highlands Chamber of Commerce, the Highlands Public Library, the Highlands Community Hospital, the Highlands Cemetery, for the purpose of achieving or carrying out any governmental public purpose which a municipality may be authorized to accomplish. Any ordinance or resolution appropriating funds of the Town of Highlands to the organizations named herein shall state the purpose or purposes for which the funds are to be spent, and they may be expended for no other purpose. The governing body of the Town of Highlands shall require each organization receiving municipal funds pursuant to authority conferred by this Act to account periodically for the expenditure of said funds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified this the 28th day of April, 1969.
AN ACT AUTHORIZING ELIZABETH CITY IN PASQUOTANK COUNTY TO ZONE AROUND THE PERIMETER OF THE COAST GUARD AIR BASE AT ELIZABETH CITY TO AFFORD SAFE FLYING OPERATIONS.

WHEREAS, Elizabeth City has agreement with the United States of America for the joint civil-military use of the Coast Guard Air Base, Elizabeth City, North Carolina; and

WHEREAS, Elizabeth City operates civil terminal area and facilities for aircraft serving Elizabeth City; and

WHEREAS, there is a need for local zoning to protect the airport from hazards which endanger the lives and property of users of the airport and of occupants of land in its vicinity;

Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Elizabeth City is hereby granted all the power and authority contained in Chapter 63 of the General Statutes of North Carolina for the purposes therein authorized. Airport zoning regulations promulgated by Elizabeth City shall be adopted, administered and enforced as provided in Chapter 63, and shall be applicable to so much of the area surrounding the Coast Guard Air Base as the governing body of Elizabeth City deems necessary to afford safe flying operations at the air facility.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 495

CHAPTER 318

AN ACT TO ESTABLISH THE SALARIES AND REMUNERATION OF THE SHERIFF, REGISTER OF DEEDS AND THE COUNTY COMMISSIONERS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salaries of the Sheriff, Register of Deeds and members of the Board of County Commissioners of Alamance County shall be as follows, effective from and after July 1, 1969:

Sheriff ................................................................. $11,500.00
Register of Deeds .................................................. 10,000.00

Members of the Board of County Commissioners, except the Chairman and Vice Chairman, each ........................................ 1,500.00

Chairman of the Board of County Commissioners ...................................... 3,000.00
Vice Chairman of the Board of County Commissioners ................................ 1,800.00

Sec. 2. Payments of the above annual salaries shall be made in twelve (12) equal monthly installments.

Sec. 3. Nothing herein contained shall be construed to abridge or otherwise affect the power of the Board of Commissioners of Alamance County to make allowances to said officers for expenses or for the performance of ex officio functions.

Sec. 4. G. S. 153-13 is hereby amended by adding at the end thereof the following:
"Provided that each member of the Board of County Commissioners of Alamance County, except the Chairman, shall receive for his services and expenses in attending the regular, recessed and special meetings of the Board of Commissioners, in attending meetings of any committee on official business for the Board of Commissioners and any conference or institute on account of his capacity as a County Commissioner, twenty dollars ($20.00) per meeting, and each member of said Board of County Commissioners, except the Chairman, shall be allowed mileage to and from the place of meeting of said Board, committees, conferences, or institutes, at the rate of ten cents (10c) per mile. The Chairman of the Board of Commissioners shall receive an annual allowance of one thousand two hundred dollars ($1,200.00) for attending meetings and mileage, payable monthly, and shall not receive any other compensation for attending meetings or mileage."

Sec. 4A. Nothing herein shall be deemed to limit the authority of the Board of Commissioners of Alamance County to fix their own compensation and allowances in accordance with G.S. 153-3 as amended by Chapter 180, Session Laws of 1969, from and after July 1, 1969.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 514

CHAPTER 319

AN ACT TO AMEND THE INSURANCE LAWS OF NORTH CAROLINA SO AS TO PROVIDE FOR THE ASSIGNMENT OF RIGHTS AND INTERESTS IN GROUP INSURANCE AND ANNUITY CONTRACTS.

The General Assembly of North Carolina do enact:

Section 1. Article 22 of Chapter 58 of the General Statutes of North Carolina is hereby amended by inserting immediately after the present Section 58-211.2 and immediately before Section 58-212 a new Section to be designated as Section 58-211.3 and reading as follows:

"G. S. 58-211.3. Assignment of interest in group policies and annuity contracts. Any individual insured under a group insurance policy or group annuity contract shall have the right, unless expressly prohibited under the terms of the policy or contract of insurance, to assign to any other person his rights and benefits under the policy or contract, including, but not limited to the right to designate the beneficiary or beneficiaries and the right of conversion guaranteed by G. S. 58-211, and, subject to the provisions of the policy relating to assignments thereunder, any such assignment, made either before or after the effective date of this Section, shall be valid for the purpose of vesting in the assignee all such rights and benefits so assigned."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.
H. B. 542  CHAPTER 320
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF NASHVILLE, NORTH CAROLINA.
The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Nashville is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF NASHVILLE"

"ARTICLE 1 INCORPORATION AND CORPORATE POWERS

"Sec. 1. The Town of Nashville shall continue to be a body politic and corporate under the name of the Town of Nashville, and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have and use a corporate seal and alter the same at pleasure; may sue and be sued; may acquire property, real or personal, within or without its boundaries for any municipal purpose, by purchase, gift, devise, lease, or condemnation, and may sell, lease, hold, manage, and control such property as its interests may require, and, except as prohibited by the Constitution of North Carolina or restricted by this Charter, the Town of Nashville shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every kind and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Nashville by this Section:

(a) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(b) To furnish all local public services; to purchase, hire, construct, own, maintain, and operate or lease local public utilities, to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(c) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(d) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the Town, or of the revenues thereof, or of both, including the case of a public utility, if deemed desirable by the Town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(e) To organize and administer public libraries.

(f) To adopt and enforce within its limits local police, sanitary, and other similar regulations not in conflict with general law.

Except as otherwise provided in this Act, the Board of Commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein or
implied thereby, or appropriate to the exercise of such powers, it is intended that
the Town of Nashville shall have, and may exercise, all powers which, under the
Constitution of North Carolina, it would be competent for this Charter specifically
to enumerate, or which may be or have been granted to municipalities by act of
the Legislature. All powers of the Town, whether expressed or implied, shall be
exercised in the manner prescribed by this Charter, or, if not prescribed therein,
then in the manner provided by ordinance or resolution of the Board of Commission-
ers.

"ARTICLE II. CORPORATE BOUNDARIES

"Sec. 3. The boundaries of the Town shall be those existing at the time of the
effective date of this Charter with such alterations as made from time to time there-
after be made in the manner prescribed by law.

"Sec. 4. The General Statutes of North Carolina, as now existing and from time
to time amended, shall govern the means by which the boundaries of the Town
are extended or territory is annexed to the Town.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

"Sec. 5. Except as otherwise provided in this Charter, all powers of the Town
shall be vested in a Board of Commissioners consisting of four members and a Mayor
nominated and elected from the Town at large in the manner hereinafter provided:

"(a) The term of office of the Mayor and the Board of Commissioners shall be
for two years and until their successors are elected and qualified, and shall begin
on the 1st Tuesday after the 1st Monday in June next following their election. If
a vacancy occurs in the office of Mayor or Commissioner, it shall be filled for the
remainder of the unexpired term by a majority vote of the remaining members
of the Board of Commissioners.

"(b) No person shall be eligible to file for, or be elected to the office of Mayor
or Commissioner, or to serve as such, unless he is a qualified voter and resident
of the Town. If any elected Mayor or Commissioner shall cease to reside within
the Town or shall be convicted of a felony, he shall thereafter be disqualified from
serving as Mayor or Commissioner.

"(c) The Board of Commissioners shall have the power, on the vote of three-
fourths of its members, to remove the Mayor or any one of its members for misfe-
sance, malfeasance, or non-feasance of office, or for conviction of a misdemeanor
involving moral turpitude, after a hearing of the matter before the Board of Commiss-
ioners, at which time the subject of such hearing may be present and represented
by counsel. Notice of such hearing shall be served on the subjects thereof at least
two weeks in advance of the hearing in person, if possible, and if not, by publication.

"(d) The Mayor and each member of the Board of Commissioners shall receive
a salary, the amount of which shall be prescribed by ordinance. Such salary may
be increased or reduced, but no such change shall be made to take effect as to
the Mayor or any Commissioner during the respective term of office which he is
serving at the time the change is voted.

"(e) If a Commissioner is disabled and unable to discharge the duties of his office,
the Commissioners may choose some qualified person as his successor during his
disability. Persons so elected shall have all authority and powers given by and sub-
ject to all limitations provided under this Charter, or by law, to regularly elected
Commissioners.
"Sec. 6. Organization, powers, and procedures of the Board of Commissioners: (a) The organizational meeting of each incoming Board of Commissioners and the Mayor shall be held on the 1st Tuesday after the 1st Monday in June following each annual election, at 8:00 p.m. in the Municipal Building. Before entering upon the duties of their respective offices, the Mayor-elect and the Commissioners-elect shall severally take oath before a Judge of the Superior Court, Court of Appeals, Supreme Court, District Court Judge, Magistrate, or the Clerk of the Superior Court of Nash County to perform faithfully the duties of their respective offices. In the event the Mayor-elect or any Commissioner-elect cannot be present at the organizational meeting, he may take the oath of office at any time thereafter.

(b) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. The Board may change the time of such regular meetings, and may provide for other meetings, as may be deemed necessary. Special meetings of the Board of Commissioners may be called by the Mayor when deemed necessary, and shall be called by the Town Clerk upon the written request of two or more Commissioners. All Commissioners shall be notified in writing, or otherwise, of all special meetings; and any such notice shall state the subjects to be considered at the special meeting; and no other subjects shall be there considered unless consented to by all of the Board of Commissioners and Mayor. Minutes shall be kept of the proceedings of all regular and special meetings. Any business may be transacted at a special meeting that might be transacted at a regular meeting, provided the notice states the subjects to be considered at the special meeting or unless consented to as set out above. All meetings of the Board of Commissioners shall be open to the public; and the rules of the Board of Commissioners shall provide that the citizens of the Town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

(c) Except as otherwise specifically provided by this Charter, the Board of Commissioners shall have the authority to adopt rules of procedure and generally regulate the manner and method of the exercise of its power. All meetings shall be held within the Town of Nashville except in the case of an emergency. In the event the Board deems it desirable to hold a joint meeting with the governing body of another municipality or political subdivision of the State of North Carolina, it may, as its election, meet with the other governing body at a designated place within Nash County or within the area subject to the jurisdiction of the other governing body.

(d) In addition to the other powers hereby conferred upon it, the Board of Commissioners may adopt and provide for the execution of such ordinances, rules and regulations not inconsistent with the law, as may be necessary or appropriate for the preservation and promotion of the health, safety, comfort, culture, economy, convenience, good order, morals, better government, and general welfare of the Town and its inhabitants.

"Sec. 7. Meetings, Quorums, Votes, Attendance of Commissioners: (a) A majority of the members elected to the Board of Commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members by ordering them to be taken into custody.

(b) The affirmative vote of a majority of the members elected to the Board of Commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members,
may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or when his financial interests are involved.

"Sec. 8. Ordinances and Resolutions: (a) Ordinances and resolutions shall be introduced in the Board of Commissioners only in written or printed form. The adoption, amendment, or repeal of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter.

"(b) The "yeas" and "nays" shall be taken upon all ordinances and resolutions and entered upon the Minutes of the Board. The enacting clause of all ordinances shall be: "Be it ordained by the Board of Commissioners of the Town of Nashville." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, and except as otherwise described in this Charter.

"(c) Upon its final passage, such ordinances or resolution shall be authenticated by the Mayor and the Town Clerk, and shall be recorded in a book kept for that purpose.

"Sec. 9. The Board of Commissioners shall be the judge of the election and qualifications of its members and the Mayor, and in such cases shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Board in any such case shall be subject to review by the Courts.

"Sec. 10. Mayor and Mayor Pro Tem: (a) The Mayor shall preside at all meetings of the Board of Commissioners and shall have a casting vote in case of an equal division. He shall be recognized as the official head of the Town for all ceremonial purposes, and by the Courts for the purpose of serving civil process. He shall have power to administer oaths. He shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter, and the ordinances of the Town. In time of public danger or emergency, the Mayor shall, if so authorized and directed by vote of the Board, take command of the police, maintain order, and enforce the law. In pursuance of resolution by the Town Board, he shall, in the name of the Town, execute in its behalf all deeds and contracts.

"(b) At its first meeting in the month of June following a regular municipal election, the Board of Commissioners shall choose one of its members as Vice-Chairman, who shall act as Mayor Pro Tem. In case of the absence or disability of the Mayor, the duties of his office shall devolve upon the Mayor Pro Tem; and such Mayor Pro Tem shall, for the time, be clothed with every power conferred by law upon the Mayor.

"ARTICLE IV. MUNICIPAL ELECTIONS

"Sec. 11. The regular election for the choice of Mayor and members of the Board of Commissioners shall be held on Tuesday following the 1st Monday in May in odd numbered years. The Board of Commissioners may, by resolution, order a special election, fix the time for holding the same, and provide all means for holding such special election.

"Sec. 12. All elections shall be conducted in accordance with the general State laws relating to municipal elections (including, but not limited to Article 3 of Chapter 160 of the General Statutes, Sections 29-51.1), except as otherwise provided here-in.
Sec. 13. The Board of Commissioners is authorized to enter into an agreement with the Board of Elections and Board of Commissioners of Nash County for the purpose of using the registration books and records of Nash County in regular or special elections of the Town, in accordance with Section 71 of Chapter 163 of the General Statutes of North Carolina. In the event such an agreement is entered into, the registration of voters in the Town shall be governed by the law applicable to the registration of voters in Nash County; and a Nash County election official shall be appointed by the Nash County Board of Elections to serve as Registrar for the Town elections.

Sec. 14. Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner shall file with the Town Clerk a written statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty days nor later than ten days prior to the election at which he offers his candidacy; and shall be accompanied by payment of a filing fee of five dollars ($5.00). The Town Clerk shall take and preserve the form filed by each candidate. No filing form shall be accepted unless signed by the candidate. Any candidate may withdraw his nomination not later than the last day for filing by filing a notice of withdrawal with the Town Clerk.

Sec. 15. All members of the Board of Commissioners and the Mayor shall be elected at large. Every voter shall be entitled to vote for one candidate for Mayor and for as many candidates as there are members to be elected for the Board of Commissioners. All candidates up to the number to be elected who receive the largest number of votes shall be declared elected.

Sec. 16. The preparation of the ballots and the procedures for voting shall be governed by Article 13 of Chapter 163 of the General Statutes of North Carolina.

ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES; TOWN ATTORNEY

Sec. 17. The Board of Commissioners may appoint a Town Clerk, a treasurer, a tax collector, a town attorney, a town accountant, a chief of police, a chief of the Fire Department, and such other officers and employees as may be necessary, none of whom need be a resident of the Town at the time of appointment or while serving in such capacity. Provided, that the Board of Commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the Board, and shall perform such duties as may be prescribed by the Board who shall fix all compensation, prescribe bonds and require such oaths as they may deem necessary.

Sec. 18. The Board of Commissioners shall choose a Town Clerk, who shall keep the records and Minutes of the Town Board, preserve all books, records, documents, and other articles committed to his use or custody during his term of office and surrender the same to his successor in office. He shall be the custodian of the corporate seal of said Town. He shall attest the execution of all deeds or other contracts executed by the Mayor on behalf of the Town, and affix its corporate seal to all deeds and such contracts and obligations as it shall be deemed necessary to so attest, and shall perform such other duties as may be prescribed by the Charter, by the Board, or by law.
"Sec. 19. The Treasurer shall have custody of and shall disburse all moneys belonging to the Town Government, subject to the provisions of this Charter and ordinances enacted thereunder. He shall have custody of all investments and invested funds of the Town, or in possession of the Town in a fiduciary capacity, and shall keep a record of such investments. All notes, bonds, or other evidences of indebtedness of the Town shall bear his signature, which when authorized by him in writing, may also be facsimile signatures. He may perform such other duties as may be prescribed by this Charter, by the Board, or by law.

"Sec. 20. The Tax Collector shall collect all taxes, licenses, fees, and other moneys belonging to the Town Government, subject to the provisions of this Charter and ordinances enacted thereunder. He shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the Town depository all moneys belonging to the Town. He shall perform such other duties as may be prescribed by this Charter, by the Board of Commissioners, or by law.

"Sec. 21. Town Attorney: (a) The Board of Commissioners shall appoint an attorney or firm of attorneys who shall be duly licensed to practice law in the State of North Carolina.

"(b) He shall serve as legal counsel to the Town and all departments and offices thereof in matters relating to their official duties and powers. He shall represent the Town in all litigation and controversies, and before all governmental boards and commissions as directed by the Board of Commissioners. He shall perform such other duties of a legal nature pertaining to the Town as may be directed by the Board of Commissioners, or as may be imposed by law upon the chief legal officers of municipalities.

"(c) The Board of Commissioners may employ such other attorneys to perform such services as it shall from time to time deem advisable.

"Sec. 22. The Town Accountant, if any, shall perform the duties of the accountant as required by the Municipal Fiscal Control Act as set forth in Article 33, Chapter 160, of the General Statutes of North Carolina, or otherwise provided by law.

"Sec. 23. Police Department: (a) The Chief of Police shall have supervision and control of the police force of the Town.

"(b) The Chief of Police and each member of the police force shall have, for the purpose of enforcing State laws, Town ordinances and regulations, or preserving the peace of the Town, and of suppressing disturbances and apprehending offenders, the powers of peace officers vested in sheriffs and constables. Such power may be exercised within the corporate limits of the Town and two miles beyond, and upon Town-owned real property wherever located.

"(c) The Chief of Police and other police officers of the Town shall have power, and it shall be their duty, to suppress all breaches of the public peace, and all disturbances of the quiet and good order of the Town; and they may, with or without warrant, arrest anywhere within the corporate limits of the Town, or within two miles thereof, any person charged with a violation of any ordinance of the Town, or with any other offense whatsoever against the public peace, and the quiet and good order of the community.
(d) The Chief of Police and each member of the police force shall have the power
to execute within the corporate limits of the Town and two miles beyond any writ,
precept, or process, either civil or criminal, which shall be directed to them.

e In addition to the foregoing, the Chief of Police and other police officers
shall possess such other powers in making arrests, and in conserving the public
peace as are usually possessed by sheriffs and constables; they shall perform such
other duties and possess other powers, rights, and authority as are prescribed by
law; and they shall perform such other duties as may from time to time be given
them by the Mayor or the Board of Commissioners, not inconsistent with the Constitu-
tion and laws of the State of North Carolina and the provisions of this Charter.

Sec. 24. Fire Department: (a) The Chief of the Fire Department shall have super-
vision and control of the Fire Department of the Town.

(b) The Chief of the Fire Department and, in his absence, his assistants, are
empowered during the progress of a fire to arrest any person interfering either
with fire apparatus or the firemen while in the discharge of his duty.

(c) The Fire Chief, and in his absence, his assistants, may order the blowing
up, tearing down, or other destruction of any building which it is deemed necessary
to stop the progress of a fire. Neither the Fire Chief nor his assistants, the Town,
the Mayor, nor the Board of Commissioners shall be held liable, civilly or criminally,
for the giving of such orders or for damages to property ordered destroyed or persons
harmed.

(d) The Chief of the Fire Department and other firemen shall perform such
other duties as may be prescribed by law or a Town ordinance, or that may from
time to time be prescribed by the Mayor.

ARTICLE VI. CONTRACTS AND FINANCE

Sec. 25. Contracts for construction, improvements, or repair work and purchases
of apparatus, supplies, materials, and equipment shall be made only in accordance
with the General Statutes of North Carolina (including, but not limited to, Article
8 of Chapter 143 of the General Statutes, as the same may hereafter be amended).

Sec. 26. All contracts entered into by the Town, or for its benefit, prior to the
taking effect of this Charter, shall continue in full force and effect. Public improve-
ments for which legislative steps have been taken under laws, or charter provisions,
existing at the time this Charter takes effect, may be carried to completion in accord-
ance with the provisions of such existing laws and charter provisions.

Sec. 27. All moneys received by the Town for or in connection with the business
of the Town Government shall be paid promptly into the Town depository. Such
institution shall be designated by the Board of Commissioners in accordance with
such regulations and subject to such requirements as to security for deposits and
interest thereon as may be established by ordinance adopted pursuant to the laws
of the State of North Carolina (including, but not limited to, Article 33 of Chapter
160 and Section 79 of Chapter 147 of the General Statutes of North Carolina, as
may be hereafter amended). All interest on moneys belonging to the Town shall
accrue to the benefit of the Town Government. All moneys belonging to the Town
Government shall be disbursed only on vouchers signed by the Treasurer and coun-
tersigned by the Mayor or one of the Commissioners.
"Sec. 28. As soon as practicable after each fiscal year closes, an independent audit shall be made of all accounts of the Town Government by a certified public accountant or by a qualified public accountant registered pursuant to Chapter 93 of the General Statutes of North Carolina, who shall be selected by the Board of Commissioners, and who shall have no personal interests directly or indirectly in the affairs of the Town or of any of its officers.

"ARTICLE VII. CLAIMS AGAINST THE TOWN

"Sec. 29. No suit or action shall be instituted or maintained against the Town upon any claim or demand whatever of any kind or character unless the claimant shall, within ninety (90) days after the date of the accrual of the cause of action, have presented his claim or demand to the Board of Commissioners in writing, and the Board of Commissioners shall have declined to pay or honor the same as presented, or for ninety (90) days after presentation shall not have taken action with respect thereto. Further, no suit or action shall be instituted or maintained against the Town upon any such claim or demand unless suit is instituted within twelve (12) months from the date of the accrual of the cause of action, the same being thereafter forever barred. Nothing contained herein shall be construed to prevent any other statute of limitations from commencing to run at the time when a claim accrued or demand arose, or in any manner to interfere with its running.

"Sec. 30. In the absence of any contracts between the Town and property owners in relation to the lands of such property owners used or occupied by the Town for the purposes of streets, sidewalks, alleys, or other public works, it shall be conclusively presumed that said land has been granted to the Town by the owners; and the Town shall have good right and title thereto and shall have, hold, and enjoy the same. Unless the owner or owners of said lands, or those claiming under them, shall make claim or demand in writing to the Board of Commissioners within two years following the date when such land was taken, said owner shall be forever barred from recovering such land or having any compensation therefor.

"Sec. 31. Public improvements for which legislative steps have been taken or other actions or proceedings which have been begun under laws or charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

"Sec. 32. The Mayor and members of the Town Board of Aldermen holding office at the time of ratification of this Act shall continue to hold office until their successors are elected and qualified.

"Sec. 33. All ordinances and resolutions heretofore adopted by the governing body of the Town of Nashville and which have not heretofore been repealed, are hereby ratified and continued in full force and effect until altered or repealed by the Board of Commissioners of said Town."

Sec. 2. All previous charters and charter amendments for the Town of Nashville are hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.
CHAPTER 321

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF BURLINGTON AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, and G. S. 118-7 TO THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Section 1. Funds Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Burlington, as established in accordance with G. S. 118-6, hereinafter called the Board of Trustees, shall create and maintain two separate funds, one of which shall be called the Burlington Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and the other of which shall be called the Burlington Volunteer Firemen's Retirement Fund, hereinafter called the Volunteer Retirement Fund. The Board of Trustees shall maintain books of account for each such Fund separate from the books of account of each other and of the Firemen's Local Relief Fund of the City of Burlington, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund and into the Volunteer Retirement Fund the funds prescribed by this Act.

Sec. 2. Transfer of Funds and Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Burlington shall:

(a) prior to January 1, 1970, transfer to the Volunteer Retirement Fund from the Local Relief Fund the sum of twenty-five thousand dollars ($25,000.00);

(b) prior to January 1, 1970 and after transfer of the sum directed by Subsection (a) of this Section, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, then remaining in the Local Relief Fund in excess of five thousand dollars ($5,000.00);

(c) in each subsequent calendar year, and within thirty (30) days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G. S. 118-5, transfer such funds to the Supplemental Retirement Fund;

(d) at the end of any calendar year when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G. S. 118-7, be less than five thousand dollars ($5,000.00), transfer prior to July 1 of such year, from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of five thousand dollars ($5,000.00);

(e) as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Volunteer Retirement Fund into equal shares and disburse the same as volunteer firemen retirement benefits in accordance with Section 3 of this Act;

(f) as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 4 of this Act;
(g) as soon as practicable after January 1 of any year in which there is no longer living any retired volunteer fireman of the City who is entitled to receive volunteer fireman retirement benefits pursuant to Subsection (e) of this Section and Section 3, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, then remaining in the Volunteer Retirement Fund and close the books of account of the Volunteer Retirement Fund.

Sec. 3. Volunteer Fireman Retirement Benefits. Each retired volunteer fireman of the City who has previously retired shall be entitled to and shall receive an annual benefit equal to one share for each full year of service as a volunteer fireman of the City; provided, in no event shall any retired volunteer fireman be entitled to or receive in any year an annual benefit in excess of one hundred dollars ($100.00).

Sec. 4. Supplemental Retirement Benefits. (a) Each retired full-time fireman of the City who retires subsequent to January 1, 1970 with thirty (30) years service or more as a City fireman, and each retired full-time fireman of the City who retired prior to January 1, 1970 regardless of the length of his service as a City fireman, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00);

(b) Any former full-time fireman of the City who is not otherwise entitled to supplemental retirement benefits under Subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

1. that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

2. that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

3. that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

4. that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

5. that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this Subsection, need not specify such findings in subsequent calendar years.

Sec. 4. Intention. It is the intention of Section 3 of this Act to authorize the disbursement as volunteer retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Volunteer Retirement Fund. It is the intention of Section 4 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Supplemental Retirement Fund and to the Local Relief Fund. It is the intention of Section 2 of this Act to require
that the funds paid into the Supplemental Retirement Fund and the Volunteer Retirement Fund, respectively, pursuant to Subsections (a), (b), and (c) thereof shall be held in trust, and that no funds paid into the Volunteer Retirement Fund or the Supplemental Retirement Fund pursuant to Subsections (a), (b), or (c) thereof or as a gift, grant, bequest, or donation to either of such Funds shall ever be disbursed except as and when required by Subsection (d) thereof.

Sec. 5. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund or of the Volunteer Retirement Fund, in any investment named in or authorized by G. S. 159-28.1, and is hereby directed to invest all of the funds of the Local Relief Fund, the Supplemental Retirement Fund, and the Volunteer Retirement Fund, respectively, in one or more of such investments.

Sec. 6. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund or the Volunteer Retirement Fund.

Sec. 7. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the Local Relief Fund the premiums on the bond of the Treasurer.

Sec. 8. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 572

CHAPTER 322

AN ACT TO AMEND CHAPTER 1097 OF THE SESSION LAWS OF 1967 RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1097 of the Session Laws of 1967 is hereby amended by deleting the words and figures "fifty dollars ($50.00)" in line 3 and inserting in lieu thereof the words and figures "seventy-five dollars ($75.00)" and by deleting the words and figures "fifteen dollars ($15.00)" in lines 4 and 5 and inserting in lieu thereof the words and figures "twenty-five dollars ($25.00)".

Sec. 1 1/2. Nothing in this Act shall limit the authority of the Board of Commissioners to fix their own compensation and allowances in accordance with G.S. Sec. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.
AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF FAIRMONT NORTH CAROLINA, TO APPOINT A CITY MANAGER AND TO PRESCRIBE HIS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Fairmont is hereby authorized to appoint a Town Manager, and the Town Manager shall be the administrative head of the Town government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the Town when appointed. He shall hold office during the pleasure of the governing body, and shall receive such compensation as it shall fix by ordinance.

Sec. 2. The Town Manager shall
(1) be the administrative head of the town government;
(2) see that within the Town the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed;
(3) attend all meetings of the governing body, and recommend for adoption such measures as he shall deem expedient;
(4) make reports to the council from time to time upon the affairs of the Town, keep the governing body fully advised of the Town's financial condition and its future financial needs;
(5) appoint and remove all heads of departments, superintendents, and other employees of the Town.

Sec. 3. Such Town officers and employees as the governing body shall determine are necessary for the proper administration of the Town shall be appointed by the Town Manager, and any such officer or employee may be removed by him; but the Town Manager shall report every such appointment and removal to the governing body at the next meeting thereof following any such appointment or removal.

Sec. 4. The officers and employees of the Town shall perform such duties as may be required of them by the Town Manager, under general regulations of the governing body.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

AN ACT TO AMEND CHAPTER 1281 OF THE 1957 SESSION LAWS RELATING TO THE CHARTER OF THE CITY OF NEW BERNE IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The third paragraph of Section 42 of Chapter 1281 of the Session Laws of 1957, as amended by Section 2 of Chapter 693 of the Session Laws of 1965, is amended by rewriting said paragraph to read as follows:

"Said board, with the advice and counsel of the Chief of Police, shall establish and fix requirements for applicants for position in the police department and all persons who make application shall be subjected to an examination by said board
which shall be competitive and free to all persons possessing the rights of suffrage and meeting the requirements of said board, subject to reasonable limitations as to residence, age, health, and moral character, and said examinations shall be practical in their nature and shall be limited to those matters which will fairly test the relative ability of the persons examined to discharge the duties and responsibilities of the positions which they are seeking, and shall include tests of physical qualifications, and health, but no applicant shall be examined concerning his political or religious opinions or affiliations."

Sec. 2. The fourth paragraph of Section 42 of Chapter 1281 of the Session Laws of 1957 is amended by rewriting said paragraph to read as follows:

"The Civil Service Board shall advertise for applicants for positions in the police department in a newspaper of general circulation in the City of New Bern. Said advertisement shall state the basic requirements and a closing date for receiving applications. Notice of time and place of every examination shall be given to each qualified applicant by the board at least five days prior to such examination."

Sec. 3. The fifth paragraph of Section 42, Chapter 1281 of the Session Laws of 1957, as amended by Section 16 of Chapter 1111 of the Session Laws of 1961, is amended by rewriting said paragraph to read as follows:

"Said board shall prepare and keep a register of persons passing said examinations, graded according to their respective showings upon said examinations. Any applicant passing said examinations shall be eligible to be appointed a member of the police department. The Board of Aldermen shall, from time to time, select new appointees to the police department from such register, taking into consideration the grade which an applicant has made upon such examination, his physical condition, moral character and standing in the community. Such examination shall be held for applicants as often as said board shall determine to be necessary, but no less frequently than once every two (2) years, and the names of applicants appearing on the register of persons passing the examination shall constitute the register from which applicants for membership in the police department shall be selected, until the next examination shall be given. From the date of his selection by the Board of Aldermen, each new appointee to the police department shall serve in a probationary status for a period of twelve (12) months, during which said period the officer may be dismissed by the Chief of Police, with or without cause. The officer so dismissed shall have no opportunity for a hearing before the Civil Service Board, or otherwise, on the subject of his dismissal."

Sec. 4. The seventh paragraph of Section 42 of Chapter 1281 of the Session Laws of 1957, as amended by Section 3 of Chapter 693 of the Session Laws of 1965, is amended by rewriting said paragraph into eight separate paragraphs as follows:

"Promotions and demotions of members of the police department shall be within the discretion of the Chief of Police.

"The Chief of Police may suspend any member of the police department for violation of the rules and regulations of the police department for a period of time not to exceed three days at any one time, said suspension to be without pay. Such suspension by the Chief of Police shall not be subject to review by the Civil Service Board; provided, however, that in the event the officer is subjected to another suspension within ninety (90) days, said officer shall have the right to appeal such additional suspension to the Civil Service Board, and any hearing conducted by the Civil Service Board pursuant to such appeal shall be covered by the rules hereinbelow set forth."
"In the event the Chief of Police shall determine that a member of the police department should be discharged or subjected to disciplinary action not within the power of the Chief of Police under the above provisions of this section, the Chief shall reduce his charges against the said member of the police department to writing, including his recommendation relative to discharge, fine, or suspension without pay, and shall file a copy of the same with the clerk to the Civil Service Board and deliver a copy to the said member of the police department personally or by certified mail. return receipt requested. Upon delivery of said written charges and recommendations to the member of the police department, if the Chief's recommendation is that the member be discharged or be suspended, the Chief of Police shall suspend such member from duty forthwith. If the charged officer shall not file a request for hearing by the Civil Service Board with the clerk to said Board within five days after the delivery of the charges and recommendations to him, the recommendation of the Chief shall thereupon become effective. In the event said charged officer requests a hearing within said specified period of time, then and in that event, the hearing by the Board shall be conducted as soon as is reasonably possible, and in no event later than thirty (30) days after the written charges have been filed with the clerk to said board, unless the suspended member of the police department shall, in writing, file with said clerk a request for delay beyond said period of time, stating the reason therefor. In the event of such request, the Board shall grant a reasonable postponement if, in its opinion, it is merited by the request, keeping in mind the welfare of the individual and the police department.

"If a charged member of the police department, who has requested such hearing, shall withdraw his request, the recommendation of the Chief shall become effective immediately, and no hearing shall be conducted by the Civil Service Board.

"Each member of said Board shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of any documents or papers of any kind relative to such investigation, at such hearing. Such subpoenas may be directed to any law enforcement officer within the State of North Carolina for service.

"The Civil Service Board may make such rules and regulations, from time to time, with respect to the manner in which the hearing shall be conducted as shall be desired by the Board. Such hearings may be open or closed to spectators. Witnesses who are to appear before the Board may be sequestered. Testimony offered before the Board shall be recorded by mechanical process or by court reporter. The ordinary rules of evidence shall not apply, but the hearing shall be conducted with decorum. The decision of the Civil Service Board shall be final.

"In the event the charged police officer is found guilty of violating the rules and regulations of the police department, the Civil Service Board may discharge him, fine him, or suspend him without pay for a period not to exceed ninety (90) days. In addition, the Civil Service Board may attach such conditions to his reinstatement to duty as it deems advisable.

"In the event a member of the police department shall be appointed by the Board of Aldermen as Chief of Police and shall, prior to his retirement, lose his position as said Chief of Police by removal, failure of reappointment, or resignation, he may, at his option, then reassume his position as a member of the police department of the City of New Bern, and in such capacity shall perform such duties as may be assigned him by his successor in office. During a period of six (6) months following
his resumption of duties as a member of the police department rather than as Chief of Police, he shall receive as compensation a salary not less than that of the pay grade in which he was serving at the time of his appointment as Chief, together with such increases in pay as have been given in the intervening period to that pay grade; provided, however, said individual shall be subject to disciplinary action as herein provided, as are other members of the police department."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 579

CHAPTER 325

AN ACT TO AMEND CHAPTER 1193 OF THE SESSION LAWS OF 1967 AUTHORIZING THE TOWN OF CHAPEL HILL TO EXCHANGE CERTAIN REAL ESTATE.

The General Assembly of North Carolina do enact:

Section 1. The Town of Chapel Hill is hereby authorized and empowered to convey the land owned by it and described as follows:

All that certain tract or parcel of land situate, lying, and being in Chapel Hill Township, Orange County, North Carolina, a short distance north of the Town of Chapel Hill, North Carolina and BEGINNING at an iron stake and gum pointers in the eastern line of the right-of-way of the State University Railroad Company and in J. C. Merritt Heirs line; running thence with the said Merritt Heirs line South 88 degrees East 616 feet to an iron stake and walnut pointers, and which point is 30 feet from the center of the power line right-of-way; running thence North 21 degrees East and parallel with the center line of the power line right-of-way 533 feet to an iron stake; running thence North 88 degrees West 1.198 feet to an iron stake in the said Railroad Company's right-of-way; running thence along the Eastern line of said Railroad Company's right-of-way; running thence along the eastern line of said Railroad Company's right-of-way South 36 degrees East 650 feet to the BEGINNING; except that portion of said land described as follows:

BEGINNING at an iron stake and gum pointers in the eastern line of the right-of-way of the State University Railroad Company and in J. C. Merritt Heirs line; running thence with said Merritt Heirs line South 88 degrees East 250 feet; running thence North 2 degrees East 200 feet; running thence North 88 degrees West 400 feet to the eastern right-of-way of University Railroad; running thence along the eastern line of said Railroad Company's right-of-way South 36 degrees East 250 feet to the BEGINNING. In exchange for real estate described as follows:

BEGINNING at the confluence of Bolin Creek and Tanyard Branch lying in Lot 8A Orange County Tax Map #30 (1967 revision); then upstream along Tanyard Branch in a southwestwardly direction about 500 feet to the southern property line of the Umstead property; then with said line S 89 degrees 30' East about 1,140 feet to a property corner; then along a property line between Lot 8 and Lot 8A N 4 degrees West about 780 feet to the center of Bolin Creek; then downstream with the center of Bolin Creek in a northeastwardly direction.
CHAPTER 325  
AN ACT

CHAPTER 326  
AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO ESTABLISH AN OFF-STREET PARKING FUND

H. B. 580

CHAPTER 327  
AN ACT TO EXTEND POLICE JURISDICTION OF THE TOWN OF ATLANTIC BEACH

280
H. B. 589

CHAPTER 328

AN ACT TO AMEND CHAPTER 143 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PROCEDURE FOR THE LETTING OF PUBLIC CONTRACTS BY THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. G.S. 143-129, as the same appears in the 1967 Cumulative Supplement to Volume 3C and as the same applies to the City of Gastonia in Gaston County, is hereby amended by deleting the words and figures "two thousand dollars ($2,000.00)" appearing in lines 5 and 6 and by inserting in lieu thereof the following: "three thousand five hundred dollars ($3,500.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 591

CHAPTER 329

AN ACT AMENDING CHAPTER 1101 OF THE SESSION LAWS OF 1959 RELATING TO THE APPOINTMENT AND TERMS OF MEMBERS OF THE ASHEVILLE LIBRARY BOARD.

The General Assembly of North Carolina do enact:

Section 1. That Section 94 of Chapter 121, Private Laws of 1931, rewritten by Chapter 149, Session Laws of 1943, and rewritten by Chapter 1101, Session Laws of 1959, is hereby rewritten to read as follows:

"Sec. 94. The Library Board of the City of Asheville shall be an administrative agency of said city and shall have general supervision and control of the public libraries maintained in and by said city. Said board shall consist of nine members, five of whom shall be appointed by the City Council and shall be residents of the City of Asheville, and four of whom shall be appointed by the Buncombe County Board of County Commissioners and shall be residents of Buncombe County outside the City of Asheville. At the last regular meeting of the City Council in July, 1969, five members of said board shall be appointed, two to serve for a period of two years, one for a period of three years, and two for a period of four years, and until their successors are appointed and qualified. At the last regular meeting of the Board of County Commissioners in July, 1969, four members of said board shall be appointed, two to serve for a period of two years, and two for a period of four years, and until their successors are appointed and qualified. Thereafter the terms of all members shall be for four years, and until their successors are appointed and qualified, and the expiration dates of terms shall be the last regular meeting of the City Council and the last regular meeting of the Board of County Commissioners in July. Vacancies shall be filled for the unexpired term of the incumbent. Provided, however, that the Library Board as constituted prior to the date of passage of this Act and the terms of all incumbents as of this date, or their successors, shall be extended until appointments are made as provided in this Act, and provided that the two incumbents appointed by City Council prior to passage of this Act and whose terms are due to expire in 1971 shall be appointed by City Council to the two initial two-year terms provided by this Act, but subject to all requirements of this Act."

281
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 598

CHAPTER 330

AN ACT RELATING TO THE ELECTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF ROSE HILL

The General Assembly of North Carolina do enact:

Section 1. Except as otherwise provided in its charter, all powers of the Town of Rose Hill shall be vested in a Board of Commissioners, consisting of five members, and a Mayor, nominated and elected from the Town at large in the manner hereinafter provided.

At the general municipal election to be held in the Town of Rose Hill in 1969, there shall be elected a Mayor and five Town Commissioners. At said election the two candidates for Commissioner receiving the highest number of votes shall be elected and shall serve for terms of four years each, and the three candidates for Commissioner receiving the next highest number of votes shall be elected and shall serve for terms of two years each. Thereafter, the term of office of each member of said Board of Commissioners shall be four years and until their successors shall be duly elected and qualified. The Mayor shall serve for a term of four years and until his successor is elected and qualified. If a vacancy occurs in the office of Mayor or Commissioner for any reason, it shall be filled by a majority vote of the remaining members of the Board of Commissioners for the unexpired term.

The Mayor and members of the Board of Commissioners shall be qualified electors of the Town. Any mayor or member of the Board of Commissioners ceasing to possess any of the qualifications specified in this Section, or who shall be convicted of a felony or a crime involving moral turpitude while in office, shall immediately forfeit his office.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 609

CHAPTER 331

AN ACT TO AMEND CHAPTER 50 OF THE NORTH CAROLINA SESSION LAWS OF 1935 ENTITLED "AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR THE FIRE DEPARTMENT AND POLICE DEPARTMENT OF THE CITY OF RALEIGH AND TO PROVIDE THE NECESSARY MACHINERY AND RULES FOR THE ORGANIZATION AND OPERATION FOR SAID CIVIL SERVICE COMMISSION AND DEPARTMENTS".

The General Assembly of North Carolina do enact:

Section 1. That the first sentence of Section 4 of Chapter 50 of the North Carolina Session Laws of 1935 be amended to read as follows:
"That all applicants for positions in the Fire Department or the Police Department of the City of Raleigh shall be subjected to an examination by said Civil Service Commission which shall be competitive and free to all persons meeting all requirements prescribed by said Commission, subject to reasonable and proper limitations as to residence, health, and moral character, which might be imposed by the City Council of the City of Raleigh or the Civil Service Commission. Said examinations shall be practical in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicants to discharge proficiently the duties of the position to which they seek appointment, and shall include examinations as to physical and mental qualifications as well as general fitness; no applicant shall be examined concerning his or her political or religious opinions or affiliations."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 617

CHAPTER 332

AN ACT TO MAKE G. S. 160-61.1, RELATING TO WARRANTY DEEDS, APPLICABLE TO GRANVILLE COUNTY AND THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-61.1(c) is hereby amended by inserting in the fifth line thereof, between the word "Gates" and the word "Halifax", the word "Granville".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 620

CHAPTER 333

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 713, Session Laws of 1965, being the Charter of the City of Charlotte, is hereby amended as follows:

(a) Section 4.22 is hereby amended by deleting the proviso beginning with the words "provided, no person shall be appointed Fire Chief who has not been a member of the fire department for a period of at least two years immediately prior to such appointment."

(b) Section 4.61 (13) is hereby amended by adding a new paragraph at the end thereof as follows: "The chief of the Police Department may designate any promotion which he may make to be a probationary promotion, and if the chief shall so designate such a promotion, then the provisions of this subchapter shall not apply in that the chief may, without a hearing, and in his discretion, withdraw the probationary promotion within six (6) months from the time it became effective, and the member so promoted will revert to his non-probationary grade without prejudice."
CHAPTER 333  SESSION LAWS—1969

(c) Section 9.82 is hereby amended by deleting the words and figures "one thousand dollars ($1,000.00)" each time they appear, and substituting in lieu thereof the words and figures "three thousand dollars ($3,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 623  

CHAPTER 334

AN ACT CREATING THE HENDERSONVILLE - HENDERSON COUNTY STUDY COMMISSION OF THE MUNICIPALITIES WITHIN, AND THE COUNTY OF, HENDERSON.

The General Assembly of North Carolina do enact:

Section 1. Creation. There is hereby created the Hendersonville - Henderson County Governmental Study Commission. The Commission shall have the duty:

(a) to study the powers, duties, functions, responsibilities and organizational structures and arrangements of all local governmental units and agencies in Henderson County;

(b) to prepare a report on its studies and findings, setting forth a general plan of local government for Henderson County;

(c) to prepare proposals for the reorganization and reallocation of local governmental powers, duties, functions and responsibilities for the municipalities located within and for Henderson County to the end that a more efficient and economical local government might result.

(d) to prepare drafts of proposed constitutional amendments and legislation amending general statutes and special acts of the General Assembly as may be necessary to the adoption of the proposals for more efficient local government and the plan of government the Commission recommends.

Sec. 2. Membership (a) Commission. The Commission shall be constituted as follows:

(1) a chairman, who shall be appointed jointly by the Mayor of Hendersonville and the Chairman of the Board of Commissioners of Henderson County; provided however, in the event they fail to agree upon a joint appointment of a chairman within thirty days after the appointment of the Commission, then the members of the Commission shall meet and elect a chairman;

(2) Three members appointed by the Mayor of Hendersonville with the approval of the City Council;

(3) Three members appointed by the Chairman of the Board of Commissioners of Henderson County, with the approval of the Board of Commissioners, of whom at least two shall be residents of the unincorporated area of the county; and

(4) The Mayor of the City of Hendersonville and the Chairman of the Board of Commissioners of Henderson County, who shall serve as ex officio members without a vote.

(b) Citizen's Review Committee. There shall also be appointed a Citizen's Review Committee, which shall be composed of thirty members and a chairman, chosen as follows:

284
(1) Fifteen members appointed by the Mayor of Hendersonville;

(2) Fifteen members appointed by the Chairman of the Board of Commissioners of Henderson County; and

(3) the Chairman of the Charter Commission, who shall be Chairman of the Citizen's Review Committee.

Upon completion of the proposal, the Charter Commission shall submit the same to the Citizen's Review Committee. The members of the Committee shall have sixty days from the receipt of each proposal in which to study the proposals and submit to the Commission in writing any recommendations for modification of the same. The Citizen's Review Committee shall also be available during the period in which the proposals are being drafted to aid the Commission in any manner which the Commission may request.

(c) No person shall be excluded from membership on the Commission or on the Citizen's Review Committee or on any special committees appointed by the Commission by reason of holding elective or appointive office.

(d) All appointments to the Commission and the Citizen's Review Committee shall be made within sixty days after ratification of this Act. Vacancies in the membership of the Commission and the Committee, including the office of Chairman, shall be filled by the original appointing official. In the event any original appointment is not made by the designated appointing official, or in the event any vacancy in the Commission's or the Committee's membership exists for more than thirty days because of the failure of the appropriate appointing official to fill such a vacancy, the Chairman of the Commission may make the original appointment or fill the vacancy. Terms of members of the Commission and the Committee shall be for the duration of the Commission and the Committee. The Commission and Committee shall cease to exist on March 1, 1973.

Sec. 3. Compensation. (a) The members of the Commission shall not receive per diem or other compensation for their services, but they shall be reimbursed for their actual and necessary expenses incurred in performance of their official duties with the Commission. Actual and necessary expenses shall be presumed to be ten dollars ($10.00) for each meeting attended, unless a member shall submit evidence demonstrating higher expenses.

(b) The members of the Citizen's Review Committee, and the members of any special committees appointed by the Commission, shall not receive per diem or other compensation for their services. The Commission shall decide for what expenses and to what extent members of the Citizen's Review Committee and any special committees shall be reimbursed.

Sec. 4. Organization. Within ninety days after ratification of this Act, the Chairman of the Commission shall call a meeting of the Commission for the purpose of organization. At this organizational meeting, the Commission shall elect from among its members a vice chairman, a secretary, a treasurer, and such other officers as the Commission may determine, all of whom shall serve at the will of the Commission. Vacancies in any office elected under this Section shall be filled by the Commission from among its members.

For the purpose of carrying out its duties, the Commission shall have the authority to appoint such special committees, with such membership as it desires.
CHAPTER 334  
SESSION LAWS—1969

The Commission is empowered to adopt rules of procedure with respect to the conduct of its affairs as it may deem appropriate.

Sec. 5. Meetings. The Commission shall hold regular meetings at places and dates to be determined by the Commission, but in any event, the Commission shall meet at least once monthly until its work is completed. Special meetings may be called by the Chairman upon his own initiative and must be called by him if requested by three or more members of the Commission. The Chairman shall notify in writing all Commission members of any special meeting at least three days prior to any such meeting. Meetings may be held inside or outside Henderson County, and shall be open to the public.

Sec. 6. Staff. The Commission is empowered to employ personnel to assist it and to contract with persons, firms or corporations for special and technical services and studies.

Sec. 7. Financing. (a) The Commission shall prepare an annual budget and request appropriations based thereon from Henderson County and the City of Hendersonville. All expenditures shall be in conformity with the budget; however, the budget may be amended from time to time as the Commission finds necessary. It is intended that the county and the city share equally in meeting expenses of the Commission. The Commission is also authorized to accept gifts from any person, firm or corporation, upon terms acceptable to the Commission. Appropriations to the Commission from the city and county may be made from any funds available to the city and county, and an appropriation to this Commission is hereby declared to be a necessary expense within the meaning of Article VII, Section 6, and for a special purpose within the meaning of Article V, Section 6, of the North Carolina Constitution.

(b) The Treasurer of the Commission shall have authority to collect, deposit, and disburse all funds of the Commission. All monies received by the Commission shall be deposited in a separate account, shall be earmarked for use by the Commission, and shall be paid out only on checks signed by the Treasurer or the Commission's accountant and countersigned by either the Chairman or by another member designated by the Commission. The Commission may require the Treasurer, the Commission's accountant, the Chairman or the designated member or any two or more of them to deposit a surety bond to be paid for by the Commission on terms set by the Commission.

Sec. 8. Cooperation of Units. Henderson County, and the City of Hendersonville, and all other local governmental units or agencies in Henderson County shall make available to the Commission any records, reports, or information the Commission requests; and they are hereby authorized to assist the Commission through gifts of necessary supplies and equipment, and temporary loans of personnel.

Sec. 9. Hearings. (a) Upon completion of the proposals, and after making any changes deemed desirable as a result of the recommendations of the Citizen's Review Committee, the Commission shall meet with the governing bodies of Henderson County, and the City of Hendersonville either separately or jointly, in order to present such charter to the governing bodies. After making any changes deemed desirable as a result of the above meetings, the Commission shall hold one or more public hearings on the proposed charter. The notice of public hearings shall (1) fix the date, time and place of the hearing or hearings; (2) state the purpose of the hearings; and (3) state that the Commission report and text of the charter will be available for public inspection in the office of the County Commissioners of Henderson County and in the offices of the clerk of the municipality in the county at least 14 days
prior to the date of the first hearing. Such notice shall be published daily in a newspaper of county-wide circulation for two successive weeks prior to the first hearing.

(b) At least 14 days prior to the date of the first hearing, the Commission shall deposit in the office of the County Commissioners of Henderson County and in the offices of the city clerks of Henderson, copies of its report and the proposed charter. These copies shall be available for public inspection. In addition, the Commission shall have authority to publish the proposals, or summary thereof, for such public distribution as it deems desirable, and to take such further steps it deems desirable in order to acquaint the public generally with its recommendations.

Sec. 10. (a) After making any changes deemed desirable as a result of the public hearings prescribed in Section 9, the Commission shall submit the proposals to Henderson County Commissioners and the City of Hendersonville for their decision to obtain enabling legislation.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 629

CHAPTER 335

AN ACT TO AMEND CHAPTER 87 OF THE SESSION LAWS OF 1961 RELATING TO THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. Section 2.22 of the Charter of The Town of Chapel Hill as set forth in Section I, Chapter 87, Session Laws 1961, as amended, is amended by striking therefrom the term "sunset" in each of the three (3) places it appears therein, and substituting in lieu thereof the term "6:30 P.M."

Sec. 2. Section 4.182 of the Charter of The Town of Chapel Hill as set forth in Section I, Chapter 87, Session Laws 1961, as amended, is hereby repealed.

Sec. 3. Section 7.01 and Section 7.02 of the Charter of the Town of Chapel Hill as set forth in Section I, Chapter 87, Session Laws 1961, as amended, is repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 711

CHAPTER 336

AN ACT TO AUTHORIZE THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN LANDS TO THE NORTH CAROLINA SCHOOL OF THE ARTS FOUNDATION, INC.

The General Assembly of North Carolina do enact:

Section 1. The Winston-Salem/Forsyth County Board of Education is hereby authorized and empowered to sell and convey in fee to the North Carolina School of the Arts Foundation, Inc., with or without consideration and at a private sale or transfer, either or both of the following tracts of land located in the City of Winston-Salem and described as follows:
CHAPTER 336  
SESSION LAWS—1969

TRACT #1, "Beginning at an iron stake in the northern right-of-way of Chapel Street at the western side of the former Gray High School property, thence North 56 degrees-11' West 200.20 feet to an iron stake, thence South 33 degrees-48' West 341.41 feet to an iron stake in the eastern right-of-way of the Winston-Salem southbound railroad, thence along said railroad right-of-way North 33 degrees-37' West 52.10 feet to an iron stake, thence North 24 degrees-19' West 147.70 to an iron stake, thence North 22 degrees-39' West 463.60 feet to an iron stake, thence North 27 degrees-36' West along a chord of a curve to the left 30.97 feet to an iron stake, thence North 67 degrees-28' East 87.82 feet, falling in with the north end of the former Gray High School Building, thence continuing along said building South 22 degrees-32' East 2.43 feet, thence North 67 degrees-28' East 61.95 feet, thence North 22 degrees-32' West 23.47 feet, thence North 67 degrees-28' East 287.62 feet, leaving the north end of said building to a point, thence South 22 degrees-05' East 432.16 feet to a point, thence South 33 degrees-40' West 19.15 feet to an iron stake, thence South 56 degrees-24' East 200.16' to an iron stake in the northern right-of-way of Chapel Street, thence along said right-of-way South 53 degrees-44' West 148.78 feet to the point of beginning, containing 6.321 acres more or less"; and TRACT #2, "Beginning at an iron stake in the northern property line of North Carolina School of the Arts, said point being South 62 degrees-15' West 186.36 feet from the western right-of-way of Waughtown Street, thence South 62 degrees-15' West 394.46 feet to a point, thence North 23 degrees-05' West 337.50 feet to a point, thence South 66 degrees-06' West 400.00 feet to an iron stake in the eastern right-of-way of the Winston-Salem Southbound Railroad, thence along said right-of-way South 55 degrees-07' West 15.15 feet to an iron stake, thence North 15 degrees-42' West 317.54 feet to an iron stake at the intersection of said railroad right-of-way and the southern edge of a 40-foot easement, thence along the southern edge of said easement North 64 degrees-50'East 634.46 feet to an iron stake, thence South 44 degrees-40' East 384.58 feet to an iron stake, thence South 10 degrees-37' West 96.96 feet to an iron stake, thence South 37 degrees-22' East 173.10 feet to an iron stake, thence South 28 degrees-30' East 28.47 feet to the point of beginning, containing 8.057 acres more or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. B. 725  
CHAPTER 337

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY ABC BOARD OF GATES COUNTY TO JOINTLY EMPLOY LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. In lieu of employing a full-time ABC officer, the Board of Alcoholic Control of Gates County is hereby authorized to contract with the County Board of Commissioners, upon terms agreeable to both parties, for the employment of a deputy sheriff whose primary duties shall be the enforcement of the ABC laws in Gates County under the direction and control of the County Board of Alcoholic
Control, and who shall perform such other law enforcement duties as may be specified in the agreement under the direction of the Sheriff of Gates County.

The deputy sheriff herein authorized shall receive the salary specified in the agreement, and the County ABC Board is authorized to contribute to the payment of his salary any portion or all of the amount it is authorized by law to expend for law enforcement purposes.

The deputy sheriff so employed shall have the same power and authority conferred upon law enforcement officers by G. S. 18-45.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 230

CHAPTER 338

AN ACT TO AMEND CHAPTER 115A OF THE GENERAL STATUTES BY ADDING G. S. 115A-9.1 PERMITTING DISPOSITION OF REAL AND PERSONAL PROPERTY BY COMMUNITY COLLEGES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 115A of the General Statutes is amended by the addition of a new section immediately following G. S. 115A-9, to be designated G. S. 115A-9.1 and to read as follows:

"Sale, exchange or lease of property: When in the opinion of the board of trustees of any institution organized under the provisions of this chapter, the use of any property, real or personal, owned or held by said board of trustees is unnecessary or undesirable for the purposes of said institution, the board of trustees, subject to prior approval of the State Board of Education, may sell, exchange, or lease such property in the same manner as is provided by law for the sale, exchange, or lease of school property by county or city boards of education. The proceeds of any such sale or lease shall be used for capital outlay purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 352

CHAPTER 339

AN ACT TO AMEND G.S. 115-166 BY EXEMPTING FROM THE GENERAL COMPELLUSORY ATTENDANCE LAW, UPON CERTAIN CONDITIONS, A CHILD AFFLICTED BY MENTAL, EMOTIONAL, OR PHYSICAL INCAPACITIES.

The General Assembly of North Carolina do enact:

Section 1. Amend G.S. 115-166 by adding a new proviso at the end thereof which shall read as follows:

"Provided, further, that any child which is afflicted by mental, emotional, or physical incapacities so as to make it unlikely that such child substantially profit by instruction given in the public schools, he or she need not be presented for enrollment upon presentation to the superintendent of city or county schools
CHAPTER 339   SESSION LAWS—1969

of evidence that medical, social, psychological and educational evaluation has been made showing that such child could not substantially profit by instruction in the public schools."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 353   CHAPTER 340

AN ACT TO REWRITE G.S. 115-165 TO ESTABLISH AN APPEAL PROCEDURE FROM THE DECISION OF A COUNTY OR CITY SCHOOL SUPERINTENDENT TO EXCLUDE A CHILD FROM THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. Rewrite G.S. 115-165 to read as follows:

"Section 115-165. Children not entitled to attend public schools. A child so severely afflicted by mental, emotional or physical incapacities as to make it unlikely for such child to substantially profit by instruction given in the public schools shall not be permitted to attend the public schools of the State. When such child is presented for enrollment in a public school, it shall be the duty of the county or city superintendent of schools to have made the appropriate medical, social, psychological and educational examination of the child to determine whether the child can profit from attending the public schools. When appropriate the school superintendent also may consult with the local health director and county director of public welfare. Upon receipt of a report indicating that the child cannot substantially profit from instruction given in the public school, the county or city superintendent of schools is authorized to exclude the child from the public schools.

"If the child is excluded from the public schools, the parent, person standing in loco parentis, or guardian of the child may appeal the superintendent's decision to the City or County Board of Education as the case may be. Such Board of Education may uphold the superintendent's decision to exclude the child or it may reverse the decision and order the child's enrollment. If it deems necessary, the Board of Education may require additional examination of the child. In the event the Board upholds the superintendent's decision to exclude the child, the action of the Board of Education shall be the final administrative determination. The parent or guardian, however, shall have the right to appeal the school board's decision to the court under Article 33 of Chapter 143 of the North Carolina General Statutes. In all such cases in which a child is excluded from a public school, a complete record of the transaction shall be available to the parent, person standing in loco parentis, or guardian at their request."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

290
S. B. 361  

CHAPTER 341
AN ACT TO MAKE THE DISCHARGING OF A FIREARM INTO AN OCCUPIED DWELLING, BUILDING, SHELTER OR OTHER STRUCTURE A FELONY.

The General Assembly of North Carolina do enact:

Section 1. Article 8 of Chapter 14 of the General Statutes is hereby amended by adding a new section immediately after the present Section 14-34 to be designated Section 14-34.1, and reading as follows:

"Sec. 14-34.1. Assault by Discharging a Firearm into an Occupied Dwelling. Any person who shall willfully discharge any firearm into a dwelling, building, shelter, or other structure when someone is in the actual occupation of any part of said dwelling, building, shelter, or other structure at the time of the commission of such act shall be guilty of a felony and upon conviction shall be punished by imprisonment for not less than four (4) months nor more than ten (10) years."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Article are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 376  

CHAPTER 342
AN ACT TO RENAME THE DIVISION OF FORESTRY OF THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT AS THE "NORTH CAROLINA FOREST SERVICE".

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-29 is amended by adding after the word "Forestry" and before the word "shall" in the second line thereof, the words and punctuation ". to be known and hereafter designated as the North Carolina Forest Service."

Sec. 2. G. S. 113-29.1 is amended by striking the words "Division of Forestry" appearing in lines 9, 10 and 16 thereof and substituting in lieu thereof the words "Forest Service".

Sec. 3. It is the intent and purpose of this Act to rename the Division of Forestry of the Department of Conservation and Development as the "North Carolina Forest Service" and wherever the words "Division of Forestry" appear in the General Statutes, except in G. S. 113-29, said words are hereby stricken and in lieu thereof the words "North Carolina Forest Service" are hereby substituted.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.
CHAPTER 343
SESSION LAWS—1969

S. B. 377

CHAPTER 343
AN ACT AMENDING G. S. 113-35 RELATING TO FOREST NURSERIES OPERATED BY THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT SO AS TO CLARIFY THE USES WHICH MAY BE MADE OF FOREST TREE SEEDS AND SEEDLINGS.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 113-35 is rewritten to read as follows:

"Timber and other products of such State forest lands may be sold, cut and removed under rules and regulations of the Department of Conservation and Development. The Department shall have authority to establish and operate forest tree nurseries and forest tree seed orchards. Forest tree seedlings and seed from these nurseries and seed orchards may be sold to landowners of the State for purposes of reforestation under rules and regulations of the Department of Conservation and Development. When the State Forester determines that a surplus of seedlings or seed exists, this surplus may be sold to other States, agencies of the Federal Government or recognized research organizations. The Department shall make reasonable rules for the regulation of the use by the public of such and all State forests, State Parks, State lakes, game refuges and public shooting grounds under its charge, which regulations, after having been posted in conspicuous places on and adjacent to such properties of the State and at the courthouse of the county or counties in which such properties are situated shall have the force and effect of law and any violation of such regulations shall constitute a misdemeanor and shall be punishable by a fine of not more than fifty dollars ($50.00) or by imprisonment for not exceeding thirty days."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 379

CHAPTER 344
AN ACT AMENDING G. S. 113-81.1 RELATING TO FOREST SERVICES RENDERED BY THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT SO AS TO PROVIDE FOR ADDITIONAL SERVICES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-81.1 is amended by adding thereto the following:

"The Department is also authorized to cooperate with landowners of the State and with counties, municipalities and State agencies by making available forestry services consisting of specialized equipment and operators, or by renting such equipment, and to perform such labor and services as may be necessary to carry out approved forestry practices, including site preparation, forest planting, prescribed burning, and other appropriate forestry practices. For such services or rentals, a reasonable fee, representing the State Forester's estimate of not less than the costs of such services or rentals shall be charged, provided however, when the State Forester and the Board of Conservation and Development deems it in the public interest, said services may be provided without charge, for the purpose of encouraging the use of approved scientific forestry practice on the private or other forest lands.
within the State, or for the purpose of providing practical demonstrations of said practices. Receipts from these activities and rentals shall be credited to the budget of the Department of Conservation and Development, Forestry Division for the furtherance of these activities."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 382

CHAPTER 345

AN ACT TO AMEND G. S. 130-129 RELATING TO THE COMPENSATION OF MEMBERS OF A SANITARY DISTRICT BOARD.

The General Assembly of North Carolina do enact:

Section 1. Section 130-129 of the General Statutes is hereby amended by striking out the second sentence thereof, and inserting in lieu thereof the following:

"Each member of the Board may receive as compensation for his services the sum of fifty ($50.00) dollars per month."

Sec. 2. This Act shall apply only to Halifax County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective May 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 392

CHAPTER 346

AN ACT TO AUTHORIZE THE MUNICIPALITIES IN MONTGOMERY COUNTY TO CONVEY CERTAIN PROPERTIES TO MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding G. S. 160-2(6) or G. S. 160-59 or any other provision of law, the Boards of Commissioners of the Towns of Troy, Mount Gilead, Biscoe, Candor, and Star are each hereby authorized and empowered to lease, sell, or transfer, and to convey, to the County of Montgomery, with or without consideration, either at public or private sale, and upon such terms and conditions as each such Board shall see fit, any property, real or personal, and any easements, rights of way, water rights, or other interests in land, now owned by the respective Towns and used for the purposes of acquisition, storage, transmission, and treatment of water. Nothing herein shall be construed to authorize the lease, sale, or transfer of the water distribution system or of any water distribution lines within the corporate limits of either of the respective Towns in any manner other than as is authorized by G. S. 160-2(6).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.
CHAPTER 347

S. B. 428

CHAPTER 347

AN ACT AUTHORIZING COMMERCIAL AND SPORTS FISHERIES INSPECTORS AND WILDLIFE PROTECTORS TO OBTAIN AND EXECUTE SEARCH WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby enacted a statute to be designated as G. S. 113-139 and to read as follows:

"G. S. 113-139. Search warrants. (a) Inspectors and protectors are authorized to obtain and execute search warrants within the limitations of this section from any official authorized to issue search warrants in accordance with the procedure in Article 4 of Chapter 15 of the General Statutes.

"(b) Search warrants which inspectors may execute must be for evidence, fruits, or instrumentalities of some criminal offense as to which the Department is granted exclusive or primary jurisdiction in this subchapter.

"(c) Search warrants which protectors may execute must be for evidence, fruits, or instrumentalities of some criminal offense as to which the Commission is granted exclusive or primary jurisdiction in this chapter or elsewhere, including Chapters 75A and 143."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. B. 222

CHAPTER 348

AN ACT TO CLARIFY G.S. 20-28.1 RELATING TO REVOCATION OF DRIVING PRIVILEGES OF PERSONS WHO DRIVE WHILE LICENSES ARE REVOKED OR SUSPENDED.

The General Assembly of North Carolina do enact:

Section 1. G.S. 20-28.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is rewritten to read as follows:

"Section 20-28.1 Conviction of moving offense committed while driving during period of suspension or revocation of license. (a) Upon receipt of notice of conviction of any person of a motor vehicle moving offense, such offense having been committed while such person's driving privilege was in a state of suspension or revocation, the Department shall revoke such person's driving privilege for an additional period of time as set forth in subsection (b) hereof:

(b) When a driving privilege is subject to revocation under this section, the additional period of revocation shall be as follows:

(1) A first such revocation shall be for one (1) year;
(2) A second such revocation shall be for two (2) years; and
(3) A third or subsequent such revocation shall be permanent.

(c) Any person whose driving privilege has been permanently revoked under this section may apply for a new license after three (3) years from the commencement of the permanent revocation. Upon the filing of such application, the Department may, with or without a hearing, issue a new license upon satisfactory proof
that the former licensee has been of good behavior for a minimum of three (3) years from the last date of revocation and that his conduct and attitude are such as to entitle him to favorable consideration."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

S. B. 251

CHAPTER 349

AN ACT RELATING TO MEETINGS OF THE BOARD OF COUNTY COMMISIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. Section 153-8 is rewritten to read as follows:

Section 153-8. Meetings of board of commissioners. (a) The board of commissioners of each county shall hold a regular meeting at the courthouse on the first Monday of each month or on the following Tuesday if Monday is a legal holiday. In lieu of meeting on the first Monday at the courthouse, boards of county commissioners may, by resolution duly adopted, designate any other day and any other public place within the county as the time and site of its regular meeting. Such resolution shall be published at least once following its adoption in a newspaper having general circulation in the county and qualified to publish legal advertisements, or if no such newspaper is available then in a newspaper having general circulation in the county and also by posting a copy on the courthouse bulletin board; said notice must be published or posted at least 10 days before such action is taken. Special meetings called as provided below may be held at the site designated for regular meetings.

(b) The board may adjourn its regular meetings from day to day or to a day certain until the business before it is completed. Special meetings may be held on the call of the chairman of the board or of a majority of the members upon two days' written notice being given to each of the members and posting such notice on the courthouse bulletin board. Written notice shall be deemed waived by attendance at and participation in a special meeting.

(c) At the first regular meeting in December of each year, the board shall choose one of its members as chairman for the ensuing year, unless the chairman is elected as such by the people, and may choose a vice-chairman to act in the disability or absence of the chairman. In the absence of the chairman and vice-chairman, the members present may choose a temporary chairman. Unless otherwise specifically provided by law or rule of the board, the chairman shall have the right to vote on all questions before the board, but shall have no right to break a tie vote in which he participated.
(d) A majority of the board shall constitute a quorum. Every member who is present when a matter is voted upon shall vote thereon, unless he is excused by the board, except on those matters involving his own official conduct or involving his own financial interest, except on a vote to adjust the rate of compensation of the several members of the Board of Commissioners. The board shall have authority to adopt rules governing its proceedings in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure, and a motion to suspend a rule previously adopted shall require unanimous consent of those present and voting.

Sec. 2. This Act shall be deemed supplementary to all local, special, or private laws heretofore enacted and shall not be deemed to repeal any such local, special, or private laws relating to the meetings and procedures of boards of county commissioners.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

S. B. 278

CHAPTER 350

AN ACT TO AMEND CHAPTER 36 OF THE SESSION LAWS OF 1965 RELATING TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 36 of the Session Laws of 1965, as amended by Chapter 611 of the Session Laws of 1965, is hereby further amended by adding at the end thereof a new paragraph reading as follows:

"The corporate boundaries of the Town are hereby extended to include the following described territory:

BEGINNING at the intersection of the center line of North Main Street and the center line of North Contentnea Street and runs thence S 22-14 E 1,024.9 feet; thence S 67-46 W 188.9 feet; thence S 13-45 E 4325 feet, more or less, to a point on the south side of the Norfolk Southern Railroad right-of-way; thence along said right-of-way N 73-05 W 2700 feet, more or less, to intersection with the eastern boundary of Clairmont subdivision; thence along Clairmont subdivision as follows: S 17-17 W 206.2 feet, S 19-17 W 269 feet, S 24-33 E 58 feet; S 07-31 E 99.4 feet, S 10-35 W 123.4 feet; S 29-53 W 128.7 feet; S 38-35 W 87 feet; S 42-25 W 151 feet; S 45-30 W 295.3 feet, to the northern boundary of Prince Road; thence along Prince Road S 52 E 81 feet; thence S 51-09 W 307.1 feet to a stake on north side of Davie Street extended, corner; thence N 45-41 W 619.8 feet; thence N 45-21 W 1485.6 feet to the eastern right of way of the old abandoned Norfolk Southern right-of-way; thence along said abandoned right-of-way as follows: S 43-47 W 769.4 feet to point of curve, thence along said right-of-way with a 2 degree curve 600 feet, more or less, to a point of tangency; thence S 31-47 W 720 feet, more or less, to a road.
or street; thence along the northern boundary of said road or street S 79-54 E 396.1 feet; thence S 10-06 W 60 feet; thence S 32-28 W 262.1 feet; thence N 81-02 W 279.7 feet; S 13 W 210 feet; thence S 81-02 E 208.9 feet; thence S 09-14 W 315 feet; thence 71-08 E 96 feet; thence S 23-58 W 241.9 feet; thence S 24 W 212.8 feet; thence S 36-40 W 221.5 feet; thence S 51-52 W 115 feet; thence S 38-08 W 166.2 feet; thence S 51-15 E 712.5 feet to a point on the south side of U. S. Highway #264, Farmville by-pass; thence crossing said Highway S 38-45 W 622.3 feet; thence N 51-15 W 319.7 feet; thence S 86-35 W 250 feet to a point on the east side of U. S. Highway #258; thence crossing said Highway, N 87-41 W 100.8 feet to the western boundary of said Highway; thence N 81-16 W 334.2 feet to the western boundary of East Carolina Railroad right-of-way; thence along western boundary of East Carolina Railroad right-of-way, N 01-07 E 1,056 feet to a point on the west side of the Norfolk Southern abandoned right-of-way; thence along the said right-of-way S 31-47 W 56 feet; N 68-22 W 277 feet; N 76-39 W 169.2 feet; N 50-51 W 118 feet; N 26-05 E 29 feet; N 16-55 E 105 feet; N 33-15 E 32.9 feet; N 56-24 W 50 feet; N 8-29 E 143.2 feet, to the southern boundary of U. S. Highway #264, Farmville by-pass; thence crossing said Highway N 32-19 E 150 feet to the northern boundary of said Highway; thence N 35-54 E 367.9 feet; thence S 54-34 E 52 feet; thence N 25-12 E 405 feet, more or less, to the western boundary line of East Carolina Railroad; thence along said western right-of-way N 01-07 E 980 feet, more or less; N 75-15 W 493.6 feet; N 84-12 W 48.4 feet; thence N 18-36 E 925.2 feet to southern right-of-way of Perry Street; thence with said street right-of-way N 64-45 W 751.9 feet, to the eastern right-of-way of Field Street extended; thence along the eastern right-of-way of Field Street extended, N 45-45 E 769.4 feet to the southern right-of-way of Wallace Street extended; thence N 85-10 W 774.3 feet to a stake cornering; thence N 00-51 E 432.4 feet to center of Norfolk Southern Railroad; thence N 00-51 E 1773.4 feet to the northern boundary of Pitt & Greene right-of-way cornering; thence with said right-of-way N 48-01 E 628.1 feet to a stake cornering; thence N 88-10 W 727.2 feet, to the southwest corner of Westwood; thence along the western line of Westwood subdivision N 11-50 E 1048 feet to the northwestern corner of Westwood subdivision; thence continuing with said subdivision line S 70-29 E 714.3 feet to a stake, cornering thence N 44-53 E 605.6 feet to a point on the north side of Church Street extended; thence S 45-07 E 575 feet, more or less, to a stake, cornering; thence N 50-18 E 550 feet, more or less, to a point on the south side of Wilson Street extended; thence S 46-23 E 350 feet, more or less, to the State Highway right-of-way line; thence N 44-32 E 541.7 feet to a stake on the west side of East Carolina Railroad; thence N 11-11 E 180 feet, more or less; thence along said right-of-way a curve 2550 feet, more or less, to a corner; thence N 64-45 E 740 feet, more or less, to a corner; thence S 25-15 E 350 feet to the northeast corner of the Richard Harris lot; thence with the Harris line S 64-45 W 300 feet to a corner; thence S 25-15 E 832 feet to a concrete marker; thence S 60-45 E 3500 feet, more or less; thence N 26-28 E 313.6 feet; thence S 59-10 E 731.1 feet; thence S 23-23 E 485.7 feet; thence S 60-45 E 527.6 feet to the point of BEGINNING."
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

S. B. 344

CHAPTER 351

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF FAYETTEVILLE AND TO MODIFY THE APPLICATION OF G.S. 118-5, 118-6, and 118-7 TO THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Fayetteville, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Fayetteville Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Firemen's Local Relief Fund of the City of Fayetteville, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Fayetteville shall:

(a) prior to January 1, 1970, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of ten thousand dollars ($10,000.00);

(b) in each subsequent calendar year, and within thirty (30) days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G.S. 118-5, transfer to the Supplemental Retirement Fund such funds;

(c) at any time when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than ten thousand dollars ($10,000.00), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of ten thousand dollars ($10,000.00);

(d) as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this Act.

Sec. 3. Supplemental Retirement Benefits.

(a) Each retired fireman of the City who has retired with twenty (20) years service or more as a City fireman shall be entitled to and shall receive in each calendar year following the calendar year in which he retires an annual supplemental retire-
ment benefit equal to one share for each full year of service as a fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00).

(b) Any former fireman of the City who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 4. Intention. It is the intention of Section 3 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Supplemental Retirement Fund and to the Local Relief Fund. It is the intention of Section 2 of this Act to require that the funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (b) thereof shall be held in trust, and that no funds paid into the Supplemental Retirement Fund pursuant to subsection (a) and (b) thereof or as a gift, grant, bequest, or donation to such Fund shall ever be disbursed except as and when required by subsection (c) thereof.

Sec. 5. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Suplemental Retirement Fund, in any investment named in or authorized by G.S. 159-28.1, only in accordance with the provisions thereof, and is hereby directed to invest all of the funds of the Supplemental Retirement Fund in one or more of such investments.

Sec. 6. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 7. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least
equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Relief Fund the premiums on the bond of the Treasurer.

Sec. 8. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

S. B. 346

CHAPTER 352

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE REVENUE ACT, THE SAME BEING CHAPTER 158 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the Attorney General, as soon as possible after the ratification of this Act, shall cause to be inserted in the Revenue Act of 1939, being Chapter 158 of the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assembly of 1969 and shall print in codified form 5,000 copies of said Act and related Acts administered by the Commissioner of Revenue, as amended and supplemented, which shall be delivered to the Commissioner of Revenue for distribution. This compilation shall be an official compilation or statement of the Revenue Act of 1939 and related Acts administered by the Commissioner of Revenue as amended through the 1969 Session of the General Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

S. B. 347

CHAPTER 353

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER 310 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the Attorney General, shall cause to be inserted in the Machinery Act of 1939, being Chapter 310 of the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of 1939 through 1969, inclusive, and shall print in codified form 2,500 copies of said Act, as amended and supplemented, which copies shall be delivered to the State Board of Assessment for distribution.
This compilation and codification shall be an official codification or statement of
the Machinery Act of 1939 as amended through the 1969 Session of the General
Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of
April, 1969.

S. B. 372

CHAPTER 354

AN ACT TO AMEND ARTICLE 6 OF CHAPTER 90 OF THE GENERAL STATUTES SO AS TO REQUIRE CONTINUING EDUCATION FOR OPTOMETRISTS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Article 6 of Chapter 90 is amended by adding a new Section immediately after G. S. 90-123 and immediately preceding G. S. 90-124 to be known as G. S. 90-123.1 and to read as follows:

"G. S. 90-123.1 All registered optometrists now or hereafter licensed in the State of North Carolina are and shall be required to take annual courses of study in subjects relating to the practice of the profession of optometry to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure expansive and comprehensive care to the public. The length of study shall be prescribed by the Board but shall not exceed twenty-five (25) hours in any calendar year. Attendance must be at a course or courses approved by the Board. Attendance at any course or courses of study are to be certified to the Board upon a form provided by the Board and shall be submitted by each registered optometrist at the time he makes application to the Board for the renewal of his license and payment of his renewal fee. The Board is authorized to use up to one-half of its annual renewal fees for the purposes of contracting with institutions of higher learning, professional organizations, or qualified individuals for the providing of educational programs that meet this requirement. The Board is further authorized to treat funds set aside for the purpose of continuing education as State funds for the purpose of accepting any funds made available under Federal Law on a matching basis for the promulgation and maintenance of programs of continuing education. In no instance may the Board require a greater number of hours of study than are available at approved courses held within the State, and shall be allowed to waive this requirement in cases of certified illness or undue hardship."

Sec. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon and after January 1, 1970.

In the General Assembly read three times and ratified, this the 30th day of
April, 1969.
CHAPTER 355

S. B. 374

AN ACT TO PROVIDE FOR GRATUITOUS DISTRIBUTION OF CERTAIN STATE PUBLICATIONS TO ELIZABETH CITY STATE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45 as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3C of the General Statutes is hereby amended by adding to the table thereof, "Elizabeth City State College" and by adding under the heading Session Laws the numeral "1", and under the heading House and Senate Journals the numeral "1" and under the heading "Supreme Court Reports the numeral "O".

Sec. 2. G. S. 147-45 is hereby further amended by adding a new paragraph immediately before the final paragraph thereof to read as follows:

"One complete set of the Public Laws, Public-Local Laws, Private Laws, and the Senate and House Journals heretofore published, insofar as the same are available and without necessitating reprinting, shall be furnished to Elizabeth City State College."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

S. B. 390

CHAPTER 356

AN ACT TO ANNEX THE TOWN OF GUILFORD COLLEGE TO THE CITY OF GREENSBORO, AND TO REPEAL THE CHARTER OF THE TOWN OF GUILFORD COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. All of the area presently included within the corporate limits of the Town of Guilford College in Guilford County, North Carolina, is hereby annexed to and included within the corporate limits of the City of Greensboro.

Sec. 2. From and after the effective date of this Act, the territory and its citizens and property herein annexed shall be subject to all laws, taxes, debts, ordinances and regulations in force in the City of Greensboro, and shall be entitled to the same privileges and benefits as other parts of the City of Greensboro.

Sec. 3. After the effective date of this Act, all records, papers, files, funds and property of the Town of Guilford College shall be turned over to the City of Greensboro. The City of Greensboro is hereby vested with title to all the property and assets belonging to the Town of Guilford College. The City of Greensboro shall assume all liabilities, bonded and other indebtedness and obligations of the Town of Guilford College.

Sec. 4. Chapter 32, Private Laws of 1895, as amended, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after June 30, 1972.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.
S. B. 412

CHAPTER 357
AN ACT TO REVISE THE STRUCTURE OF THE NORTH CAROLINA GOOD NEIGHBOR COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. G.S. 143-418 is rewritten to read as follows:

"Section 143-418. Director. (a) The Director of the North Carolina Good Neighbor Council shall be appointed by and serve at the pleasure of the Governor.

(b) The Director shall be the executive officer of the Council and shall execute all orders, rules, and regulations adopted by the Council. He shall, with the approval of the Governor, appoint, promote, demote, discharge, and prescribe the duties of all employees of the Council."

Sec. 2. G.S. 143-420 is rewritten to read as follows:

Section 143-420. Salaries; allowances. (a) The salary of the Director shall be fixed by the Governor with the approval of the Advisory Budget Commission. The salaries of all other personnel of the Council shall be fixed pursuant to the State Personnel Act.

(b) The Chairman, Vice-chairman, and members of the Council shall receive while engaged in the performance of their duties the subsistence and travel allowances established by G.S. 138-5 for members of State boards and commissions generally."

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 394

CHAPTER 358
AN ACT REVISING ARTICLE 6A OF CHAPTER 153 OF THE GENERAL STATUTES OF NORTH CAROLINA CONCERNING THE SALARIES OF COUNTY OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Article 6A of Chapter 153 of the General Statutes of North Carolina, comprising Sections 153-48.1 through 153-48.5, inclusive, is repealed, and a new Article 6A is inserted in lieu thereof as follows:

"ARTICLE 6A

COUNTY OFFICERS AND EMPLOYEES

Section 153-48.1. Commissioners to fix salaries, fees, and number of employees. Each board of county commissioners is authorized and empowered to fix:

(1) the number of salaried employees in the office of the sheriff, the register of deeds, and all other county offices and departments;

(2) all salaries, allowances, and other compensation paid to all county officers and employees whether elected or appointed;

(3) all fees and commissions charged by any county officer or employee for the performance of any service or duty permitted or required by law.

Section 153-48.2. Limitations on authority: The authority conferred by Section 153-48.1 shall be subject to the following limitations:
CHAPTER 358  
SESSION LAWS—1969

(1) the compensation and allowances of the board of county commissioners shall be determined as provided by G. S. Section 153-13;
(2) the board of commissioners shall have no authority to fix fees in the General Court of Justice or fees of the register of deeds prescribed by G. S. Section 161-10;
(3) no salary, allowance, or other compensation being paid to any officer elected by the people shall be reduced prior to the expiration of the then current term of office, unless the officer shall agree to a reduction, or unless a reduction shall be ordered by the Director of Local Government pursuant to G. S. Chapter 159, Article 4;
(4) in election years, any action fixing the salary or allowances of an officer to be elected by the people in that year shall be taken at least 14 days before the deadline for filing notice of candidacy for that office by resolution effective for the next succeeding fiscal year, which resolution may not thereafter be altered until the newly elected or incumbent officer is sworn into office; an appropriation for the salary fixed in the resolution shall be included in the annual budget resolution for the fiscal year beginning July 1 of that year; and the filing fee for that office shall be determined by the salary to be effective as of July 1;
(5) salaries of county employees subject to the State Personnel Act shall be fixed as provided in Chapter 126 of the General Statutes;
(6) all salaries, fees, allowances, and other compensation shall be fixed and paid in accordance with the County Fiscal Control Act;
(7) any action increasing the salaries of employees in any particular office or department by more than 20% as compared with the last preceding fiscal year may be taken only at the time of adoption of the annual budget resolution, and shall be separately published in some newspaper having a general circulation in the county as provided by G. S. Section 1-597.

Section 153-48.3. Special regulations pertaining to the sheriff and register of deeds. So long as the sheriff or register of deeds shall be elected by the people, the authority conferred by Section 153-48.1 shall be subject to the following additional limitations insofar as it applies to the sheriff, the register of deeds, and to deputies, clerks, assistants, or other employees of the sheriff or the register of deeds:

(1) the sheriff and register of deeds shall have the sole and exclusive right to hire, discharge, and supervise all employees in their respective offices, except that appointment by any sheriff or register of deeds of a relative by blood or marriage of closer relationship than first cousin or any person who has been previously convicted of a crime involving moral turpitude, shall be subject to approval by the board of county commissioners;
(2) each sheriff and register of deeds shall be entitled to at least one deputy to be reasonably compensated by the board of county commissioners;
(3) any action of the board of county commissioners reducing the salaries or allowances of the employees assigned to the sheriff or register of deeds, except reductions which apply alike to all county offices and departments, shall be subject to the approval of the sheriff or the register of deeds, as the case may be. If the sheriff or the register of deeds shall disapprove any such action by the board of county commissioners, the board shall meet with the officer and attempt to reach agreement. If no agreement can be reached, either party may refer the dispute to arbitration by the senior regular resident Superior
Court judge of the district in which the county lies. The award shall be made within 30 days of the referral and shall extend to no more than two fiscal years, including the fiscal year in which rendered;

(4) no salary being paid a sheriff or register of deeds pursuant to a local act of the General Assembly as of July 1, 1969, shall be reduced so long as the person incumbent on that date shall continue to hold the office he then holds.

All of the limitations of this Section, except that contained in subparagraph (2), shall also apply to any other elected officers of any county.

Sec. 2. Section 153-9(12a) of the General Statutes of North Carolina is repealed.

Sec. 3. All special, local and private acts fixing the number, salaries, fees, allowances, and other compensation of county officers and employees shall continue in full force and effect until superseded by action taken in accordance with the provisions of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed to the extent of such conflict.

Sec. 5. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 405

CHAPTER 359

AN ACT TO AMEND G. S. 118-20 SO AS TO MAKE THE STATE PERSONNEL ACT APPLICABLE TO THE SECRETARY OF THE NORTH CAROLINA FIRE-MEN'S PENSION FUND.

The General Assembly of North Carolina do enact:

Section 1. G. S. 118-20 is hereby amended by striking out the third sentence and inserting the following in lieu thereof:

"The secretary shall be subject to the provisions of the State Personnel Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 478

CHAPTER 360

AN ACT TO AMEND CHAPTER 609 OF THE SESSION LAWS OF 1963 DEFINING THE CORPORATE LIMITS OF THE TOWN OF AHOSKIE.

The General Assembly of North Carolina do enact:

Section 1. Section 2.1 of the Charter of the Town of Ahoskie, as enacted by Chapter 609 of the Session Laws of 1963, is hereby amended by rewriting the same to read as follows:

"Section 2.1. Existing Town Boundaries. The corporate limits of the Town of Ahoskie shall be as follows until changed in accordance with law:

Beginning at a point on the West right-of-way, and 30 feet from the center line of U. S. 13 leading from Ahoskie to Winton, thence South 88 deg. 17 min. East 3208.60 feet along the property line of Basnight and Hill to a point on the center line of the Seaboard–Coast Line Railroad main track; thence South
CHAPTER 360  SESSION LAWS—1969

43 deg. 34 min. 30 sec. East 2490.30 feet to a point; thence North 48 deg. 09 min. East 980.17 feet to a point; thence South 40 deg. 25 min. East 329.00 feet to the center line of Catherine Creek Road leading from Ahoskie to Cofield; thence along the center line of said road South 49 deg. 25 min. West 234.26 feet to a point; thence along the Malibu Subdivision property line South 48 deg. 00 min. East 335.56 feet to a point; thence South 47 deg. 44 min. West 753.70 feet to a point on the South side of secondary road, number 1447; thence along the side of said road South 43 deg. 34 min. 30 sec. East 642.35 feet to a point; thence South 73 deg. 07 min. 30 sec. West 2957.17 feet to a point near the East end of Baker Street; thence South 4 deg. 50 min. East 3347.42 feet to the center line of the Carolina Southern Railroad; thence along said railroad South 45 deg. 19 min. East 475.92 feet; South 43 deg. 34 min. East 258.23 feet; South 36 deg. 50 min. East 399.65 feet; and South 28 deg. 54 min. East 409.63 feet to a point on the center line of said railroad; thence South 36 deg. 54 min. West 977.97 feet along the property line of Freeman Lumber Company to an iron pipe; thence South 44 deg. 34 min. East 524.08 feet to a point; thence South 45 deg. 26 min. 30 sec. West 1472.67 feet to a point; thence North 52 deg. 10 min. West 8127.03 feet to a point; thence South 48 deg. 06 min. West 999.80 feet to a point in the center of Ahoskie Creek; thence along said creek North 49 deg. 57 min. West 671.40 feet; North 48 deg. 29 min. West 357.24 feet; North 33 deg. 02 min. West 195.05 feet; North 17 deg. 13 min. West 197.51 feet; North 13 deg. 28 min. West 753.33 feet; North 24 deg. 54 min. 30 sec. West 114.78 feet; and North 42 deg. 00 min. 30 sec. West 86.89 feet to a point in the center of said creek; thence along the West bank of a canal North 2 deg. 41 min. 30 sec. East 623.61 feet to a point; thence North 7 deg. 11 min. 30 sec. West 320.70 feet to a point on the West bank of said canal; thence North 24 deg. 37 min. 30 sec. East 3225.27 feet to a point on the North right-of-way, and 30 feet from center line of N.C. 561 leading from Ahoskie to St. Johns; thence North 85 deg. 35 min. East 4109.53 feet to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 583  CHAPTER 361

AN ACT RELATING TO THE BRINGING OF ACTIONS FOR THE ENFORCEMENT OF TAXES BY CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1054 of the Session Laws of 1963 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.
CHAPTER 362
AN ACT TO REPEAL SESSION LAWS WITH SPECIAL PROVISIONS FOR BUILDING PERMITS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 284 of the 1953 Session Laws and Chapter 258 of the 1961 Session Laws relating to special provisions requiring a permit authorizing construction of buildings and improvements in Dare County are hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

CHAPTER 363
AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF NEWTON AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, and G. S. 118-7 TO THE CITY OF NEWTON.

The General Assembly of North Carolina do enact:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen’s Relief Fund of the City of Newton, as established in accordance with G. S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Newton Fireman’s Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Firemen’s Local Relief Fund of the City of Newton, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen’s Relief Fund of the City of Newton shall:

(a) prior to January 1, 1970, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of ten thousand dollars ($10,000.00);

(b) in each subsequent calendar year, and within thirty (30) days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G. S. 118-5, transfer to the Supplemental Retirement Fund such funds;

(c) at the end of any calendar year when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G. S. 118-7, be less than ten thousand dollars ($10,000.00), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of ten thousand dollars ($10,000.00);

(d) as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this Act.
CHAPTER 363  SESSION LAWS—1969

Sec. 3. *Supplemental Retirement Benefits* (a) Subject to the limitation prescribed in Subsection (c) of this Section, each fireman of the City who retires subsequent to July 1, 1969, with twenty (20) years service or more as a City fireman shall be entitled to and shall receive the following supplemental retirement benefits:

(1) one share for each full year of service as a full-time and fully-paid fireman of the City;

(2) one-half of one share for each full year of service as a volunteer fireman of the City;

(3) one-half of one share for each full year of service in the armed forces of the United States after having served as a fireman of the City; provided, that in no event shall any person be entitled to or receive more than two full shares for such military service.

(b) Any former fireman of the City, either full-time and fully-paid or volunteer, who is not otherwise entitled to supplemental retirement benefits under Subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this Subsection, need not specify such findings in subsequent calendar years.

(c) No person shall receive in any calendar year more than three hundred dollars ($300.00) in supplemental retirement benefits under the provisions of this Act.

Sec. 4. *Intention.* It is the intention of Sec. 3 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Supplemental Retirement Fund and the Local Relief Fund. It is the intention of Sec. 2 of this Act to require that the funds paid into the Supplemental Retirement Fund pursuant to Subsections (a) and (b) thereof shall be held in trust, and that no funds paid into the Supplemental Retirement Fund pursuant to Subsections (a) and (b) thereof or as a gift, grant, bequest, or donation to such Fund shall ever be disbursed except as and when required by Subsection (c) thereof.

308
Sec. 5. *Investment of Funds.* The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by G. S. 159-28.1, only in accordance with the provisions thereof.

Sec. 6. *Acceptance of Gifts.* The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 7. *Bond of Treasurer.* The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the Local Relief Fund the premiums on the bond of the Treasurer.

Sec. 8. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 614

CHAPTER 364

AN ACT TO AUTHORIZE THE GOVERNING BOARD OF THE TOWN OF LAKE WACCAMAW TO REGULATE THE SUBDIVISION OF THE LAND IN AND AROUND SAID TOWN AND WITHIN 2,000 FEET INLAND AROUND THE BOUNDARIES OF LAKE WACCAMAW.

The General Assembly of North Carolina do enact:

Section 1. (a) All of the provisions of Part 3A of Article 18 of Chapter 160 of the General Statutes are hereby made applicable to the Town of Lake Waccamaw in Columbus County.

(b) The boundaries of the territory within which the Governing Board of the Town of Lake Waccamaw may exercise the powers set forth in Part 3A of Article 18 of Chapter 160 of the General Statutes shall be extended and include the territory described as follows: all lands within 2,000 feet of the high water mark around the entire body of Lake Waccamaw.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.
CHAPTER 365  
AN ACT TO FIX THE SALARIES OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 1060 of the 1965 Session Laws is rewritten to read as follows:

"Sec. 2. The members of the Board of County Commissioners of Columbus County shall receive as compensation for their services the sum of twenty-five dollars ($25.00) per day for each day during which they are engaged in official business of the County and in addition thereto shall be paid the sum of ten cents (10¢) per mile for travel expense incurred while engaged in the performance of their official duties."

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Columbus County to fix their own compensation and allowances in accordance with G.S. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 651  
CHAPTER 366  
AN ACT TO ALLOW THE SHERIFF AND DEPUTY SHERIFFS OF GRANVILLE COUNTY TO PURCHASE AUTOMOBILES FROM STATE SURPLUS.

The General Assembly of North Carolina do enact:

Section 1. The duly elected Sheriff and his duly appointed, full-time salaried Deputies who have been employed not less than 90 days, of Granville County shall be permitted, during their term of office, to purchase automobiles which have been declared surplus property by the State of North Carolina and offered for sale by the Division of Purchase and Contract. Such purchase may be made through negotiations with the Division of Purchase and Contract, in the same manner as is done by the County of Granville itself. Such purchase shall be made only with permission of the Board of County Commissioners of Granville County, and automobiles so purchased shall be used in the performance of the official duties of the said Sheriff and Deputies.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 656  
CHAPTER 367  
AN ACT RELATING TO THE DISSOLUTION OF THE MOYOCK DRAINAGE DISTRICT.

WHEREAS, the Moyock Drainage District, comprising about 12,418 acres in Moyock Township, Currituck County, North Carolina, was organized on or about December 19, 1909; and
WHEREAS, the Moyock Drainage District has been inactive; has made no assessments or any drainage improvements since 1909; and

WHEREAS, there is a need for drainage improvements in the general area; and

WHEREAS, the boundaries of the area that needs drainage improvement do not coincide with the boundaries of the Moyock Drainage District; and

WHEREAS, there are no statutory provisions for decreasing the size of a Drainage District; and

WHEREAS, the existing Drainage District has to be dissolved before a Drainage District can be organized covering the entire area that needs improvement necessary to protect crops and property;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The Moyock Drainage District, Moyock Township, Currituck County, North Carolina, duly organized on or about December 19, 1909, is hereby dissolved.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 657

CHAPTER 368

AN ACT RELATING TO THE SALARY OF THE MAYOR AND THE COMMISSIONERS OF THE TOWN OF MURFREESBORO IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Mayor of the Town of Murfreesboro in Hertford County shall be $1,200.00 per year, payable monthly in equal installments.

Sec. 2. Each member of the Board of Commissioners of Murfreesboro shall receive $15.00 for attending each meeting of the Board.

Sec. 3. Nothing in this Act shall impair the authority of the Board of Commissioners of the Town of Murfreesboro to fix their own compensation and allowances and the compensation and allowances of the mayor in accordance with G. S. 160-9.1, added by Chapter 181, Session Laws of 1969.

Sec. 4. Chapter 1093 of the 1957 Session Laws, and all other laws in conflict with this Act, are repealed.

Sec. 5. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 658

CHAPTER 369

AN ACT TO PERMIT THE STANLY COUNTY BOARD OF COMMISSIONERS TO CONTRIBUTE TO AID IN THE PROGRAM OF THE STANLY COUNTY VOCATIONAL WORKSHOP, INC.

WHEREAS, the Stanly County Vocational Workshop, Inc. is a nonstock and non-profit corporation created and existing under and by virtue of the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of the State of North Carolina; and
WHEREAS, the purpose of said corporation is to provide vocational training and employment for persons who are so handicapped by reason of a physical or mental condition or from multiple disabilities that the handicapped person cannot compete in the regular job market; and

WHEREAS, said corporation now maintains and operates a sheltered workshop, in Albemarle, Stanly County, North Carolina, for the training of such handicapped persons; and

WHEREAS, the Board of County Commissioners of Stanly County desires authority, in its discretion, to appropriate and expend from nontax revenues such amounts as in its discretion may be deemed wise and expedient, up to two thousand five hundred dollars ($2,500.00) per fiscal year to aid in the programs of the Stanly County Vocational Workshop, Inc.; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Stanly County, is authorized, in its discretion, to appropriate and expend from nontax revenues such amounts as in its discretion may be deemed wise and expedient, up to two thousand five hundred dollars ($2,500.00) per fiscal year to aid in the programs of the Stanly County Vocational Workshop, Inc.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 664

CHAPTER 370

AN ACT ALTERING THE TERMS OF OFFICE OF MEMBERS OF THE ROCKY MOUNT CITY BOARD OF EDUCATION AND PROVIDING FOR STAGGERED TERMS OF OFFICE FOR SUCH MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Henceforth, the terms of office of members of the Rocky Mount City Board of Education shall be for periods of three years: Provided, that this Act shall have no effect upon any terms of office presently held by members of the Rocky Mount City Board of Education and: Provided further, that the two vacancies to be created by expiration of those terms of office expiring on June 30, 1974, shall be filled by interim appointments thereto for a period of one year, to expire June 30, 1975. With the exception of the above one-year terms, all appointments hereafter to expired terms on the Rocky Mount City Board of Education shall be for a period of three years, it being the express intention of this Act that three terms on the Rocky Mount City Board of Education shall expire each year.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

312
H. B. 665  
CHAPTER 371

AN ACT TO AMEND CHAPTER 1068 OF THE 1963 SESSION LAWS RELATING TO THE SALARIES OF THE COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 6A of Chapter 1068, Session Laws of 1963, is amended by striking out in lines 4-5, the words and figures "one thousand five hundred dollars ($1,500.00)" and substituting in lieu thereof the words and figures "two thousand four hundred dollars ($2,400.00)".

Sec. 1 1/2. Nothing in this Act shall limit the authority of the Board of Commissioners to fix their own compensation and allowances in accordance with G. S. Sec. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 670  
CHAPTER 372

AN ACT TO AMEND CHAPTER 72 OF THE SESSION LAWS OF 1969 SO AS TO MAKE TECHNICAL CORRECTIONS IN THE CHARTER OF THE VILLAGE OF WHISPERING PINES.

The General Assembly of North Carolina do enact:

Section 1. Section 1 1/ of Chapter 72 of the Session Laws of 1969, ratified March 14, 1969, is amended by deleting from line 2 of said Section the phrase "Article III of Chapter 1" and inserting in place thereof "Section 1.3".

Sec. 2. Section 2 1/ of this Chapter is amended by deleting from line 5 of said Section the phrase "Chapter Two, Article VI" and inserting in place thereof "Section 4.9".

Sec. 3. Section 4 8/ of the above-mentioned Chapter is amended by deleting from line 3 the word "Chapter" and inserting in place thereof the word "Article".

Sec. 4. Section 5 2/ of the above-mentioned Chapter is amended by deleting from line 7 the word "Article" and inserting the word "Section" in place thereof and by deleting the word "Article" from line 10 and inserting the word "Section" in place thereof.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 675  
CHAPTER 373

AN ACT TO MAKE CHAPTER 1058 OF THE SESSION LAWS OF 1963 APPLICABLE TO VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1058 of the Session Laws of 1963 is hereby amended by striking out of the third line thereof the word "Vance".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.
CHAPTER 373  

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 676  

CHAPTER 374

AN ACT TO AMEND CHAPTER 810 OF THE SESSION LAWS OF 1959 RELATING TO THE SUPPLEMENTAL FIREMEN'S RETIREMENT FUND OF THE CITY OF HENDERSON.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 810 of the Session Laws of 1959 is hereby amended by striking out all of the first sentence following the comma and inserting in lieu thereof "provided, that no person shall be eligible for benefits unless and until such person is also eligible for retirement or disability benefits as a member of the North Carolina Local Governmental Employees' Retirement System."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 677  

CHAPTER 375

AN ACT TO AMEND CHAPTER 543 OF THE SESSION LAWS OF 1947 RELATING TO THE APPOINTMENT OF THE TAX SUPERVISOR FOR RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Sec. 2(a) of Chapter 543 Session Laws of 1947 is hereby amended by deleting from lines 4 and 5 thereof the words "annually, during the week including the first Monday of the month preceding the day as of which taxes are listed," and insert in lieu thereof the words, "on July 1, 1969, and annually thereafter".

Sec. 2. The term of the present Tax Supervisor shall continue until July 1, 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 703  

CHAPTER 376

AN ACT PROVIDING THAT MONEY RAISED FOR THE RICHMOND TECHNICAL INSTITUTE EITHER THROUGH TAX LEVY OR BOND ISSUE MAY BE USED FOR COMMUNITY COLLEGE PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Any moneys belonging to the Richmond Technical Institute which have been raised either by authority of a tax levy or by the issuance of bonds may be used by the Richmond Technical Institute for community college purposes in the event such institution is converted into a community college.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.
In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. B. 754

CHAPTER 377

AN ACT RELATING TO THE ANSON COUNTY ADMINISTRATIVE SCHOOL UNIT NAMING CERTAIN MEMBERS TO THE BOARD AND FIXING THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 261 of the Session Laws of 1967 is hereby amended by striking the word "seven" in line five and substituting in lieu thereof the word "nine".

Sec. 2. Chapter 261 of the Session Laws of 1967 is further amended by adding immediately after Section 2 and immediately before Section 3 a new section to be designated Section 2-1/2 and reading as follows: "The persons listed below shall serve on the school board such terms as follows: John Jasper Threatt, whose term shall expire the first Monday in December 1972; Marjorie Richardson Robinson, whose term shall expire the first Monday in December 1974."

Sec. 3. Chapter 261 of the Session Laws of 1967 is further amended by striking from line 13 the word "one" and substituting in lieu thereof the word "three" in Section 3.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

S. B. 218

CHAPTER 378

AN ACT TO REQUIRE MOTOR VEHICLES TO BE EQUIPPED WITH SAFE TIRES.

The General Assembly of North Carolina do enact:

Section 1. Part 9 of Article 3 of Chapter 20, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended to insert therein immediately following G. S. 20-122 a new section to read as follows:

"G. S. 20-122.1. (a) Every motor vehicle subject to safety equipment inspection in this State and operated on the streets and highways of this State shall be equipped with tires which are safe for the operation of the motor vehicle and which do not expose the public to needless hazard. Tires shall be considered unsafe if cut so as to expose tire cord, cracked so as to expose tire cord, or worn so as to expose tire cord or there is a visible tread separation or chunking or the tire has less than two thirty-seconds inch tread depth. For the purpose of this section, the following definitions shall apply: H2 1.

1. Chunking - separation of the tread from the carcass in particles which may range from very small size to several square inches in area.
2. Cord - strands forming a ply in a tire.
3. Tread - portion of tire which comes in contact with road.
4. Tread depth - the distance, measured near the center line of the tire, from the base of the tread design to the top of the tread."
"(b) The driver of any vehicle who is charged with a violation of this Section shall be allowed 15 calendar days within which to bring the tires of such vehicle in conformance with the requirements of this Section. It shall be a defense to any such charge that the person arrested produce in court, or submit to the prosecuting attorney prior to trial, a certificate from an official safety inspection equipment station showing that within 15 calendar days after such arrest, the tires on such vehicle had been made to conform with the requirements of this Section or that such vehicle had been sold, destroyed, or permanently removed from the highways. Violation of this Section shall not constitute negligence per se."

Sec. 2. G. S. 20-183.3 as same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by adding a new subsection "(7)" to appear as follows:

"(7) Tires"

Sec. 3. G. S. 20-176(b) is hereby amended by inserting between the citations "20-122" and "20-123" appearing in lines 9 and 10 the following citation: "20-122.1".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

S. B. 267

CHAPTER 379

AN ACT TO AMEND THE STATE HIGHWAY BOND ACT OF 1965, SUBJECT TO A VOTE OF THE PEOPLE OF THE STATE, TO REMOVE THE FOUR PER CENTUM MAXIMUM INTEREST RATE LIMITATION WITH RESPECT TO STATE OF NORTH CAROLINA HIGHWAY BONDS.

WHEREAS, the State Highway Bond Act of 1965, Chapter 46 of the 1965 Session Laws, as amended by Chapter 913 of said 1965 Session Laws (herein called the "Act") authorized the issuance of Three Hundred Million Dollars ($300,000,000.00) of bonds of the State to provide funds for the construction of highways, subject to a vote of the people of the State; and

WHEREAS, at an election held on November 2, 1965, on the question of issuing said bonds, a majority of the qualified voters voting thereon cast their ballots in favor of the issuance of said bonds; and

WHEREAS, there have heretofore been issued under this authorization $180,000,000 State of North Carolina Highway Bonds, consisting of three issues of $60,000,000 each, dated February 1, 1967, August 1, 1967, and August 1, 1968, respectively, and $60,000,000 State of North Carolina Highway Bond Anticipation Notes, dated January 31, 1968, and maturing July 31, 1969; and

WHEREAS, Section 4 of the Act provides that bonds issued thereunder shall bear interest at such rate or rates not exceeding four per centum (4%) per annum as may be fixed by the State Treasurer with the approval of the Governor and Council of State; and

WHEREAS, in view of the fluctuations in the municipal bond market and the corresponding variations in interest rates from time to time, it is deemed desirable to remove the four per centum (4%) per annum maximum interest rate limitation set forth in the Act;
NOW, THEREFORE,  

The General Assembly of North Carolina do enact:  

Section 1. Subject to a favorable vote of a majority of the qualified voters of the State who shall vote thereon in an election called and held as hereinafter provided, Section 4 of the Act is hereby amended by deleting the words "not exceeding four per centum (4%) per annum" following the word "rates" in line 2 of said Section.  

Sec. 2. The question of the amendment of Section 4 of the Act as set forth in Section 1 hereof shall be submitted to the qualified voters of the State of North Carolina at a special election to be held on a date to be fixed by the Governor by a proclamation issued by him; provided, that the special election herein provided for may be held on the same day as any other State, county, municipal or district election, and any other State, county, municipal or district election may be validly held on the same day as the election provided for in this Act. Notice of said election shall be given by publication at least twice in a newspaper published in each county in the State or having a general circulation therein, and said election shall be held under and in accordance with the general laws of the State of North Carolina except that no absentee ballots shall be allowed in said election. The registration provisions of the General Statutes shall govern as to the registration of voters for said election. The State of North Carolina shall reimburse the counties of the State for all necessary expenses incurred in holding said election and registration therefor, the same to be paid out of the State Highway Fund. The State Board of Elections shall cause to be printed and distributed the ballots which are to be used in said election, which said ballots shall bear a facsimile of the signature of the Chairman of the State Board of Elections and shall be substantially in the following form:  

OFFICIAL BALLOT  

AMENDMENT TO STATE  

HIGHWAY BOND ACT OF 1965  

☐ For amending the State Highway Bond Act of 1965 to remove the four per centum (4%) per annum interest rate limitation with respect to State of North Carolina Highway Bonds.  

☐ Against amending the State Highway Bond Act of 1965 to remove the four per centum (4%) per annum interest rate limitation with respect to State of North Carolina Highway Bonds.  

          (Facsimile Signature)  
Chairman, State Board of Elections  

Those voting in said election who are in favor of amending the State Highway Bond Act of 1965 to remove the interest rate limitation shall vote by making an X or check mark in the square opposite the words "For amending the State Highway Bond Act of 1965 to remove the four per centum (4%) per annum interest rate limitation with respect to State of North Carolina Highway Bonds".  

Those opposed to amending the State Highway Bond Act of 1965 to remove the interest rate limitation shall vote by making an X or check mark in the square opposite the words "Against amending the State Highway Bond Act of 1965 to remove the four per centum (4%) per annum interest rate limitation with respect to State of North Carolina Highway Bonds".  

Notwithstanding the foregoing provisions of this Section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.  

317
If a majority of those voting thereon in said election shall vote in favor of amending the State Highway Bond Act of 1965 to remove said interest rate limitation, the amendment set forth in Section 1 of this Act shall become effective immediately. In the event a majority of those voting thereon in said election shall vote against amending the State Highway Bond Act of 1965 to remove said interest rate limitation, the amendment set forth in Section 1 of this Act shall not become effective.

The result of said election shall be canvassed and declared as provided by law for the holding of elections for State officers and the result thereof certified by the State Board of Elections to the Secretary of State of North Carolina, in the manner and at the time provided by the general election laws of the State.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

H. B. 594

CHAPTER 380

AN ACT AMENDING G.S. 153-246, RELATING TO JOINT PERFORMANCE OF ADMINISTRATIVE FUNCTIONS BY LOCAL GOVERNMENTS.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G.S. 153-246 is hereby rewritten to read as follows:

"Any two or more counties which are contiguous or which lie in a continuous boundary are authorized, whenever it is deemed for their best interests, to enter into written agreements for the joint performance of any and all similar administrative functions and activities of their local governments. Such joint administration may be performed through consolidated agencies, jointly owned buildings or institutions, joint boards or commissions, agreements for joint construction or repair work, or purchasing of apparatus, supplies, material or equipment, or any other appropriate means."

Sec. 2. The third paragraph of G.S. 153-246 is hereby rewritten to read as follows:

"Whenever any such agreement provides for a consolidated agency, board, commission, or institution set up to function jointly for the parties thereto, the consolidated agency, board, commission, or institution shall be vested with all the powers, rights, duties and functions theretofore existing by law in the separate agencies, boards, commissions, or institutions so consolidated or theretofore vested in the governing boards of the parties to the agreement, unless the agreement shall specify a more limited delegation of authority."

Sec. 3. The fifth paragraph of G. S. 153-246 is hereby rewritten to read as follows:

"In the same manner and subject to the same provisions herein, any municipality may enter into such an agreement with other municipalities within the county, or one or more municipalities may enter into such an agreement with the county in which located, to the end that functions of local government may, as far as practicable, be consolidated."
Sec. 4. This Act shall be deemed supplementary to all powers heretofore conferred by law and shall not be deemed to repeal any special, local, or private act heretofore enacted.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

H. B. 595

CHAPTER 381

AN ACT TO AMEND CHAPTER 1013 OF THE SESSION LAWS OF 1961 BEING THE CHARTER OF THE TOWN OF EDENTON TO REDEFINE THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Edenton, as enacted by Chapter 1013 of the Session Laws of North Carolina, 1961, is hereby amended by striking out in Chapter 1, Section 2, Corporate Boundaries, the second paragraph following the colon and substituting in lieu thereof the following description, redefining the corporate limits of the Town of Edenton:

"Beginning at a point where a line parallel with and 200' east of the right of way of N.C. Hwy. No. 1105 intersects a line parallel with and 200' north of the right of way of N.C. Hwy. No. 1106; thence parallel with and 200' north of right of way of N.C. Hwy. No. 1106 S 81 degrees —50' E 1,722'; thence continuing parallel with and 200' north of the right of way of N.C. Hwy. No. 1106, S 47 degrees—48' E 670'; thence continuing parallel with and 200' north of the right of way of N.C. Hwy. No. 1106, S 63 degrees—35' E 239'; thence S 41 degrees—10' W 2,297' to a point; thence S 61 degrees—10' W 1,284' to a point in the northern boundary of N.C. Hwy. No. 32; thence along the northern boundary of N.C. Hwy. No. 32 N 61 degrees—10' W 876' to the point of a curve; thence continuing along the northern boundary of N.C. Hwy. No. 32 a curve whose radius is 1,493' a distance of 561' to the center of a branch; thence along said branch S 24 degrees—20' W 1,075'; thence continuing along said branch S 84 degrees—45' W 635' to a point; thence continuing along said branch S 27 degrees—40' W 1,680' to the center of Queen Anne Creek; thence along the center of Queen Anne Creek S 87 degrees—45' W 890'; thence N 45 degrees—45' W 1,035' to a point in Edenton Bay; thence across Edenton Bay as follows, S 84 degrees—00'W 1,491'; N 55 degrees—15' W 2,135' to a point in the center of Pembroke Creek; thence along the center of Pembroke Creek as follows, S 63 degrees—30'W 1,065'; thence S 50 degrees—00'W 1,105'; thence N 55 degrees—40'W 575'; thence S 79 degrees—45'W 470' to a point on the western shore of Pembroke Creek; thence north 89 degrees—00'W 4,968.5' to a point; thence north 5 degrees—00' E 2,566' to the northwest corner of the U.S. Fish Hatchery fence; thence south 85 degrees—00' E 1,083 to a point; thence north 26 degrees—40' E 308' to Pembroke Creek; thence north 74 degrees—05' E 2,205' to a point; thence north 27 degrees—00' E 2,625' to a point; thence south 66 degrees—16' E 3,160.5' to a point; thence north 72 degrees—05' E 726' to a point; thence north 52 degrees—56' E 2,748.4' to a point; thence north 70 degrees—02' E 2,020 to a point on a ditch; thence along said ditch north 26 degrees—52' E 1,543.4' thence continuing along said ditch north 16 degrees—23' E 368.2 to a point in another ditch; thence along said ditch south 68 degrees—05' E 696' to a point in the western

319
boundary of N.C. Hwy. No. 1319; thence south 49 degrees—33° E 1,552 to a point in the southern boundary of the Norfolk and Southern Railroad; thence along the southern boundary of the Norfolk and Southern Railroad N54° degrees—00° E 881' to the point of a curve; thence continuing along the southern boundary of the Norfolk and Southern Railroad a curve whose radius is 2,865' the distance of 396' to a point; thence continuing along the southern boundary of the Norfolk and Southern Railroad north 47 degrees—00° E 3,195 to a point; thence south 33 degrees—35' w 994' to a point; then S 33 degrees—15° W 320' to a point; thence south 36 degrees—15° E 2,021' to a point, said point being 200° southeast of the southeast boundary of U.S. Hwy. No. 17; thence parallel with and 200° southeast of the southeast boundary of U.S. Hwy. No. 17 S 50 degrees—15° W 504' to the point of a curve; thence continuing parallel with and 200° southeast from the southeast boundary of U.S. Hwy. No. 17, a curve whose radius is 1433' the distance of 418' to a point; thence continuing parallel with and 200° southeast of the southeast boundary of N.C. Hwy. No. 1105, S 49 degrees 00' W 653' to a point; thence continuing parallel with and 200' east of the eastern boundary of N.C. Hwy. No. 1105 S 33 degrees—35° W 3,058' to the point of beginning."

Sec. 2. Any lot, tract or parcel of land which is located in whole or in part within the corporate boundaries of the Town of Edenton as described in Section 1 of this Act which was not located within the corporate boundaries of The Town prior to the effective date of this Act shall not be subject to ad valorem or other taxes levied by the Town of Edenton until the beginning of the fiscal year, July 1, 1970.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

H. B. 608

CHAPTER 382

AN ACT TO REWRITE G. S. 148-23, REGULATING THE CONDUCT OF PRISON EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-23 is hereby rewritten to read as follows:

"G. S. 148-23. Prison employees not to use intoxicants or profanity.—No one addicted to the use of intoxicating liquors, or narcotic drugs, shall be employed as superintendent, warden, guard, or in any other position connected with the State Department of Correction, where such position requires the incumbent to have any charge or direction of the prisoners; and anyone holding such position, or anyone who may be employed in any other capacity in the State prison system, who shall come under the influence of intoxicating liquors during hours of employment, or reports for duty under the effect of intoxicants, or narcotic drugs, or who shall become intoxicated, or uses narcotic drugs, under circumstances that bring discredit on the State Department of Correction, shall be subject to immediate dismissal from employment by any of the institutions and shall not be eligible for reinstatement to such position or be employed in any other position in any of the institutions. Any superintendent, warden, guard, supervisor, or other person holding any position in the State Department of Correction who curses a prisoner under his charge shall
be subject to immediate dismissal from employment and shall not be eligible for reinstatement."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

H. B. 610

CHAPTER 383


The General Assembly of North Carolina do enact:

Section 1. That Section 10 of the Charter of the City of Raleigh entitled "Power and organization of the city council" be amended to read as follows:

(a) All legislative powers of the City shall be vested in the City Council. The City Council elected as hereinafter provided shall meet at nine-thirty o'clock in the forenoon on the first Monday of June following their election for the purpose of choosing from its members a mayor, who shall hold office during the term for which he was elected a member of the City Council; and for the purpose of choosing from its members a mayor pro tempore, who shall hold his office during the pleasure of the City Council. The meeting shall be presided over by the City Clerk and Treasurer who shall certify to the incumbent mayor the results of the election and cause the same to be entered in the City Council minutes. The person receiving a majority of the votes cast for mayor shall be designated the mayor-elect. The person receiving a majority of the votes cast for mayor pro tempore shall be the mayor pro tempore-elect. No other item of business shall be considered at this meeting.

(b) The City Council-elect elected as hereinafter provided shall meet at ten o'clock in the forenoon on the first day of July following their election, or in the event the first day of July shall fall on a Sunday, the first Monday following, and the members of the City Council whose terms of office then begin shall severally make oath before the City Clerk, a Magistrate, the incumbent Mayor of the City of Raleigh or any Judge of the North Carolina General Court of Justice to perform faithfully the duties of their respective offices. The organization of the City Council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of one or more members; provided that at least four of the persons entitled to be members of the City Council are present and make oath as aforesaid. Any member entitled to make the aforesaid oath who was not present at the time fixed therefore may make oath at any time thereafter.

Sec. 2. That the last proviso of Section 22(7) of the Charter of the City of Raleigh entitled "Tax and license franchises, businesses, trades, etc." be amended to read as follows:

Provided further the additional tax shall be limited to fifty per cent (50%) of the tax originally levied, but in no event less than ten dollars ($10.00). The license year shall begin on the first day of June of each and every year.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
CHAPTER 383  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

H. B. 619  CHAPTER 384

AN ACT TO AMEND CHAPTER 216 OF THE SESSION LAWS OF 1967, BEING A PART OF THE CHARTER OF THE CITY OF CHARLOTTE, MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 216, Section 7.81 (a) of the Session Laws of 1967, being a part of the Charter of the City of Charlotte, is hereby amended by deleting the word "and" after the word "highways" and before the word "water" in the second line of the proviso, and inserting in lieu thereof a comma; and by inserting in this same sentence after the word "facilities," and before the word "the", the phrase "and airport purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

H. B. 659  CHAPTER 385

AN ACT TO REVISE THE CHARTER OF THE TOWN OF STONEWALL IN PAMlico COUNTY AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter X, laws of 1870 and 1871, Chapter 152, Private Laws of 1883 and Chapter 164, laws of 1921, creating and amending the charter of the Town of Stonewall in Pamlico County, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 2. The inhabitants of the Town of Stonewall in Pamlico County shall be and continue to be a body politic and corporate and shall continue to be known as the Town of Stonewall. The Town shall possess all powers and privileges given to municipalities by the general laws of North Carolina and subject to all the provisions of Chapter 160 of the General Statutes of North Carolina, except as may be otherwise provided herein.

Sec. 3. The corporate limits and boundaries of the Town of Stonewall in Pamlico County shall be as follows:

"BEGINNING at the bridge over which N. C. Highway 55 crosses the Southwest Prong of Bay River, and running northeastwardly with the Southwest Prong of Bay River to its intersection with the Northwest Prong of Bay River; thence eastwardly with Bay River to the mouth of Trent Creek; thence southwardly with Trent Creek to the mouth of Alligator Creek; thence westwardly with Alligator Creek to the eastern edge of the former right of way of the Norfolk Southern Railway Company’s Bayboro to Oriental line; thence northwestwardly with the eastern edge of said former railroad right of way to the southeast corner of the Vera Lentz land; thence westwardly to the southeast corner of the Pamlico Central School Site; thence westwardly with the south line of the Pamlico Central School Site, a ditch, to the McCotter Road; thence northwestwardly parallel
with N. C. Highway 55 where it crosses the River to the Southwest Prong of Bay River; thence northeastwardly with the Southwest Prong of Bay River to the bridge at the point of BEGINNING."

Sec. 4. The governing body of said Town shall consist of a mayor and three commissioners who shall be elected at the time and in the manner provided in Chapter 160 of the General Statutes.

Sec. 5. The initial officers of the Town shall be: Mayor, Harold Alexander; Commissioners, Lester Carey, Frank Spain and Sam Casey, who shall hold office until the regular municipal election in 1971 and until their successors shall have been elected and qualified as provided by law.

Sec. 6. The initial meeting of the governing body of the Town shall be held as soon as practicable following the enactment of this charter into law. Regular and special meetings shall be held thereafter at a time and place fixed by ordinance.

Sec. 7. Taxes as authorized by law may be levied and collected by said Town.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1969.

S. B. 223

CHAPTER 386

AN ACT TO AMEND G. S. 20-183.2(a) CONCERNING THE SAFETY EQUIPMENT INSPECTION OF SMALL TRAILERS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 20-183.2, as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words "less than 4000 pounds" in lieu of the words "2500 pounds or less" in line two thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

S. B. 274

CHAPTER 387

AN ACT TO AMEND G. S. 20-129.1(4), (5), and (6) CONCERNING REQUIRED LIGHTS ON SMALL TRAILERS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (4) of G. S. 20-129.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words "of 4,000 pounds or more:" in lieu of the words "in excess of 3,000 pounds:" in lines one and two thereof.

Sec. 2. Subsection (5) of G. S. 20-129.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words "having a gross weight of 4,000 pounds or more:" in lieu of the words "in excess of 3,000 pounds gross weight:" in the first line thereof.

Sec. 3. Subsection (6) of G. S. 20-129.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words "having a gross weight of less than 4,000 pounds:" in lieu of the words "weighing 3,000 pounds gross weight or less:" in lines one and two thereof.
Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 267  CHAPTER 388
AN ACT TO ESTABLISH PEMBROKE COLLEGE AS A REGIONAL UNIVERSITY WITH THE DESIGNATION OF "PEMBROKE STATE UNIVERSITY."

The General Assembly of North Carolina do enact:

Section 1. Chapter 1038 of the Session Laws of 1967, is hereby amended by adding thereto a new section, which shall immediately follow Section 1 of said Chapter and shall appear before Section 2 of said Chapter, and which shall be designated as "Sec. 1 1/2" and shall read as follows:

'Sec. 1 1/2. Notwithstanding any other provision of law Pembroke State College is hereby redesignated as 'Pembroke State University', subject to the provisions of Section 116-44.10 as set forth in said Chapter 1038 of the Session Laws of 1967. The caption of Article 2 of Chapter 116 of the General Statutes, line 2, is hereby amended by striking from said caption or title the words 'Pembroke State College'. Subsection (2) of G. S. 116-45 is hereby repealed. In all other statutes the words 'Pembroke State College' are amended to read 'Pembroke State University'. Pembroke State University shall be subject to all the laws and provisions of laws applicable to regional universities."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

S. B. 265  CHAPTER 389
AN ACT TO AMEND G.S. 20-129(d) CONCERNING REAR LAMPS ON SMALL TRAILERS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of G.S. 20-129, as the same appears in the 1967 Supplement to the 1965 Replacement Volume of the General Statutes, is amended by inserting the words "weighing less than 4000" in lieu of the words "licensed for not more than 2500" in line two of the last paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 390

AN ACT PROVIDING FOR THE DETERMINATION OF THE TENURE OF OFFICE FOR MEMBERS OF THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Section 1. Subject to the approval of the voters of the City of Roanoke Rapids, as hereinafter provided, the City Council of Roanoke Rapids shall consist of four members who shall be qualified voters of the City and who shall be elected for such terms and in the manner provided herein.

At the regular municipal election to be held in May 1969, the four members of the City Council shall be elected at large by the qualified voters of the City. The two candidates receiving the highest number of votes cast shall be elected for terms of four years, and the two candidates receiving the next highest number of votes cast shall be elected for terms of two years. Thereafter, as the term of each member expires, his successor shall be elected for a term of four years.

Sec. 2. At the regular municipal election to be held in May, 1969, there shall be submitted to the qualified voters of Roanoke Rapids the question of whether the members of the City Council shall serve four-year staggered terms. The question shall be printed on the ballot as follows: FOR increasing the term of office of City Councilmen from two years to four-year staggered terms. AGAINST increasing the term of office of City Councilmen from two years to four-year staggered terms.

Sec. 3. If a majority of those voting vote FOR increasing the term of office of City Councilmen from two years to four-year staggered terms, then the members of the City Council shall be elected as provided in Section 1 of this Act.

Sec. 4. If a majority of those voting vote AGAINST increasing the term of office of City Councilmen from two years to four-year staggered terms, then this Act shall be null and void, and the members of the City Council shall be elected in the same manner and for a term of two years as now provided by law in the Charter of the City of Roanoke Rapids.

Sec. 5. This Act shall not repeal or affect the election of the Mayor of the City of Roanoke Rapids, as provided in the Act heretofore introduced in this Session of the General Assembly.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

CHAPTER 391

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 675 of the Session Laws of 1957, as amended by Chapter 297 of the Session Laws of 1967, is hereby amended by inserting therein, between Section 25.1 and Section 26 thereof, the following to be designated as Section 25.2:

"Section 25.2. Liens for cost of removal of motor vehicles. The Board of Aldermen may establish charges to be made for the cost of removing abandoned motor vehicles from private property. When the Town causes the removal of any vehicle
from private property pursuant to an ordinance permitting such removal and the owner or other person having control of said property fails to pay the cost of removal within thirty (30) days after it becomes due, the amount of the cost of removal of such vehicle shall become a lien against the real property from which said vehicle was removed; said cost shall be placed upon the Town tax books against the said property and may be collected and the said lien may be foreclosed in the same manner as taxes are collected and foreclosed, or by suit, as the Town may determine."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 722
CHAPTER 392
AN ACT TO REPEAL CHAPTER 565, SESSION LAWS OF 1961, RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 565, Session Laws of 1961, is hereby repealed
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 723
CHAPTER 393
AN ACT TO AMEND CHAPTER 664 OF THE SESSION LAWS OF 1961, THE CHARTER OF THE TOWN OF GARNER, FOR THE FOLLOWING PURPOSES: TO ELIMINATE THE REQUIREMENT OF A MAJORITY VOTE NOT IN CONFORMITY WITH THE GENERAL STATUTE, TO CLARIFY TOWN MANAGER'S AUTHORITY TO REMOVE TOWN EMPLOYEES, TO ELIMINATE PROVISIONS APPLICABLE TO RECORDER'S COURT JUDGE AND SOLICITOR, AND TO REMOVE LIMITATIONS ON PURCHASE AND CONTRACT PROCEDURES COVERED BY GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 664 of the Session Laws of 1961 is hereby further amended as follows:
(a) by striking from Section 7 thereof the sentence reading, "The affirmative vote of a majority of the members elected to the Board of Aldermen shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present.";
(b) by striking Section 16 thereof;
(c) by striking from Section 17 thereof the sentence reading, "Such employees or officers shall serve at the pleasure of the Board of Aldermen, and shall perform such duties as may be prescribed by the Board of Aldermen.";
(d) by striking all of Subsection (5) of Section 23 thereof and inserting in lieu of said subsection a new subsection reading, "(5) Appoint and remove all employ-
ees of the Town, not including the Town Attorney who shall be appointed by the Board of Aldermen;*, and
(e) by striking all of Sections 26 and 27 thereof.

Sec. 2. Chapter 664 of the Session Laws of 1961, as amended by Chapter 597 of the Session Laws of 1967, is hereby further amended by renumbering Sections 15 through 45 thereof as Sections 15 through 42 in such manner that all Sections are consecutively numbered.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 724

CHAPTER 394

AN ACT RELATING TO DISCOUNTS FOR PAYMENT OF TAXES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1088 of the Session Laws of 1947, as amended, be further amended by adding at the end thereof a new paragraph reading as follows:

"Provided however that in the event tax notices are not mailed to the taxpayer prior to September 1st of the year in which the tax accrues, that then and in such event the taxpayer shall be entitled to the discount provided if the taxes are paid within fourteen days (14) after the mailing of tax notices.

"Provided further, that the foregoing shall not apply to any taxpayer who is subject to penalty for late listing."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 793

CHAPTER 395

AN ACT TO AMEND SECTION 160-59 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO EXCLUDE THE CITY OF BURLINGTON AS TO THE SALE OF ONE PARTICULARLY DESCRIBED PARCEL OF REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. That the provisions of Section 160-59 of the General Statutes of North Carolina, Volume 3D, 1964 Replacement, shall not apply to the City of Burlington in the sale of a certain parcel of real property now owned by said City and located within the corporate limits of the City of Burlington and more particularly described as follows:

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining the lands of the Long Property, South Main Street and Maple Avenue and described as follows:

BEGINNING at a point in the west property line of South Main Street, a corner with the Long Property and running thence with the line of Main Street, N 55-15E-37.91 feet to an iron stake in the southwest property line of Maple
Avenue; thence with the southwest property line of Maple Avenue, N 34-45W-102.94 feet to an iron stake, a point of curvature; thence along the arc of a curve to the northwest having a radius of 125.66 feet, a distance of 90.69 feet (chord of this arc described as N 55-25-30W-88.73 feet) to an iron stake, a point of tangency; thence continuing along the line of Maple Avenue, N 76-06W-5.01 feet to an iron stake, a point of curvature; thence again with the line of Maple Avenue along the arc of a curve to the northwest having a radius of 28.5 feet and a chord described as N 83-03W-4.38 feet to a cross cut in a concrete driveway to the Long property, said cross being a corner in the line of the Long property; thence with the Long property. S 34-45E-192.63 feet to the BEGINNING, containing 6,252 square feet (0.144 Acres) more or less, and being a part of the land conveyed to the City of Burlington by Villane, Inc., July 12, 1965 and recorded in Deed Book 328, Page 594 in the Alamance County Registry.

Sec. 2. That the City Council of the City of Burlington shall have and is hereby granted the power to sell and convey said real property at a private sale for such consideration and upon such terms as in the judgment of the City Council of the City of Burlington shall be in the best interest of the citizens of the City of Burlington. The said City Council of the City of Burlington is further authorized and empowered, in their discretion, to cause said property to be conveyed with full covenants of warranty.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 834

CHAPTER 396

AN ACT TO AMEND CHAPTER 1073 OF THE SESSION LAWS OF 1959 SO AS TO AUTHORIZE THE SHERIFF OF VANCE COUNTY TO ISSUE PERMITS FOR THE SALE OF CERTAIN WEAPONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1073, Session Laws of 1959, is hereby amended by deleting the word "Vance" in line 6 of Section 4 thereof:

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

S. B. 363

CHAPTER 397

AN ACT AMENDING CHAPTER 296 OF PUBLIC-LOCAL LAWS FOR THE YEAR 1939, AS AMENDED, TO PERMIT THE INVESTMENT OF A MAXIMUM OF FIFTY PER CENT (50%) OF THE ASSETS OF THE WINSTON-SALEM EMPLOYEES RETIREMENT FUND IN COMMON STOCKS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 296 of the Public-Local Laws for the year 1939, as amended by Chapter 721 of the Session Laws of 1959 and by Chapter 565 of the Session Laws of 1965, is hereby amended as follows:
The provisions at the end of Section 5 of Chapter 296 of the Public-Local Laws of 1939, as added to such Section by Chapter 721 of the Session Laws of 1959, and as amended by Chapter 565 of the Session Laws of 1965, are hereby further amended to read as follows:

"The City of Winston-Salem, or any governing body, agency, insurance company, person or other corporation contracting with the City of Winston-Salem for the investment, care or administration of said fund may invest and reinvest the funds constituting the said fund in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies; provided, the provision of Section 58-79(a)(6) prohibiting the investment of more than ten per cent (10%) of the total admitted assets of said fund in common stocks shall not apply; the investment or reinvestment of not more than fifty per cent (50%) of the assets of said fund in common stocks being hereby authorized; and provided further, that the foregoing limitation and the limitation of Section 58-79(a)(6) prohibiting the investment of more than three per cent (3%) of the admitted assets of said fund in the stock or shares of any one corporation, shall be construed as limitations determined at the time of investment on the basis of the cost of such assets and the cost of such stocks or shares."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

S. B. 368

CHAPTER 398

AN ACT AUTHORIZING THE TRUSTEES OF ROWAN TECHNICAL INSTITUTE TO CONVEY REAL ESTATE TO ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Trustees of Rowan Technical Institute, a body corporate, are authorized to convey to Rowan County, by warranty deed or otherwise, with or without valuable consideration, the following described property in Salisbury Township, Rowan County, North Carolina:

"BEGINNING at an iron pipe in the Southeast margin of the right of way of Interstate Highway No. 85, Rowan County's North corner; thence with the margin of said highway North 46 degrees 3 minutes East 576.2 feet to an iron pipe; thence South 18 degrees 19 minutes East 450.3 feet to an iron pipe; thence South 13 degrees 22 minutes West 390.4 feet to an iron pipe, Wallace's Northeast corner; thence a new line North 48 degrees 44 minutes West 618.5 feet to the point of BEGINNING, containing 5.1 acres, more or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1969.
CHAPTER 399

S. B. 411

CHAPTER 399

AN ACT TO AMEND CHAPTER 1235, SESSION LAWS OF 1949, RELATING TO THE SALE OF BEER AND WINE IN HOLLY SPRINGS TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1235 is hereby amended by changing the period at the end thereof to a semicolon, and by adding immediately following such semicolon the words "for consumption on the premises where sold."

Sec. 2. Section 2 of Chapter 1235 is hereby amended by changing the period at the end thereof to a semicolon, and by adding immediately following such semicolon the words "for consumption on the premises where sold."

Sec. 3. Chapter 1235 is hereby further amended by adding a new Section 2a reading as follows:

"Section 2a. Nothing in this Section shall be construed to prohibit the Board of Commissioners of the Town of Holly Springs, or the Board of Commissioners of Wake County or the State Board of Alcoholic Control from issuing otherwise lawful licenses for the off-premises sale of beer or wine within the territory designated in Section 1 of this Act."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Section are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

S. B. 529

CHAPTER 400

AN ACT TO ENLARGE THE MEMBERSHIP OF THE BOARD OF HIGHER EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 156 of Chapter 116 of the General Statutes as the same appears in the 1966 Replacement Volume 3A is hereby amended as follows:

a) by deleting from the first sentence of said section the word "fifteen" and inserting in lieu thereof the words "twenty-two";

b) by adding at the end of the first sentence of said section new sentences to read as follows: "The Governor shall serve ex officio as a member and as chairman of the Board. The six persons who are the chairmen of the committees on appropriations, finance and higher education in the Senate and House of Representatives shall serve ex officio as members of the Board."

c) by adding in the first sentence of the second paragraph of said section after the word "institutions" the following words: "and the ex officio members;"

d) by adding at the end of the second paragraph of said section a new sentence reading as follows: "The term of each of the six ex officio members from the General Assembly shall commence with his appointment to the committee chairmanship and shall continue until his successor as committee chairman has been appointed."

e) by deleting the first two sentences from the third paragraph of said section and inserting in lieu thereof the following: "All memberships, except ex officio mem-
memberships, shall be subject to confirmation by the House of Representatives and the Senate in joint session assembled. The Governor shall forward all appointments to the General Assembly before the fortieth legislative day of each regular session."

Sec. 2. Section 157 of Chapter 116 of the General Statutes as the same appears in the 1966 Replacement Volume 3A is hereby amended by deleting therefrom the word "chairman" and by deleting the commas following the words "chairman" and "vice chairman".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 71

CHAPTER 401

AN ACT TO AMEND G. S. 20-216 CONCERNING PASSING OF HORSES AND OTHER DRAFT ANIMALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-216, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by rewriting the same to read as follows:

"20-216. Passing horses or other draft animals. Any person operating a motor vehicle shall use reasonable care when approaching or passing a horse or other draft animal whether ridden or otherwise under control.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 494

CHAPTER 402

AN ACT TO AUTHORIZE MUNICIPALITIES TO TRANSFER AND CONVEY CEMETERY PROPERTY AND PERPETUAL CARE FUNDS TO RELIGIOUS AND CHARITABLE ORGANIZATIONS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-200 (36) is hereby amended by changing the period at the end thereof to a semi-colon and by adding immediately after such semi-colon the following:

"to transfer and convey any municipal cemetery property to any religious organization, together with any accumulated perpetual care funds or trust funds set aside for maintenance of the cemetery, upon condition that the religious organization will continue the use of the property as a cemetery, will perpetually maintain the cemetery, and will apply any funds so transferred only for maintenance of the cemetery."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 403

H. B. 748

CHAPTER 403

AN ACT TO CONFIRM, RATIFY AND VALIDATE A CERTAIN CONVEYANCE OF LAND BY THE CITY OF BURLINGTON.

WHEREAS, the City of Burlington conveyed a certain tract of land located in Burlington Township, Alamance County, North Carolina, to J. Douglas Avent and wife, Billie C. Avent, by deed dated April 22, 1968, recorded in Book 353, page 626, in the office of the Register of Deeds of Alamance County; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the action of the City Council of the City of Burlington in conveying the following described tract of land to J. Douglas Avent and wife, Billie C. Avent, by deed dated April 22, 1968 and being recorded in Book 353, page 626, in the office of the Register of Deeds for Alamance County, is hereby in all respects ratified, confirmed and validated. That the provisions of Section 160-59 of the General Statutes of North Carolina shall not apply to said transaction. That the property which is the subject of said conveyance, is described as follows:

BEGINNING at an iron stake in the northwestern margin of Courtland Terrace, said stake being a corner between Lots 1 and 2 of Beverly Hills Subdivision, Section 1-A, and running thence with Dallas Teer, N. 40 deg. 13' W. 120.4 feet to an iron stake, a corner between Lots 1 and 2 in Avent's line; thence with said Avent, N. 45 deg. 44' E. 30.0 feet to an iron stake on the new 100 feet right-of-way line of Church Street; thence a new line with the south right-of-way line of Church Street 50 feet from and parallel to the center line of said Church Street, S. 44 deg. 16' E. 109.14 feet to an iron stake; thence S. 00 deg. 09' W. 14.00 feet to an iron stake in the northwestern margin of Courtland Terrace; thence with Courtland Terrace, S. 44 deg. 34' W. 28.98 feet to the point of BEGINNING, and being as shown on Drawing No. 1393-67, as prepared by the Engineering Department, City of Burlington, North Carolina, dated September 29, 1967.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

S. B. 2

CHAPTER 404

AN ACT TO ESTABLISH A SYSTEM OF YOUTH COUNCILS THAT WILL PROVIDE THE YOUTH OF NORTH CAROLINA AN OPPORTUNITY TO DEVELOP LEADERSHIP SKILLS AND BECOME RESPONSIBLE CITIZENS.

The General Assembly of North Carolina Do enact:

Section 1. SHORT TITLE. This Act shall be known as the Youth Council Act of 1969.

Sec. 2. DECLARATION OF PURPOSE. The purpose of this Act is to create youth councils at the state and local levels that will provide opportunities for youth to develop leadership skills and become responsible citizens.

Sec. 3. DEFINITIONS. The terms or phrases used in this Act shall be defined as follows, unless the context or subject matter otherwise requires:
"1) 'Youth Advisory Board' is the state-level, advisory body for the State Youth Council and local youth councils of North Carolina, composed of adult and youth members.

"2) 'State Youth Council' is the state-level organization composed of youth members elected on a representative basis from local councils in the manner prescribed by the Youth Advisory Board.

"3) 'Local Council' is a youth council that is organized to cooperate with one or more units of local governments or community agencies."

"4) Local youth councils shall be composed of students enrolled in public and non-public high schools, and all other youth between the ages of 16 through 18 years residing within a council district. This does not preclude involving younger age groups in projects and activities."

Sec. 4. THE ADVISORY BOARD. (a) There shall be a Youth Advisory Board consisting of sixteen members. Eight members shall be adults and eight members shall be youth. The Governor shall appoint the eight adult members. Their terms shall be for four years, except that the Governor shall designate one-half of the initial appointees to serve two-year terms in order to provide for staggered terms. The initial eight youth members shall be elected by but not necessarily from the membership of the Youth Councils of North Carolina, Inc., with attention given to geographical distribution of members. No more than four of the initial eight members shall come from the Cities of Greensboro, High Point, Asheville, Raleigh, Fayetteville and Wilmington, which are the present affiliate cities of the Youth Councils of North Carolina, Inc. The Youth Advisory Board will then devise election procedures for election of future youth members of the Youth Advisory Board.

(b) The Youth Advisory Board shall be the advisory body for the youth councils of North Carolina. It is authorized and empowered to do the following:

(1) to encourage State and local councils to take an active part in governmental and civic affairs, promote and participate in leadership and citizenship programs, and cooperate with other youth oriented groups;

(2) to employ an executive secretary and his staff; and

(3) to accept and use for the purposes of this Act any property, funds, service or facilities from any source, subject to limitations of expenditures and audit as prescribed by State law.

(4) the Youth Advisory Board shall elect its own Chairman annually from the adult members and a Vice Chairman annually from the youth members. A majority of the Board members shall constitute a quorum.

(5) the Board shall meet quarterly on dates to be fixed by the chairman. The Board may be convoked at such other times as the chairman may deem necessary.

Sec. 5. THE STATE YOUTH COUNCIL. There shall be a State Youth Council. It shall be established within one year of the ratification date of this Act in accordance with the methods and procedures established by the Youth Advisory Board. The State Youth Council is authorized and empowered to do the following:

(1) to consider problems affecting youth and recommend solutions or approaches to these problems to State and local governments and their officials;

(2) to promote state-wide activities for the benefit of youth; and

(3) to elect the youth representatives to the Youth Advisory Board as provided in Section 4 of this Act.
CHAPTER 404  SESSION LAWS—1969

Sec. 6. LOCAL YOUTH COUNCILS. The primary purpose of local youth councils is to promote participation by youth in programs affecting civic and governmental affairs.

Sec. 7. THE EXECUTIVE SECRETARY. The executive secretary shall be appointed by the Youth Advisory Board subject to the approval of the Governor to serve at the pleasure of the Governor. He shall coordinate the activities of local youth councils and serve as advisor to the State Youth Council under the internal policies of the Youth Advisory Board. The personnel employed under the provisions of this Act shall not be subject to the provisions of the State Personnel Act.

Sec. 8. There shall be no State funds appropriated or expended for use of the State Youth Council or the Youth Advisory Board or the Executive Secretary.

Sec. 9. REPORTS. The executive secretary shall make an annual report on activities covering the twelve months' period prior to June 30th each year.

Sec. 10. EFFECTIVE DATE. This Act shall be in full force or effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 197  CHAPTER 405

AN ACT TO AMEND GENERAL STATUTE 162-5 PERTAINING TO THE PROCEDURE FOR FILLING A VACANCY IN THE OFFICE OF SHERIFF.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 162-5, as it appears in Volume 3D, 1964 Replacement, of the General Statutes of North Carolina, by rewriting said Section so that the same shall hereafter read as follows:

(a) When a vacancy occurs from any cause in the office of sheriff, the Board of County Commissioners shall fill such vacancy for the unexpired term by the appointment of a successor from a list of three (3) nominees submitted by the County Executive Committee of the political party to which the person creating the vacancy belonged.

(b) In the interim between such vacancy in the office of sheriff and the appointment and qualification of a successor sheriff, under the provisions of subsection (a), the coroner of the county shall execute all process directed to the sheriff until the first meeting of the Board of County Commissioners next succeeding such vacancy.

Sec. 2. This Act shall apply only to Transylvania, Jackson and Swain Counties.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 406
AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF EDUCATION OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other Acts of this or any previous session of the General Assembly, the Board of Education of Yadkin County shall be composed of seven members and is hereby constituted, effective on or about the first Monday in April, 1969, as follows: Linberg W. Swaim and Mary Jo Zachary for terms expiring on or about the first Saturday in April, 1971; W. H. Poindexter, Jr., and Leon F. Thomasson for terms expiring on or about the first Saturday in April, 1973; and Edwin M. Speas, Odell Groce and Dr. John W. Conway for terms expiring on or about the first Saturday in April, 1975. Upon expiration of the terms of office, as specified, their successors to membership on the Board of Education of Yadkin County shall be elected as hereinafter provided.

Sec. 2. Beginning with the primary to be held in Yadkin County in 1970, and biennially thereafter, forthcoming vacancies on the Board of Education due to expiration of terms shall be filled in a non-partisan election to be held at the same time as the regular primary election. Any registered voter residing in Yadkin County shall be eligible, upon payment of a filing fee of five dollars ($5.00), to file with the County Board of Elections, within the time required by law for county officers to file in primaries, as a candidate for membership on the Board without declaring his political affiliation. A separate ballot entitled "School Board" shall be used in the election and all qualified voters residing in Yadkin County shall be eligible to vote in said election. Those candidates receiving the highest number of votes cast shall be declared elected for six (6) year terms and there shall be no second primary. Persons so elected in the primary shall qualify for membership on the Board of Education by taking the oath of office on or about the first Saturday in April next succeeding their election.

Sec. 3. In the event of any vacancy on the Board of Education of Yadkin County because of death, resignation, change of residence, removal or similar cause, said vacancy shall be filled within thirty (30) days by appointment by the remaining members of the Board for the unexpired term. In the event a vacancy shall be created after a member has been elected but before he has qualified, said vacancy shall be filled for the elected term by the members of the Board of Education with whom the member causing the vacancy would have served. Vacancies not filled within the required thirty (30) days shall be filled by appointment by the State Board of Education.

Sec. 4. The Yadkin County Board of Education as herein named and thereafter elected and constituted shall in all other respects be governed by the procedures, powers and duties of boards of education as set forth in Chapter 115 of the General Statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 407

AN ACT AMENDING CHAPTER 308, SESSION LAWS OF 1959, EXTENDING THE TIME FOR ISSUANCE OF BONDS BY COUNTIES AND MUNICIPALITIES FOR PROVIDING STORAGE OF WATER AT PROJECTS CONSTRUCTED PURSUANT TO THE ACT OF CONGRESS CITED AS "WATER SUPPLY ACT OF 1958".

The General Assembly of North Carolina do enact:

Section 1. That Chapter 308, Session Laws of 1959, entitled "An Act to authorize political subdivisions of the State, acting jointly, to appropriate funds and issue bonds for developing water supply for domestic, municipal and industrial and other purposes" as amended by Chapter 693 Session Laws of 1963 is hereby amended by deleting the words "within ten (10) years" from the last sentence of Section 3 thereof and by deleting the words "within ten (10) years" from the last sentence of Section 4 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 606

CHAPTER 408

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO RENDER LEGAL ASSISTANCE TO COUNTY BOARDS OF ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 163 of the General Statutes of North Carolina is hereby amended by adding a new section to be designated G.S. 163-25 and to read as follows:

"G.S. 163-25 - Authority of State Board to assist in litigation. The State Board of Elections shall possess authority to assist any county board of elections in any matter in which litigation is contemplated or has been initiated provided, the county board of elections in such county, petitions, by majority resolution, for such assistance from the State Board of Elections and provided, further that the State Board of Elections determines, in its sole discretion by majority vote, to assist in any such matter. It is further stipulated that the State Board of Elections shall not be authorized under this provision to enter into any litigation in assistance to counties, except in those instances where the uniform administration of Chapter 163 of the General Statutes of North Carolina has been, or would be threatened.

The Attorney General shall provide the State Board of Elections with legal assistance in execution of its authority under this Act or, in his discretion, recommend that private counsel be employed."

Sec. 2. Any and all local Acts which might be in conflict with this Section shall be exempt from the provisions hereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
H. B. 630  

CHAPTER 409


The General Assembly of North Carolina do enact:

Section 1. Sec. 3. of Chapter 893 of the Session Laws of 1967 is hereby amended by striking out the words "the day following the day of certification of the results of said election or referendum." in lines 11 and 12 thereof, and substituting therefor the words "August 15, 1969".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 686  

CHAPTER 410

AN ACT TO AMEND THE PROVISIONS OF ARTICLES 20A AND 20B OF THE GENERAL STATUTES RELATING TO COUNTY REGULATIONS OF SUBDIVISIONS AND ZONING SO AS TO MAKE THEM APPLICABLE TO BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-266.9 and G. S. 153-266.22 are hereby amended by striking out the words "Brunswick" in each of said sections.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 687  

CHAPTER 411

AN ACT TO AMEND CHAPTER 375 OF THE PRIVATE LAWS FOR THE SESSION OF 1901 RELATING TO WATER CONNECTIONS IN THE TOWN OF DOVER.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 375 of the Private Laws for the Session of 1901 is hereby amended by adding at the end thereof the new sentence to read as follows: "In addition to authority granted by G. S. 160-240, the Board of Commissioners of the Town of Dover may require every person, firm, or corporation, as the owners or occupants, or as the agent of the owner, of lots or land abutting on a street or alley in the Town of Dover, wherein is laid a public water line to install, connect and maintain water pipes to the said public water mains and the Town water system and may establish and collect reasonable charges for such connections."
CHAPTER 411  SESSION LAWS—1969

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 690  CHAPTER 412

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF REIDSVILLE AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, AND G. S. 118-7 TO THE CITY OF REIDSVILLE.

The General Assembly of North Carolina do enact:

Section 1. Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Reidsville shall as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this Act.

Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time fireman of the City who retires with twenty-five (25) years' service or more as a City fireman shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00);

(b) Each retired volunteer fireman of the City who has previously retired shall be entitled to and shall receive an annual benefit equal to one quarter (1/4) of one share for each full year of service as a volunteer fireman of the City; provided, in no event shall any retired volunteer fireman be entitled to or receive in any year an annual benefit in excess of two hundred dollars ($200.00);

(c) Any former fireman of the City who is not otherwise entitled to supplemental retirement benefits under this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and
that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Local Firemen's Relief Fund.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more investments named in or authorized by G. S. 159-28.]

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Fireman's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 692

CHAPTER 413

AN ACT TO REPEAL CHAPTER 942 OF THE SESSION LAWS OF 1945 AND TO FIX THE PAY OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Cumberland County is hereby authorized to pay the chairman and members thereof twenty-five dollars ($25.00) per day for each regular or special meeting in the transaction of business and mileage at the rate of ten cents (10¢) per mile while going to and returning from the place where business is transacted. Said Board of Education is authorized and directed to pay the chairman thereof, in addition to the per diem and mileage above referred to, one hundred and twenty-five dollars ($125.00) each three months.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
H. B. 693

CHAPTER 414

AN ACT TO REPEAL CHAPTER 396, PUBLIC-LOCAL LAWS OF 1937, RELATING TO THE SALE OF BEER AND WINE IN THE VILLAGE OF SWANANNOA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 396, Public-Local Laws of 1937, is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 694

CHAPTER 415

AN ACT TO AUTHORIZE THE MONTGOMERY COUNTY BOARD OF EDUCATION TO ENTER INTO WRITTEN AGREEMENTS WITH THE EMPLOYEES OF SAID BOARD TO DEDUCT SPECIFIED SUMS FROM THE SALARIES OF THE EMPLOYEES FOR HOSPITALIZATION INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. Any of the employees of the Montgomery County Board of Education may voluntarily enter into written agreement with the Board of Education to authorize deductions from his or her salary of certain designated sums for payment of hospitalization insurance of the kind and type specified in such agreement.

Sec. 2. Upon execution of such written agreement as provided for in Section 1, the Board of Education is authorized and empowered to deduct the sum specified in said agreement from the weekly or monthly salary of such employee and to make payment directly to the Company, Corporation or Institution handling such hospitalization insurance.

Sec. 3. The agreement specified in Section 1 may be cancelled by the employee executing the same upon giving thirty (30) days' written notice to the Board of Education that he or she desires such agreement to be terminated and the Board of Education may cancel any agreement herein provided for upon giving ten (10) days' written notice to the affected employee.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 697

CHAPTER 416

AN ACT AUTHORIZING THE PITTCOUNTY BOARD OF EDUCATION TO LEASE THE FOUNTAIN ELEMENTARY SCHOOL FACILITY TO THE FOUNTAIN COMMUNITY DEVELOPMENT CORPORATION FOR A PERIOD IN EXCESS OF ONE YEAR.

WHEREAS, the Pitt County Board of Education has ceased to use the Fountain Elementary School property for school purposes and no longer needs the same for school purposes and it is impractical at this time to sell said property; and

WHEREAS, it is to the best interests of the Pitt County Board of Education and the Fountain Community that this property be leased to the Fountain COMMU-
Community and to incorporate community development Corporation, a non-stock, non-profit, public service corporation, incorporated to promote the growth and economic development of the Fountain Community and to improve the economic and social welfare of its citizens; and

WHEREAS, G. S. 115-126 of the General Statutes of North Carolina limits the period of time that the Board of Education can lease school property to one year and it is impractical for the Board of Education and the corporation to enter into a lease for such a limited period of time and it is also impractical and impossible to use said property for industrial or commercial purposes for such a limited period of time;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The Pitt County Board of Education is hereby authorized to lease to the Fountain Community Development Corporation, for whatever period of time and under such terms as the Board of Education considers necessary, the Fountain Elementary School Facility being located in Fountain, North Carolina and consisting of approximately 4.71 acres and bordered by Lang and Lynch Streets and upon which are situated one brick structure and three frame structures.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 698

CHAPTER 417

AN ACT TO AMEND CHAPTER 305 OF THE PRIVATE LAWS OF 1899, AS AMENDED BY CHAPTER 519 OF THE SESSION LAWS OF 1965, RELATING TO THE COMPENSATION OF THE MAYOR AND ALDERMEN OF THE TOWN OF WRIGHTSVILLE BEACH.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of Section 3 of Chapter 305 of the Private Laws of 1899, as amended by Section 2 of Chapter 519 of the Session Laws of 1965, is hereby amended by rewriting the same to read as follows:

"(b) The mayor shall receive as compensation for the performance of his duties the sum of eight hundred dollars ($800.00) per year, payable in equal monthly installments. Each alderman shall receive as compensation for the performance of his duties the sum of six hundred dollars ($600.00) per year, payable in equal monthly installments."

Sec. 2. Nothing in this Act shall impair the authority of the Board of Aldermen to fix their own compensation and allowances and the compensation and allowances of the mayor in accordance with G. S. 160-9.1, added by Chapter 181, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 418

H. B. 700

CHAPTER 418

AN ACT TO PROVIDE A SUPPLEMENTAL WELFARE FUND FOR FIREMEN IN THE COUNTY OF FORSYTH.

The General Assembly of North Carolina do enact:

Section 1. Supplemental Welfare Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the County of Forsyth, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Forsyth County Firemen's Association of Supplemental Welfare Fund, hereinafter called the Supplemental Welfare Fund, and shall maintain books of account for such Fund separate from the books of account of the Firemen's Local Relief Fund of the County of Forsyth hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Welfare Fund the funds prescribed by this Act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the Forsyth County Firemen's Association shall:

(a) transfer all Relief Funds credited to various Volunteer Fire Departments in Forsyth County to one Relief Fund.

(b) prior to June 30, 1969, transfer to the Supplemental Welfare Fund all funds, including earnings on investments of the Local Relief Fund in excess of Ten Thousand Dollars ($10,000.00);

(c) in each subsequent calendar year, and within thirty (30) days after receipt from the County Treasurer of the annual funds paid to the Local Relief Fund by authority of G.S. 118-5, transfer to the Supplemental Welfare Fund such funds;

(d) at the close of each calendar year when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than Ten Thousand Dollars ($10,000.00), transfer from the Supplemental Welfare Fund an amount sufficient to maintain in the Local Relief Fund the sum of Ten Thousand Dollars ($10,000.00);

(e) as soon as practicable after June 30th of each year, but in no event later than December 31st, deposit the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Welfare Fund and upon investments of funds belonging to the Local Relief Fund into Forsyth County Firemen's Association Welfare Fund and disburse the same as supplemental benefits in accordance with Section 3 of this Act.

Sec. 3. It is the intention of this Act to assist any member of the Forsyth County Volunteer Firemen's Association who may be injured while performing his duties as a fireman or to provide funds to said members in extreme hardship cases.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Welfare Fund, in any investment named in or authorized by G.S. 159-28.1.

Sec. 5. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Welfare Fund.

Sec. 6. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and
conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the income of the Local Fund the premiums on the bond of the Treasurer.

Sec. 7. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 701

CHAPTER 419

AN ACT AUTHORIZING THE TOWN OF ASHEBORO TO LEASE PROPERTY TO ASH-RAND RESCUE, INC., A NON-STOCK NON-PROFIT CORPORATION.

The General Assembly of North Carolina do enact:

Section 1. The City of Asheboro is hereby authorized and empowered to lease to Ash-Rand Rescue, Inc., a non-stock non-profit corporation upon such terms and for such consideration as in its discretion it shall determine, that certain surplus property of the City of Asheboro consisting of a tract or a parcel of land lying in the City of Asheboro, Randolph County, North Carolina and more particularly described as follows:

BEGINNING at the point of intersection of the Eastern right-of-way line of South Cox Street and Northern Asheboro and running thence along said right-of-way line of South Main Street the following courses and distances: North 49 deg. 37 min. East 65.05 ft., North 46 deg. 40 min. East 50 ft., North 43 deg. 12 min. East 50 ft. and North 41 deg. 21 min. East 9.51 ft. to a stake; thence leaving said right-of-way line and running North 82 deg. 39 min. West 137.54 ft. to a point in the Eastern right-of-way line South Cox Street; thence along said right-of-way line the following courses and distances: South 0 deg. 28 min. East 50 ft., South 5 deg. 07 min. East 50 ft. and South 7 deg. 41 min. East 38.19 ft. to the point and place of BEGINNING.

The land hereby authorized to be leased is to be used as a site for construction of headquarters of the Ash-Rand Rescue, Inc., and for quarters for its vehicles, equipment and facilities.

Sec. 2. G. S. 160-191.11 is hereby amended to add after the words "such funds" in line 2 thereof the words "or to contribute land (by deed or lease)". This Section shall apply only to the City of Asheboro.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 420

AN ACT TO PERMIT THE CITY OF THOMASVILLE TO OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Thomasville is hereby authorized and empowered, in its discretion to construct, own, operate and maintain "Cable Television Systems" within its City limits and within its zoning jurisdiction, and to make and establish reasonable fees or charges to the users of such systems. Cable Television Systems shall mean, any system or facility which, by means of a master antenna and wires or cables, or of wires and cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation; provided, that "Cable Television" shall not mean or include the providing by any person, firm or corporation of master antenna service only to property owned or leased by such person, firm or corporation, if no part of any public right of way or easement is used in providing such service.

Sec. 2. That Chapter 160 Section 414, Subsection (5) b. of the General Statutes is hereby amended by the addition of the following paragraph, to follow immediately after No. 3 of said subsection (5) b. "Used or useful in connection with the operation of Cable Television Systems, and all appurtenances thereto, including plants, lands, easements, rights in land, contract rights, franchises and equipment."

Sec. 3. This Act shall apply only to the City of Thomasville.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 717

CHAPTER 421

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF RALEIGH AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, AND G. S. 118-7 TO THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Raleigh shall as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this Act.

Sec. 2. Supplemental Retirement Benefits. (a) Each retired fireman of the City who has previously retired with twenty (20) years service or more as a City fireman, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a full-time and fully-paid fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00).
(b) Any former fireman of the City who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Local Firemen's Relief Fund.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more of the investments named in or authorized by G. S. 159-28.1.

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 422

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE COUNTY BOARD OF HEALTH OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-16 is hereby amended by adding at the end thereof the following proviso: "Provided, that in Edgecombe County, each member of the County Board of Health shall receive as compensation for his services an amount to be determined by the Edgecombe County Board of Commissioners, and actual expenses when attending official meetings."

Sec. 2. This Act shall apply to Edgecombe County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

CHAPTER 423

AN ACT TO FIX COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF PUBLIC WELFARE OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 108-12 is hereby amended by adding at the end thereof the following proviso: "Provided, that in Edgecombe County, each member of the County Board of Public Welfare shall receive as compensation for his services an amount to be determined by the Edgecombe County Board of Commissioners, and actual expenses when attending official meetings."

Sec. 2. This Act shall apply to Edgecombe County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

CHAPTER 424

AN ACT TO AMEND CHAPTER 568, SESSION LAWS OF NORTH CAROLINA, REGULAR SESSION 1965, ENTITLED "AN ACT REQUIRING A BUILDING PERMIT IN CHOWAN COUNTY".

The General Assembly of North Carolina do enact:

Section 1. Section 1 of said Act is hereby amended by striking the word "Accountant" in the fifth line of said Section following the word "County" and substituting therefor the words "Tax Supervisor".

Sec. 2. Section 2 of said Act is hereby amended by striking the word "Accountant" from the fourth line of said Section following the word "County" and substituting therefor the words "Tax Supervisor".

Sec. 3. Section 3 of said Act is hereby amended by striking the word "Accountant" from the fourth line of said Section following the word "County" and substituting therefor the words "Tax Supervisor".

Sec. 4. Section 4 of said Act is hereby amended by striking the word "Accountant" from the first line of said Section following the word "County" and substituting therefor the words "Tax Supervisor".
Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 6. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 726

CHAPTER 425

AN ACT TO AMEND CHAPTER 144 OF THE PUBLIC-LOCAL LAWS OF 1937, AS AMENDED, RELATING TO THE CIVIL SERVICE ACT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That Sec. 6 under Sec. 3, Article XIV of Chapter 144 of the Public-Local Laws of 1937, as amended, be further amended to read as follows:
"This Act shall include and apply to all employees of the City of High Point, except all city employees who are paid on an hourly wage basis, the City Manager, assistants to the Manager, Secretary to the City Manager, the City Clerk, City Treasurer, and Personnel Director. These persons shall be appointed independently of the Civil Service Commission as now provided by law. This Act shall not apply in any manner to employees employed in the office of City Manager."
Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 727

CHAPTER 426


The General Assembly of North Carolina do enact:

Section 1. That Chapter 337, Sec. 1 of Session Laws of 1967, is hereby amended to read as follows:
"The Mayor shall receive for his service such salary as the City Council, by ordinance, shall determine, but not less than $4,800 per year. The City Council may establish by ordinance such salary for the Mayor Pro Tem and other members as it shall determine, but not less than $2,400 per year. No increase or reduction in salary of the Mayor or members of the City Council shall be made to take effect during the respective term of office in which it is voted. All salaries shall remain in effect for all succeeding terms of office unless changed in the time and manner as hereinabove provided."
Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective on June 1, 1969.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.
CHAPTER 427  
SESSION LAWS—1969

H. B. 730  
CHAPTER 427

AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Rocky Mount (Ch. 938 Session Laws of 1963), as amended, is hereby further amended as follows:

(a) By adding a subparagraph (dd) to Section 10 entitled "General Rights and Powers" as follows:

(dd) To regulate and control by ordinance the use of all lands owned by the City and any waters covering said lands either within or without the corporate limits, including, but not limited to, use by the public of any body of water covering lands owned by the City wherever the same may be located.

(b) By deleting the last sentence of subsection (a) of Section 140 entitled "Police Department; powers and duties of the Chief of Police and policemen", which sentence reads as follows:

"Police officers shall be residents of the City." and substituting in lieu thereof the following:

"Police officers shall be residents of Nash or Edgecombe Counties, but need not be residents of the City."

(c) By adding the following to Section 302 entitled "Board of Adjustment."

"There shall be four alternate members appointed to the Board of Adjustment; two of said alternate members shall be citizens and residents of the City and appointed by the City Council; one alternate member shall be a citizen and resident of the territory beyond the corporate limits of the City and within one mile thereof in Edgecombe County and shall be appointed by the Board of County Commissioners of Edgecombe County; one alternate member shall be a citizen and resident of the territory beyond the corporate limits of the City and within one mile thereof in Nash County and shall be appointed by the Board of County Commissioners of Nash County. Any alternate member may represent any regular member who is a resident of the same territory from which said alternate was appointed and who is absent from any meeting of the Board of Adjustment. In representing regular members, alternate members shall exercise the same powers and be subject to the same restrictions as the regular members they represent. All members who are citizens and residents of the City shall be appointed by the City Council."

(d) By deleting subsection (b) of Section 383 entitled "Improvements Described" in its entirety and substituting the following in lieu thereof:

"(b) Water main improvements, which shall include the following:

(i) laying or construction of water mains and, in cases where the property abutting said mains is divided into lots by map or plat which is either recorded in the office of the Register of Deeds of the County in which said land lies or is unrecorded but approved by the City of Rocky Mount Planning and Zoning Commission, such improvements may, where the Council so directs, include a tap for each lot shown on such map or plat except in cases where a tap has been previously constructed to serve such lot from another main;

(ii) the relaying where necessary of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such mains;"
(iii) in any case where the improvement is made without petition and the Council so directs, the laying of water laterals."

e) By deleting subsection (c) of Section 383 entitled "Improvements described" in its entirety and substituting the following in lieu thereof:
"(c) Sanitary sewer improvements which shall include the following:
(i) laying or construction of a sanitary sewer main and, in cases where the property abutting said mains is divided into lots by map or plat which is either recorded in the office of the Register of Deeds of the County in which said land lies or is unrecorded but approved by the City of Rocky Mount Planning and Zoning Commission, such improvements may, where the Council so directs, include a tap for each lot shown on such map or plat, except in cases where tap has been previously constructed to serve such lot from another main.
(ii) the relaying where necessary of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such mains;
(iii) in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the Council so directs, the laying of sanitary sewer laterals."

f) By deleting subparagraph (b) of Section 387 entitled "When petition unnecessary; no petition shall be necessary" in its entirety and inserting the following in lieu thereof:
"(b) If, in the judgment of the City Council, the abutting property to be assessed will be benefitted in an amount at least equal to the assessment, and in the cases set forth in subsections (c) through (h) where in the judgment of the City Council the abutting property to be assessed will be benefitted in an amount at least equal to such assessment."

g) By adding a new subparagraph (h) to Section 387 entitled "When petition unnecessary; no petition shall be necessary" as follows:
"(h) Curb and gutter improvements. When in the judgment of the City Council any street or part of a street is without curb and gutter and curb and gutter should be provided in the public interest."

h) By deleting the words "Eastern Standard Time" from the first sentence of subparagraph 21 of Section 431 entitled "Supervision, Conduct of Elections."

(i) By adding a subparagraph (34) to Section 431 entitled "Supervision, Conduct of Elections" as follows:
"(34) Whenever a time is specified herein, it shall be deemed local time then in effect in the City."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 731

CHAPTER 428

AN ACT TO AMEND G. S. 143-129 RELATING TO THE LETTING OF PUBLIC CONTRACTS AND PURCHASES BY THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. That Section 143-129 of the General Statutes of North Carolina, as the same applies to the City of Durham in Durham County, is hereby amended
by deleting the words and figures "two thousand dollars ($2,000.00)" appearing in line 5, and substituting in lieu thereof the following, "three thousand dollars ($3,000.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 744
CHAPTER 429
AN ACT FIXING THE SALARIES OF THE MAYOR AND COMMISSIONERS OF THE CITY OF CHERRYVILLE IN GASTON COUNTY.
The General Assembly of North Carolina do enact:

Section 1. The Mayor of the City of Cherryville shall receive a salary of seventy-five dollars ($75.00) per month and the individual members of the Board of Commissioners of the City of Cherryville shall each receive a salary of sixty dollars ($60.00) per month, which salaries shall be payable at such pay periods as the Board of Commissioners of the City of Cherryville may direct by a majority vote at any regular meeting.

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of the City of Cherryville to fix their own compensation and allowances and the compensation and allowances of the mayor as provided by G. S. 160-9.1, added by Chapter 181, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 752
CHAPTER 430
AN ACT TO FIX PENALTIES AND DISCOUNTS UPON THE PAYMENT OF TAXES IN LEE COUNTY.
The General Assembly of North Carolina do enact:

Section 1. All ad valorem, poll and dog taxes assessed or levied by Lee County or any municipality, special district or political subdivision therein shall be due and payable on the first Monday in October of the year in which they are so assessed and levied, and, if actually paid in cash: on and after the first day of July and before the first day of August, there shall be deducted a discount of two percent (2%); on and after the first day of August and before the first day of September, there shall be deducted a discount of one and one-half percent (1 1/2%); on and after the first day of September and before the first day of October, there shall be deducted a discount of one percent (1%); on and after the first day of October and before the first day of February, there shall be no penalty or discount. If payment is made during February, there shall be added a penalty of one percent (1%); if made during the month of March, there shall be added a penalty of two percent (2%); if made during the month of April, there shall be added a penalty of two and one-half percent (2 1/2%); and if made during the month of May, there shall be added a penalty of three percent (3%), and thereafter interest on the principal amount of the tax shall be added at the rate of one-half percent (1/2%) per month.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 755  CHAPTER 431

AN ACT TO AUTHORIZE THE CITY OF OXFORD TO CONVEY CERTAIN PROPERTY TO THE BOARD OF EDUCATION OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 160-59, the Board of Commissioners of the City of Oxford is hereby authorized and empowered to transfer and convey by warranty deed, with or without consideration, either at public or at private sale, to the Board of Education of the County of Granville the following described real property:

BEGINNING at a point in the northeasterly line of Bell Street at the southwest corner of land described as the tenth tract in deed dated June 30, 1903, from Benehan Cameron and Sallie Mayo Cameron, his wife, to the Oxford and Coast Line Railroad Company, recorded in Deed Book 56, page 462, public records of said Granville County; running thence northeasterly, at right angles to the northeasterly line of Bell Street, 139 feet; thence northwesterly, parallel with said northeasterly line of Bell Street, 146 feet, more or less, to the northeast corner of land described as the fourth tract in said deed dated June 30, 1903; thence southwestwardly along the northwesterly line of land described as the fourth tract in said deed dated June 30, 1903, 139 feet to a point in the northeasterly line of Bell Street; thence southeastwardly along the northeasterly line of Bell Street, 148 feet to the point of beginning; being a portion of said land acquired by said deed dated June 30, 1903.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 760  CHAPTER 432

AN ACT TO ALLOW THE SHERIFF AND DEPUTY SHERIFFS OF MONTGOMERY COUNTY TO PURCHASE AUTOMOBILES FROM STATE SURPLUS.

The General Assembly of North Carolina do enact:

Section 1. The duly elected Sheriff and his duly appointed full-time salaried Deputies who have been employed not less than ninety days of Montgomery County shall be permitted, during their term of office, to purchase automobiles which have been declared surplus property by the State of North Carolina and offered for sale by the Division of Purchase and Contract. Such purchase may be made through negotiations with the Division of Purchase and Contract, in the same manner as is done by the County of Montgomery itself. Such purchase shall be made only with permission of the Board of County Commissioners of Montgomery County, and automobiles so purchased shall be used in the performance of the official duties of the said Sheriff and Deputies.
CHAPTER 432  
SESSION LAWS—1969

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after the date of
its ratification.

In the General Assembly read three times and ratified, this the 5th day of May,
1969.

H. B. 772  
CHAPTER 433

AN ACT RELATING TO REPAIR, CLOSING AND DEMOLITION OF UNFIT
DWELLINGS IN THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. That the City Council of the City of Rocky Mount may adopt an
ordinance permitting the hearing described in Section 160-184 (2) of the General
Statutes to be held at a place in the City of Rocky Mount and said place need
not be in the County in which the property about which the hearing is to be conduct-
ed is located.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 5th day of May,
1969.

H. B. 773  
CHAPTER 434

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN
IN THE CITY OF ROCKY MOUNT AND TO MODIFY THE APPLICATION
OF G.S. 118-5, G.S. 118-6, AND G.S. 118-7 TO THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. Disbursements. Notwithstanding the provisions of G.S. 118-7, the
Board of Trustees of the Local Firemen’s Relief Fund of the City of Rocky Mount
may as soon as practicable after July 1 of each year, but in no event later than
September 1, divide the income earned in the preceding Fiscal Year upon invest-
ments of funds belonging to the Local Firemen’s Relief Fund into equal shares and
disburse the same as supplemental retirement benefits in accordance with Section
2 of this Act.

Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time fireman
of the City who retires subsequent to July 1, 1969 with thirty (30) years service
or more as a City fireman and who is also the current recipient of benefits under
the Federal Social Security Act, and each retired full-time fireman of the City who
retires prior to July 1, 1969 regardless of the length of his service as a City fireman
and who is a current recipient of benefits under the Federal Social Security Act,
shall be entitled to and shall receive an annual supplemental retirement benefit
equal to one share for each full year of service as a fireman of the City; provided,
in no event shall any retired full-time fireman be entitled to or receive in any year
an annual benefit in excess of six hundred dollars ($600.00).

(b) Each retired volunteer fireman of the City who retires subsequent to July
1, 1969 with thirty (30) years service or more as a City volunteer fireman and who
is a current recipient of benefits under the Federal Social Security Act or the Feder-
al Civil Service Retirement Act, or the Railroad Retirement Act, and each retired
volunteer fireman of the City who retires prior to July 1, 1969 with twenty-five

352
(25) years service as a City volunteer fireman and who is a current recipient of benefits under the Federal Social Security Act, or the Federal Civil Service Retirement Act or the Railroad Retirement Act shall be entitled to and shall receive an annual benefit equal to one half (1/2) of one share for each full year of service as a volunteer fireman of the City; provided, in no event shall any retired volunteer fireman be entitled to or receive in any year an annual benefit in excess of three hundred dollars ($300.00).

(c) Any former full-time fireman of the City who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this Section, shall nevertheless be entitled to such benefits in any fiscal year in which the Board of Trustees makes the following written findings of fact:

1. that he initially retired from his position as a fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

2. that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

3. that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

4. that, since the preceding July 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

5. that, there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent fiscal years.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this Act to authorize the disbursement as supplemental retirement benefits only the income derived in any fiscal year from investments of funds belonging to the Local Firemen's Relief Fund.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest the funds of the Local Firemen's Relief Fund in one or more of the investments named in or authorized by G. S. 159-28.1.

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective upon its ratification.
CHAPTER 434        SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 774          CHAPTER 435
AN ACT TO DELETE BUNCOMBE COUNTY FROM THE LIST OF COUNTIES EXEMPTED FROM THE PROVISIONS REGARDING MUNICIPAL SUBDIVISIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-227.1 as the same appears in the 1967 Supplement to Volume 3D of the General Statutes of North Carolina is hereby amended by deleting the word "Buncombe" as it appears in line three thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 775          CHAPTER 436
AN ACT TO INCREASE THE APPROPRIATION WHICH THE BUNCOMBE COUNTY COMMISSIONERS MAY APPROPRIATE TO THE ASHEVILLE CHAMBER OF COMMERCE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 94, Session Laws of 1967, which amends Section 1 of Chapter 1043, Session Laws of 1959, is hereby amended by striking out the words and figures "twenty-five thousand dollars ($25,000.00)" appearing in lines five and six of said Section, and inserting in lieu thereof the words and figures "fifty thousand dollars ($50,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 778          CHAPTER 437
AN ACT TO AMEND CHAPTER 681, SESSION LAWS OF 1967, RELATING TO THE TRAVEL ALLOWANCE OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 681, Session Laws of 1967, is hereby amended by deleting in the last line thereof immediately following the word "than" the words and figures "seven cents (7¢)", relating to mileage allowance for members of the Board of County Commissioners, and inserting in lieu thereof the words and figures "eight cents (8¢)".

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Lincoln County to fix their own compensation and allowances as provided by G. S. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 783  CHAPTER 438

AN ACT TO MAKE PARTS 2 AND 3 OF ARTICLE 36, CHAPTER 160 OF THE GENERAL STATUTES APPLICABLE TO HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-453.12, as it appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby amended by deleting from the second line thereof the word "Harnett".

Section 2. G.S. 160-453.24, as it appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby amended by deleting from the second line thereof the word "Harnett".

Section 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 5th day of May, 1969.

H. B. 789  CHAPTER 439

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Rutherford County shall continue to be composed of six members. The three members appointed to said Board of Education by the provisions of Chapter 130 of the Session Laws of 1967, for terms of four years shall continue to hold their offices until the first Monday in December, 1970. The three members appointed under the Omnibus Board of Education Act of 1969 (H. B. 378) for terms of four years shall continue to hold their offices until the first Monday in December, 1972.

Section 2. The members of the Board of Education of Rutherford County shall be nominated from the attendance area of three high school districts, which are as follows: The attendance area of Rutherfordton-Spindale Central High School, including in said area the attendance area of Union Mills High School; the attendance area of East High School; and the attendance area of Chase High School. The political parties shall be entitled to nominate two members on said Board of Education from each attendance area as hereinafter set forth. The members nominated from each of said attendance areas shall be residents and electors in such areas and shall designate the areas from which they are candidates when they file notice of candidacy as well as party affiliation of each such person desiring to be nominated.

Section 3. At the primary election to be held for the nomination of County Officers of Rutherford County for the year of 1970, each political party shall be entitled to nominate three members consisting of one member from each of the above designated attendance areas for the office of member of the Board of Education of Rutherford County, the said three members to be nominated for terms of four years each. At the primary election to be held for the nomination of County Officers of Rutherford County for the year of 1972, each political party shall be entitled to nominate
three members of the Board of Education of Rutherford County, consisting of one
member from each of the above described attendance areas, the said three members
to be nominated for terms of four years each. Biennially thereafter, each political
party shall be entitled to nominate three members of said Board, consisting of one
member from each of the above attendance areas, to be nominated for terms of
four years each. All candidates shall be voted on by the voters of Rutherford County
at large in the aforementioned primary elections.

Sec. 4. All persons desiring to be candidates for membership on said Board
of Education from each of the three attendance areas shall file notice of candidacy
stating the name, age and attendance area in which such person resides and votes,
which said notice of candidacy shall be filed with the Chairman of the County Board
of Elections of Rutherford County on or before the Friday preceding the sixth Sat-
day before the date of said primary election. The three candidates in said primary
each political party receiving the highest number of votes shall be declared to
be nominated by said Board of Elections and there shall be no second primary.

Sec. 5. The nominees of the political parties selected in accordance with the
provisions of this Act shall be placed upon the County Ballot at the next succeeding
general election, and the candidates equal in number to the positions to be filled
who receive the highest number of votes at said general election shall be declared
to be elected to membership on said Board of Education of Rutherford County.

Sec. 6. It should be the duty of the Rutherford County Board of Education
to post at the Courthouse door of Rutherford County on or before January 10th,
and holdings of any primary for the nomination of members of said Board
of Education, a description of the boundaries of each of the above attendance areas,
including any changes which may have been made in said boundaries, and a descrip-
tion of said attendance areas as fixed by said Board of Education and posted on
the Courthouse door shall be the attendance areas from which said candidates are
nominated.

Sec. 7. The members of said Board of Education elected as herein provided
shall take office on the first Monday in December of the year in which they are
elected and shall hold their offices for terms of four years each until their successors
are elected and qualified. Any vacancy occurring in said Board of Education by
reason of death, resignation, removal from office, change of residence or otherwise,
shall be filled by the remaining members of said Board of Education for the unex-
pired term.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May,
1969.

H. B. 828

CHAPTER 440
AN ACT AMENDING CHAPTER 192 OF THE 1969 SESSION LAWS INDICATING
THE SECTION OF THE GENERAL STATUTES AMENDED.

The General Assembly of North Carolina do enact:

Section 1. Chapter 192 of the 1969 Session Laws, An Act Relating To Right
Of Appeal In Drainage District Hearings, is hereby amended by inserting in Sec.
3 before "(15)" the words:
"G. S. 156-93.3(15) is hereby rewritten to read as follows:"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1969.

H. B. 855

CHAPTER 441

AN ACT TO FILL A VACANCY ON THE EDGECOMBE COUNTY BOARD OF EDUCATION.

WHEREAS, Clarence J. Weeks, Sr., who died March 25, 1969 at the age of 61 after a lifetime of distinguished and honorable service to his community, his county, and his State; and

WHEREAS, in the death of Clarence J. Weeks, Sr., the State has lost a highly capable citizen who devoted his time, energy and talents to the betterment to his community, county and State, serving for many years as Chairman of the Edgecombe County Board of Education; and

WHEREAS, Clarence J. Weeks, Sr., served as a Director of the Edgecombe Bank and Trust Company and the North Carolina School Board Association; and

WHEREAS, he was an active contributor to the affairs of his community, a strong participant in civic life, and a man of vision and business acumen with rare qualities of warm fellowship, fond family ties, and a Christian gentleman; and

WHEREAS, due to the untimely death of Clarence J. Weeks, Sr., a vacancy has occurred on the Board of Education of Edgecombe County; and

WHEREAS, it has become necessary that an appointment be made to fill the unexpired term of the Honorable Clarence J. Weeks, Sr.;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The unnumbered paragraph entitled "Edgecombe", of Section 1 of Chapter 130, Session Laws of 1967, is hereby amended by deleting the name "Clarence Weeks", and inserting in lieu thereof the name "Jerry Pleze Bulluck".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1969.

S. B. 264

CHAPTER 442

AN ACT TO AMEND CHAPTER 128 OF THE GENERAL STATUTES RELATING TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Absence from service. Subdivision (1a) of G. S. 128-24 is hereby amended by rewriting said subdivision to read as follows:

"(1a) Should any member in any period of eight consecutive years after becoming a member be absent from service more than seven years, or should he withdraw

357
his accumulated contributions or should he become a beneficiary or die, he shall thereupon cease to be a member."

Sec. 2. Deposit in annuity savings fund. Subdivision (2) of G. S. 128-24 is hereby amended by adding at the end thereof a sentence to read as follows:

"Any member on or after July 1, 1969 may deposit in the annuity savings fund by a single payment the contributions plus interest which would have been credited to his account had he not signed a nonelection blank, and be entitled to such membership service credits and any prior service credits which became void upon execution of such nonelection blank; provided that the employer will pay the appropriate matching contributions."

Sec. 3. Employment or re-employment at or after age 62. G. S. 128-24 is hereby amended by adding a new subdivision immediately following Subdivision (3), to be designated as Subdivision (3a), and to read as follows:

"(3a) No person who becomes an employee as the term is defined in this chapter, shall thereby become a member of the Retirement System who is elected, appointed, employed or re-employed after he has attained the age of 62 years: Provided, however, that this will not apply to any member whose account is active upon his return to service."

Sec. 4. Re-employment before age 62. The first sentence of Subdivision c of Subdivision (4) of G. S. 128-24, as the same appears in the 1967 Supplement is hereby rewritten to read as follows:

"Should an employee who retired on an early or service retirement allowance be restored to service prior to the time he shall have attained the age of sixty-two years, or if a uniformed policeman or fireman prior to the time he shall have attained the age of fifty-five years, his allowance shall cease, he shall again become a member of the Retirement System, and he shall contribute thereafter at the uniform contribution rate for his class member."

Sec. 5. Re-employment at or after age 62. (a) G. S. 128-24 is hereby amended by adding a new subdivision immediately following Subdivision c of Subdivision (4), to be designated as Subdivision d, and to read as follows:

"(d) Should an employee who retired on an early or service retirement allowance be restored to service after the attainment of the age of 62 years, his retirement allowance shall be reduced to the extent necessary (if any) so that the sum of the retirement allowance and earnings from employment by a unit of the Retirement System for any year will not exceed the member's annual rate of compensation when he retired. Provided, however, that under no circumstances will the member's retirement allowance be reduced below the amount of his annuity as defined in G. S. 128-21 (3)."

(b) Subdivision c of Subdivision (5) of G. S. 128-24, as the same appears in the 1967 Supplement, is hereby amended by rewriting said Subdivision c in its entirety to read as follows:

"(c) The provisions of paragraph c and d of the preceding subdivision (4) shall apply equally to this subdivision (5)."

Sec. 6. Credit for sick leave. Subsection (e) of G. S. 128-26 is hereby amended by rewriting said subsection in its entirety to read as follows:

"(e) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior
service certificate; and if he has sick leave standing to his credit upon retirement on or after July 1, 1969, one month of credit for each 20 days or portion thereof, but sick leave shall not be counted in computing creditable service for the purposes of G. S. 128-24 (5) a."

Sec. 7. Service retirement. (a) Subdivision a of Subdivision (5) of G. S. 128-24, as the same appears in the 1967 Supplement, is hereby amended by rewriting the last sentence to read as follows:

"Such deferred retirement allowance shall be computed in accordance with the provisions of Section 128-27, subsection (b1); provided that such benefits will be computed in accordance with subsection (b2) on or after July 1, 1967, but prior to July 1, 1969; and provided further that such benefits will be computed in accordance with subsection (b3) on or after July 1, 1969."

(b) Subsection (b2) of G.S. 128-27, as the same appears in the 1967 Supplement, is hereby amended by rewriting the first three lines thereof to read as follows:

"(b2) Service Retirement Allowances of Persons Retiring on or after July 1, 1967, but Prior to July 1, 1969.—Upon retirement from service on or after July 1, 1967, but prior to July 1, 1969, a member shall receive a service retirement allowance which shall consist of:

(c) G.S. 128-27 is hereby amended by adding a new subsection, to be designated as Subsection (b3), and to read as follows:

"(b3) Service Retirement Allowances of Persons Retiring on or after July 1, 1969.—Upon retirement from service on or after July 1, 1969, a member shall receive a service retirement allowance which shall consist of:

(1) If the member's service retirement date occurs on or after his sixty-fifth birthday, regardless of his years of creditable service, or on or after his sixty-second birthday and the completion of 30 years of creditable service, such allowance shall be equal to one and one quarter per centum (1-1/4%) of the portion of his average final compensation not in excess of fifty-six hundred dollars ($5,600.00) plus one and one half per centum (1-1/2%) of the portion of such compensation in excess of fifty-six hundred dollars ($5,600.00), multiplied by the number of years of his creditable service.

(2a) If the member's service retirement date occurs before his sixty-fifth birthday and prior to his completion of 30 or more years of creditable service, his service retirement allowance shall be computed as in (1) above, but shall be reduced by one quarter of one per cent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his sixty-fifth birthday.

(2b) If the member's service retirement date occurs before his sixtieth birthday and prior to his completion of 30 or more years of creditable service, his service retirement allowance shall be the actuarial equivalent of the allowance payable at the age of sixty years as computed in (2a) above.

(3a) If the member's service retirement date occurs before his sixty-second birthday but on or after his sixtieth birthday and on or after completion of 30 or more years of creditable service, his service retirement allowance shall be computed as in (1) above, but shall be reduced by one quarter of one per cent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his sixty-second birthday.
"(3b) If the member's service retirement date occurs before his sixtieth birthday but on or after completion of 30 or more years of creditable service, his service retirement allowance shall be the actuarial equivalent of the allowance payable at the age of sixty years as computed in (3a) above.

"(4) Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1965, and uniformed policemen or firemen not covered under the Social Security Act employed thereafter, shall receive not less than the benefits provided by G.S. 128-27 (b)."

Sec. 8. Application for disability benefits. Subsection (c) of G.S. 128-27 is hereby amended by rewriting said subsection in its entirety to read as follows:

"(c) Disability Retirement Benefits. Upon the application of a member or of his employer, any member who has had ten or more years of creditable service may be retired by the board of trustees on the first day of any calendar month, not less than thirty and not more than ninety days next following the date of filing such application, on a disability retirement allowance: Provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent, and that such member should be retired."

Sec. 9. Disability retirement. (a) Subsection (d1) of G.S. 128-27, as the same appears in the 1967 Supplement, is hereby amended by rewriting the first five lines thereof to read as follows:

"(d1) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1965 but Prior to July 1, 1969.—Upon retirement for disability, in accordance with subsection (c) above, on or after July 1, 1965 but prior to July 1, 1969, a member shall receive a service retirement allowance if he has attained the age of sixty (60) years, otherwise he shall receive a disability retirement allowance which shall be computed as follows:"

(b) G.S. 128-27 is hereby amended by adding a new subsection immediately following Subsection (d1), to be designated as Subsection (d2), and to read as follows:

"(d2) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1969.—Upon retirement for disability, in accordance with subsection (c) above, on or after July 1, 1969, a member shall receive a service retirement allowance if he has attained the age of sixty years, otherwise he shall receive a disability retirement allowance which shall be computed as follows:

"(1) Such allowance shall be equal to the service retirement allowance which would have been payable had he continued in service without further change in compensation to the age of sixty-five years, minus the actuarial equivalent of the contributions he would have made during such continued service.

"(2) Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1965, and uniformed policemen or firemen not covered under the Social Security Act employed thereafter, shall receive not less than the benefit provided by G.S. 128-27 (d)."

Sec. 10. Refund provisions. Subsection (f) of G.S. 128-27, as the same appears in the 1967 Supplement, is hereby amended by rewriting all of said subsection preceding the semicolon in line four to read as follows:

"(f) Return of Accumulated Contributions. Should a member cease to be an employee except by death or retirement under the provisions of this chapter, he shall upon submission of an application be paid, not earlier than 60 days
from receipt of an acceptable application, the sum of his contributions and one half of the accumulated regular interest thereon, provided that he has not in the meantime returned to service."

Sec. 11. *Election of optional allowance.* Subsection (g) of G. S. 128-27, as the same appears in the 1967 Cumulative Supplement, is hereby amended by striking out the last sentence thereof and by striking out the following words commencing in line six and ending in line twelve:

"Provided further, that an optional election may be made after attainment of age sixty without establishment of a date of retirement; and further provided that, on or after July 1, 1967, said optional election may be made after attainment of age fifty-five or after completion of 30 years of creditable service, without establishment of a date of retirement. Such election will be effective thirty (30) days after execution and filing thereof with the Retirement System."

Sec. 12. *Cost of living increase.* G. S. 128-27 is hereby amended by adding a new subsection at the end thereof, to be designated as Subsection (k), and to read as follows:

"(k) Post Retirement Increases in Allowances. As of December 31, 1969 the ratio of the Consumer Price Index to such index one year earlier shall be determined. If such ratio indicates an increase that equals or exceeds three per centum, each beneficiary receiving a retirement allowance as of December 31, 1968 shall be entitled to have his allowance increased three per centum effective July 1, 1970.

"As of December 31st of each year after 1969, the ratio of the Consumer Price Index to such index one year earlier shall be determined.

"(1) If such ratio indicates an increase that equals or exceeds three per centum, each beneficiary receiving a retirement allowance as of the end of the preceding year shall be entitled to have his allowance increased three per centum effective on July 1st of the year following the date of determination, provided that any such increase in allowances shall be contingent upon the total fund providing sufficient investment gains to cover the additional actuarial liabilities on account of such increase.

"(2) If such ratio indicates an increase of less than three per centum for any year, the index at the end of such year will be compared to the index at the end of 1968, or if later, at the end of the last year when an increase of three per centum or more was indicated.

"If such comparison indicates an increase of three per centum or more, each beneficiary receiving an allowance at the beginning of the period encompassed by the comparison shall be entitled to have his allowance increased three per centum effective on July 1st of the year following such period, subject to the proviso stated in (1) above.

"The allowance of a surviving annuitant of a beneficiary whose allowance is increased under this subsection shall, when and if payable, be increased by the same per centum.

"Any increase in allowance granted hereunder shall be permanent, irrespective of any subsequent decrease in the Consumer Price Index, and shall be included in determining any subsequent increase.

"For purposes of this subsection, Consumer Price Index shall mean the Consumer Price Index (all items - United States City average), as published by the United States Department of Labor, Bureau of Labor Statistics."

Sec. 13. *Death Benefit.* G. S. 128-27 is hereby further amended by adding another new subsection at the end thereof, to be designated as Subsection (l), and to read as follows:
"(1) Death Benefit. The provisions of this subsection shall become effective for any employer only after an agreement to that effect has been executed by the employer and the Director of the Retirement System.  
"Upon receipt of proof, satisfactory to the board of trustees, of the death, in service, of a member who had completed at least one full calendar year of membership in the System, there shall be paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees, if such person is living at the time of the member's death, otherwise to the member's legal representatives, a death benefit equal to the compensation earned by the member during the calendar year preceding the year in which his death occurs but not to exceed the sum of fifteen thousand dollars ($15,000.00). Such death benefit shall be payable apart and separate from the payment of the member's accumulated contributions on his death pursuant to the provisions of subsection (f) of this Section 128-27. For purposes of this subsection (1), a member shall be deemed to be in service at the date of his death if his last day of actual service occurred not more than 90 days before the date of his death; provided that he shall not have retired or that payment of a refund of his contributions shall not have been issued by the Retirement System.  
"The death benefit provided in this subsection (1) shall not be payable, notwithstanding the member's compliance with all the conditions set forth in the preceding paragraph, if his death occurs  
(1) After June 30, 1969 and after he has attained age 70; or  
(2) After December 31, 1969 and after he has attained age 69; or  
(3) After December 31, 1970 and after he has attained age 68; or  
(4) After December 31, 1971 and after he has attained age 67; or  
(5) After December 31, 1972 and after he has attained age 66; or  
(6) After December 31, 1973 and after he has attained age 65.  
"Notwithstanding the above provisions, the board of trustees may and is specifically authorized to purchase a contract or contracts of group life insurance with any life insurance company or companies licensed and authorized to transact business in this State for the purpose of insuring the lives of members in service, which policy contract or contracts shall provide death benefits upon the life of each member according to the terms and conditions otherwise appearing in this subsection. To that end the board of trustees is authorized and empowered to investigate the feasibility of utilizing group life insurance for the purpose of providing a death benefit for members comparable to the death benefits provided for herein.  
"In administration of the death benefit the following shall apply:  
(1) For the purpose of determining eligibility only, in this subsection "calendar year" shall mean any period of twelve consecutive months. For all other purposes in this subsection, "calendar year" shall mean the twelve months beginning January 1 and ending December 31.  
"(2) Last day of actual service shall be:  
   a. When employment has been terminated (except by retirement), the last day the member actually worked.  
   b. When employment has not been terminated, the date on which an absent member's sick and annual leave expire.  
"(3) A member shall be deemed to have retired on the day he becomes eligible to receive monthly retirement benefits.
"(4) A member in service who has filed an early election of option, without designating a date of retirement, is deemed to have retired on the first day of the month following the date of his death."

Sec. 14. Early election of option. G. S. 128-27 is hereby further amended by adding a new subsection at the end thereof, to be designated as Subsection (m), and to read as follows:

"(m) Early Election of Option.—Any member in service, after attainment of age 55 or completion of 30 years of creditable service, may elect one of the following options which would become effective and remain in effect until a final election has been made:

"(1) Designation of a single beneficiary who would receive the monthly benefit provided by Option 2 of subsection (g) above. Such benefit would be computed by assuming that the member had retired on the first day of the month following the date of his death.

"(2) Designation of a single beneficiary who would have the right upon the member's death to elect to receive either the benefit under (1) of this subsection or a lump sum return of the member's accumulated contributions.

"Such elections would become effective under the conditions stated if a form provided for this purpose by the board of trustees is executed and filed with the Retirement System 30 days or more before the member's death."

Sec. 15. Administration of system - annual valuation. Subsection (p) of G. S. 128-28 is hereby amended by rewriting said subsection in its entirety to read as follows:

"(p) On the basis of such tables and interest assumption rate as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the System created by this chapter."

Sec. 16. References. All references in this Act to sections of the General Statutes are references to the 1964 Replacement Volume except references to the 1967 Cumulative Supplement in which case references are to the statutes in the 1967 Cumulative Supplement to the 1964 Replacement Volume of the General Statutes.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 7th day of May, 1969.

S. B. 289

CHAPTER 443

AN ACT TO PROVIDE AN ELECTION OR REFERENDUM FOR A CERTAIN AREA IN ROBESON COUNTY ON THE QUESTION OF WHETHER OR NOT IT SHALL BE ANNEXED TO THE LUMBERTON CITY ADMINISTRATIVE UNIT AND BE SUBJECT TO THE SCHOOL TAXES LEVIED IN THE LUMBERTON CITY ADMINISTRATIVE UNIT IF SO ANNEXED.

The General Assembly of North Carolina do enact:

Section 1. The area or territory whose residents shall be subject of the election or referendum hereinafter provided as to whether or not the said area shall be annexed to the territory of the Lumberton City Administrative Unit hereby designated as "D" Addition and is hereby described as follows:

Robeson County, North Carolina, located in Lumberton, Saddletree, Raft Swamp, and Back Swamp Townships,
BEGINNING at a point, said point being located where the corporate limit line of the City of Lumberton intersects the centerline on the ramp of I-95 on North Carolina Highway #72 and North Carolina Highway #711, the same leading to Philadelphus and Pembroke, respectively, and continuing along the centerline of said North Carolina Highway #72 and North Carolina Highway #711, as the same crosses the right of way of I-95, to a point in the centerline of the bridge located over the Lumber River; thence proceeding in a westerly direction along the various courses and distances up the Lumber River to a point, which said point is located where the mouth of Jack's Branch comes into the Lumber River; thence in a northwesterly direction from the mouth of Jack's Branch, up the various courses and distances of the run of Jack's Branch and crossing North Carolina Highway #711 and continuing with the courses and distances of the run of Jack's Branch to a point, said point being located adjacent to a stake in the Western edge of Jack's Branch by a maple and gum pointer; thence South 77 degrees 30 minutes East 8.75 chains to a stake and pointer; thence South 0 degrees 30 minutes East 2.0 chains to a stake near three (3) large pine stumps; thence South 55 degrees 30 minutes East 13.50 chains to a stake by a pine and oak pointer; thence North 54 degrees 50 minutes East 1.97 chains to a stake by a pine; thence South 45 degrees 20 minutes East 33.75 chains to an iron stake in the edge of the woods located adjacent to the golf course at the Pine Crest Country Club; thence South 62 degrees 05 minutes West 3.04 chains to a stake; thence South 57 degrees 20 minutes East 18.37 chains to a stake; thence North 32 degrees 40 minutes East 2.65 chains to a stake, said stake being located on the Southern edge of a road (Rural Paved Road #1548) leading from North Carolina Highway #72 to the Pine Crest Country Club; thence in a northerly direction across said road above referred to approximately 3.67 chains to an iron stake on the corner of a lot presently occupied by C. M. Williams, said corner being 1.17 chains Northwest from the corner of a ditchbank by two pines and being in a northwesterly direction from the original corner of the old golf course property; thence North 24 degrees 30 minutes East 16.98 chains to an iron stake; thence South 46 degrees East approximately 17.5 chains to an iron stake, said iron stake being the Northern corner of the tract or parcel of land owned by O.C. Norment; thence North 54 degrees 15 minutes East approximately 8.70 chains to a point, said point being located 150 feet West of the centerline of North Carolina Highway #72; thence proceeding 150 feet at right angles from and with the centerline of North Carolina Highway #72 and on the South side of the same and in a northerly direction parallel with North Carolina Highway #72 to a point, said point being located 150 feet South of the intersection of North Carolina Rural Paved Road #1549 and North Carolina Highway #72; thence proceeding in a northeasterly direction with the centerline of Rural Paved Road #1549 150 feet to a point, said point being the centerline of North Carolina Highway #72 where the same intersects with the centerline of Rural Paved Road #1549; thence in a northeasterly direction with the centerline of Rural Paved Road #1527 (Pine Log Road) to a point, said point being located in the centerline of Rural Paved Road #1527 where the same intersects with Rural Paved Road #1532; thence continuing with the centerline of Rural Paved Road #1527 to a point where the centerline of Rural Paved Road #1527 intersects with the centerline of Rural Paved Road #1534; thence in a northerly direction and at right angles with the centerline of Rural Paved Road #1527 300 feet to a point located in a field; thence in an easterly direction
300 feet at right angles and parallel with the centerline of Rural Paved Road #1527 to a point and on the North side of the same, said point being 300 feet in a northerly direction from the intersection of Rural Unpaved Road #1530 and Rural Paved Road #1527; thence in an easterly direction 300 feet to the centerline of where Rural Paved Road #1530 intersects with Rural Paved Road #1527; thence in a northerly direction with the centerline of Rural Unpaved Road #1530 to a point, said point being located where the centerline of Rural Unpaved Road #1530 intersects with the centerline of Rural Paved Road #1528; thence in a southeasterly direction as the centerline of Rural Paved Road #1528 to a point, said point being 300 feet Northwest of the intersection of where Rural Paved Road #1528 intersects with Rural Paved Road #1527 (Pine Log Road); thence in an easterly direction 300 feet at right angles from Rural Paved Road #1527 and North of Rural Paved Road #1527 to a point where North Carolina Highway #211 intersects 300 feet at right angles North of the centerline of Rural Paved Road #1527 (Pine Log Road); thence down the centerline of North Carolina Highway #211 to a point, said point being in the center of North Carolina Highway #211 where the same intersects with Rural Unpaved Road #1531 (Clyburn Church Road); thence in a southwesterly direction along the centerline of Rural Unpaved Road #1531 to a point, said point being located where the centerline of Graveyard Branch crosses Rural Unpaved Road #1531, said point also being the corner of the A.T. McLean property; thence down the various courses and distance of the run of Graveyard Branch to a point where the run of Graveyard Branch intersects the run of Saddletree Swamp; thence as the various courses and distances of the run of Saddletree Swamp Canal to Lumber River; thence up the various courses and distances of the run of Lumber River to a point where the Eastern right of way of North Carolina Highway #711 bridge intersects with the Lumber River; thence in a southerly direction as and with the Eastern right of way of North Carolina Highway #711 to the corporate limits of the City of Lumberton.

Excepting, however, from the above description, all of that property owned by the Robeson Recreational and Charitable Foundation, Inc., now or heretofore owned by said corporation or conveyed by the said O. C. Norment to the corporation as will appear by deed recorded in Book 16-F at Page 19, Robeson County Registry.

Excepting also all of that farm or parcel of land owned by Mr. A. T. McLean, Sr., on both sides of North Carolina Highway #211 and located on both the North and South side of Rural Unpaved Road #1531."

Sec. 2. Upon presentation to the Robeson County Board of Education of a petition signed by twenty-five per cent (25%) of the qualified voters who reside in the area designated in this Act as "D" Addition, it shall be the duty of the Robeson County Board of Education to consider said petition and to decide whether or not the said Robeson County Board of Education shall petition the Board of County Commissioners of Robeson County for an election on the question of whether or not the area designated as "D" Addition shall be annexed to the Lumberton City Administrative Unit and become a part of the same and its public school system. If the Robeson County Board of Education decides to petition the Board of County Commissioners of Robeson County for an election or referendum to be held in the above designated area, then the Board of County Commissioners of Robeson County shall conduct and hold an election or referendum in the above designated area for the purpose of determining if said area shall be annexed to the Lumberton City
Administrative Unit. The said election shall be held according to the rules and regulations set forth in Article 14 of Chapter 115 of the General Statutes and particularly according to the rules governing elections set forth in G. S. 115-122. There shall be a separate election or referendum in the above described area to the end that it may be determined whether or not the area desires annexation. The ballot to be used in said election in the above described area shall have written or printed thereon the words: "FOR annexation of "D" Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed on the 16th day of April, 1963." Likewise, there shall be also printed on the same ballot the following: "AGAINST annexation of "D" Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed on the 16th day of April, 1963."

The Board of County Commissioners of Robeson County shall have the power and authority to call upon the Robeson County Board of Elections to hold or conduct such election or referendum if the said Board of County Commissioners desires to do so, and the expense of such election or referendum shall be paid by the Board of County Commissioners of Robeson County. If a majority of the qualified voters voting in the area above described shall vote in favor of the annexation and tax equalization in said area, then the said area shall be annexed to the Lumberton City Administrative Unit, and the residents of said area so annexed shall become a part of the Lumberton City Administrative Unit as to its public schools and shall pay the school taxes assessed and heretofore existing in the Lumberton City Administrative Unit, together with such other taxes as may from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit. If a majority of qualified voters voting in said election in said area shall vote against annexation and equalization of taxes, then the status of said area so voting in the negative shall be the same as the status prior to the election.

Sec. 3. If the Board of Education of Robeson County shall refuse to petition the Board of County Commissioners of Robeson County for an election or referendum as set forth above, then in such case the Board of County Commissioners of Robeson County shall call an election or referendum for the purpose of presenting to the area above described the question of annexation and the assumption of a school tax at the same rate as that of the Lumberton City Administrative Unit by the residents in said area above described. The said election or referendum may be held by the County Board of Elections of Robeson County if the Commissioners request said Board to so do, and the Board of County Commissioners of Robeson County shall pay the expense of said election or referendum. The said election or referendum shall be held according to the rules and regulations set forth in Article 14 of Chapter 115 of the General Statutes, and particularly the rules governing elections set forth in G.S. 115-122. In case the said area votes for annexation to the Lumberton City Administrative Unit, the taxes referred to in this Act which are to be equalized are the supplemental taxes levied by the Lumberton City Administrative Unit as adopted in 1956, and the tax passed by the voters of the City of Lumberton for the retirement of the capital improvement program, the same having been passed on the 16th day of April, 1963, and such other taxes as may
from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit.

Sec. 4. If the results of said election or referendum shall be in favor of annexation in the case of the area above described, then the school taxes referred to in this Act as to the residents of the area so annexed shall be levied and collected in the same manner as the taxes for the public schools of the Lumberton City Administrative Unit as administered by the Lumberton City Board of Education. All taxes authorized to be levied and collected under this Act shall be collected by the City of Lumberton.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 61

CHAPTER 444

AN ACT TO REWRITE AND CLARIFY THE STATUTORY LIMITATION-UPON-RIGHT TO PERFORM AUTOPSY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 90-217 as the same appears in the 1967 Cumulative Supplement to 1965 Replacement Volume 2C is hereby amended and rewritten to read as follows:

"Sec. 90-217. Limitation on right to perform autopsy. The right to perform an autopsy shall be limited to those cases in which:

(a) the Chief Medical Examiner or the medical examiner of a county, acting pursuant to G. S. 130-200, directs that an autopsy be performed;

(b) a prosecuting officer or solicitor acting pursuant to G. S. 15-7 in case of homicide, directs that an autopsy be performed;

(c) the decedent directs in writing that an autopsy be performed in connection with his death;

(d) the personal representative of the estate of the decedent requests that an autopsy be performed upon the decedent;

or

(e) any of the following persons, in order of priority, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual opposition by a member of the same or prior class, authorizes an autopsy to be performed:

(1) The spouse,

(2) Any adult son, adult daughter or adult step-son or adult step-daughter,

(3) Any parent or step-parent, including the mother of an illegitimate child decedent,

(4) Any adult brother, adult sister, or adult half-brother or adult half-sister,

(5) any other relative or person who accepts responsibility for burial or final disposition of the body by other customary and lawful procedures,"
CHAPTER 444

SESSION LAWS—1969

(6) Any other person charged by law with the duty of burial or final disposition of the body by other customary and lawful procedures.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective October 1, 1969.

In the General Assembly read three times and ratified, this the 7th day of May, 1969.

S. B. 66

CHAPTER 445

AN ACT TO CORRECT SEVERAL SEPARATE STATE BOARD, COMMISSION AND COMMITTEE AUTHORIZATION ACTS TO CONFORM TO G. S. 138-5 WITH REGARD TO THE AMOUNT OF PER DIEM PAYMENTS AUTHORIZED FOR MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 159-3 is hereby amended by deleting from the fourteenth line thereof the following words "ten dollars" and inserting in lieu thereof the words "the amount provided in G. S. 138-5."

Sec. 2. G. S. 119-26 is hereby amended by deleting from the eighth line thereof the words, "sum of ten dollars" and inserting in lieu thereof the words "amount provided by G. S. 138-5."

Sec. 3. G. S. 164-19 is hereby amended by deleting from the first and second lines thereof the following words, "ten dollars a day", and inserting in lieu thereof the words, "the amount of per diem provided by G. S. 138-5."

Sec. 4. G. S. 130-4 is hereby amended by deleting from the second line of the second paragraph thereof the following words, "ten dollars ($10.00) per diem, unless the Biennial Appropriations Act specifically provides otherwise," and inserting in lieu thereof the words, "the amount of per diem provided by G. S. 138-5."

Sec. 5. G. S. 143-245 is hereby amended by deleting from the second line thereof the words, "not more than ten dollars ($10.00) per diem" and inserting in lieu thereof the words, "the amount of per diem provided by G. S. 138-5."

Sec. 6. G. S. 90-248 is hereby amended by deleting from the second and third lines thereof the words, "sum of ten ($10.00) dollars per day" and inserting in lieu thereof the words "amount of per diem provided by G. S. 138-5."

Sec. 7. G. S. 90-257 is hereby amended by deleting from the seventh and eighth lines of the second paragraph thereof the following words, "$10.00 per diem" and inserting in lieu thereof the words "the amount of per diem provided by G. S. 138-5."

Sec. 8. G. S. 87-17 is hereby amended by deleting from the fourth and fifth lines thereof the words, "ten dollars per day" and inserting in the fifth line thereof after the word, "committees" the words, "the amount of per diem provided by G. S. 138-5."

Sec. 9. G. S. 87-53 is hereby amended by deleting from the fourth and fifth lines thereof the words, "fifteen dollars ($15.00) per day" and inserting in lieu thereof the words, "the amount of per diem provided by G. S. 138-5."

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969

368
S. B. 183

CHAPTER 446

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 and 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF IREDELL COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN IREDELL COUNTY, AND TO AUTHORIZE THE DIVISION, OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners for the County of Iredell is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Iredell County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G. S. 105-308 or G. S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G. S. 105-308 and G. S. 105-310.

Sec. 3. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Iredell County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Iredell County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 4. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Iredell County. If the Board of County Commissioners of Iredell County has adopted regulations relating to any matter covered by this Act, the listing in Iredell County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 5. This Act shall apply only to Iredell County.

Sec. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.
CHAPTER 447  SESSION LAWS—1969

S. B. 359  CHAPTER 447

AN ACT TO REDEFINE THE CORPORATE BOUNDARIES OF THE CITY OF STATESVILLE SO AS TO INCLUDE WITHIN ONE DESCRIPTION ALL THE AREA EMBRACED WITHIN THE CORPORATE LIMITS, INCLUDING THOSE SEVERAL AREAS INCORPORATED BY ANNEXATION, AND CERTAIN PROPERTY OWNED SOLELY BY THE CITY.

The General Assembly of North Carolina do enact:

Section 1. In order to include within one description all the area of the City of Statesville, including those several areas incorporated by annexation and certain property belonging to the City, Section 2 of Chapter 667, Session Laws of 1959, is hereby rewritten to read as follows:

"BEGINNING at a point in the south margin of Salisbury Road, said point being situated and lying S 79 degrees 32-39 E 380 feet from the intersection of the south margin of Salisbury Road with the center line of Interstate Highway #77; thence N 2 degrees 49-55 E 696.28 feet to a State Highway concrete right-of-way monument East of I-77 North bound ramp about 665 feet from the center line of Salisbury Road; thence N 5 degrees 30-27 W 1365.26 feet to a concrete monument; thence N 5 degrees 26-53 E 4026.84 feet to a concrete monument said monument being 300 feet East of the center line of I-77 and 30 feet North of the center line of East Broad Street; thence S 82 degrees 24-19 E 678.17 feet to a concrete monument, said monument being 29.3 feet North of the center line of East Broad Street; thence N 2 degrees 23-38 E 879.69 feet to a concrete monument; thence N 7 degrees 56-57 E 657.58 feet to a concrete monument; thence N 89 degrees 25-09 W 660.40 feet to a concrete monument, said monument being 30 feet East of branch; thence N 5 degrees 32-29 E 1613.54 feet to a concrete monument; thence N 5 degrees 00-07 E 309.45 feet to a concrete monument; thence N 3 degrees 41-20 E 1319.87 feet to a concrete monument, said monument being about 120 feet East of power line and 40 feet North of the center of Fourth Creek; thence S 84 degrees 23-40 E 844.70 feet to a concrete monument in the North right-of-way line of Davie Avenue, (U. S. 64-A) thence along and with said Davie Avenue North right-of-way line the following courses; N 71 degrees 53-24 E 276.25 feet to a concrete monument; thence N 66 degrees 40-41 E 100.04 feet to a concrete monument; thence N 61 degrees 53-47 E 99.91 feet to a concrete monument; thence N 60 degrees 28-26 E 99.99 feet to a concrete monument; thence N 54 degrees 47-25 E 829.12 feet to a concrete monument; thence N 55 degrees 17-45 E 318.60 feet to a concrete monument, said monument being 30 feet North of the center line of Davie Avenue; thence leaving Davie Avenue N 34 degrees 55-13 W 399.75 feet to a concrete monument; thence S 54 degrees 56-50 W 190.00 feet to a concrete monument; thence N 8 degrees 02-42 E 485.68 feet to a concrete monument; thence S 88 degrees 28-19 W 400.68 feet to a concrete monument; thence S 38 degrees 56-43 W 918.27 feet to a concrete monument; thence N 3 degrees 39-05 E and crossing I-40 2393.07 feet to a concrete monument; thence N 86 degrees 18-32 W and crossing I-77 2589.61 feet to a concrete monument; thence S 3 degrees 41-20 W 1133.42 feet to a concrete monument; thence basically parallel to I-40 S 80 degrees 13-06 W 3073.66 feet to a concrete monument; thence N 7 degrees 02-09 E 261.16 feet to a concrete monument, said monument being 25.9 feet East of the center line of U. S. Highway #21; thence S 80 degrees 13-19 W 1142.56 feet to a concrete monument; thence
S 9 degrees 46-24 E 250.07 feet to a concrete monument; thence basically parallel to I-40 S 80 degrees 13-05 W 3302.00 feet to a concrete monument, said monument being 49.0 feet North of the center line of S. R. 1931 and 34.4 feet West of the center line of Radio Road; thence S 77 degrees 03-12 W 1030.13 feet to a concrete monument; thence S 73 degrees 54-09 W 123.52 feet to a concrete monument; thence leaving I-40 N 3 degrees 05-51 E 792.47 feet to a concrete monument; thence N 89 degrees 27-15 W 460.17 feet to a concrete monument; thence N 16 degrees 25-27 W 129.93 feet to a concrete monument; thence 76 degrees 03-34 W 497.07 feet to a concrete monument; thence N 89 degrees 28-41 W and crossing Museum Road 781.73 feet to a concrete monument; thence S 15 degrees 20-22 E 696.04 feet to a concrete monument; thence S 70 degrees 43-37 W 210.45 feet to a concrete monument; thence S 50 degrees 43-47 W 181.39 feet to a concrete monument; thence S 77 degrees 44-54 W 329.81 feet to a concrete monument; thence S 35 degrees 44-43 W 263.92 feet to a concrete monument; thence S 0 degrees 16-16 E 98.93 feet to a concrete monument; thence S 07 degrees 58-12 E 93.10 feet to a concrete monument; thence N 60 degrees 44-36 E 1083.89 feet to a concrete monument; thence S 37 degrees 09-11 E 419.92 feet to a concrete monument; thence basically parallel to I-40 S 73 degrees 54-09 W 12,260.91 feet to a concrete monument; thence N 0 degrees 14-00 E 19.97 feet to a concrete monument; thence N 33 degrees 30-57 W 87.65 feet to a concrete monument; thence N 35 degrees 52-17 W 59.43 feet to a concrete monument; thence S 83 degrees 36-02 W 332.28 feet to a concrete monument; thence S 4 degrees 18-34 W 228.97 feet to a concrete monument; thence S 73 degrees 45-58 W 39.02 feet to a concrete monument; thence crossing I-40 S 16 degrees 05-17 E 551.00 feet to a concrete monument; thence N 81 degrees 14-05 E 1151.63 feet to a concrete monument, said monument being 6 inches back of curb on the South side of N.C. Highway #90 and East of S.R. 1360; thence along and with the South margin of West Front Street S 63 degrees 32-06 E 2960.43 feet to a concrete monument on the South side of and 30.0 feet from the center line of West Front Street, in a center line of driveway; thence S 21 degrees 48-15 W 1204.24 feet to a concrete monument; thence S 64 degrees 10-41 E 1320.00 feet to a concrete monument 1 foot West of edge of pavement on Cline Street; thence S 84 degrees 49-15 E 235.92 feet to a concrete monument; thence S 19 degrees 52-48 E 2083.05 feet to a concrete monument; thence S 16 degrees 48-20 W 1818.28 feet to a concrete monument; said monument being 48 feet South of the center line of Williams Road; thence S 86 degrees 59-04 E 2701.04 feet to a concrete monument, said monument being on the North bank of a creek and 447.25 feet South of the center line of Woodruff Street; thence S 47 degrees 53-16 E 3834.68 feet to a concrete monument just South of the dead end of Randolph Street; thence S 5 degrees 44-14 W 1623.43 feet to a concrete monument on the East bank of branch; thence S 88 degrees 13-44 E 2070.67 feet to a concrete monument approximately 50 feet South of branch; thence S 49 degrees 22-56 E 1969.99 feet to a concrete monument South side of driveway East of Boulevard; thence N 61 degrees 49-05 E 5654.20 feet to a concrete monument; thence S 3 degrees 34-50 W 8.80 feet to a concrete monument; thence N 88 degrees 05-39 E 773.33 feet to a concrete monument; thence N 2 degrees 24-40 E 406.40 feet to a concrete monument; thence N 61 degrees 49-05 E 1334.31 feet to a concrete monument on the East side of Wall Street; thence along the East side of Wall Street N 3 degrees 51-31 E 1777.99 feet to a concrete monument at
CHAPTER 447

 SESSION LAWS—1969

the South margin of Salisbury Road; thence with the South margin of Salisbury Road S 79 degrees 32'-39" E 1551.72 feet to the BEGINNING, containing 6000.07 Acres or 9.38 square miles."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 401

CHAPTER 448

AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 66, Session Laws of 1967, is hereby rewritten to read as follows: "The Register of Deeds of Cabarrus County shall be paid an annual salary of nine thousand five hundred dollars ($9,500), payable in equal monthly installments out of the General Fund of the County, for the performance of duties as Register of Deeds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 403

CHAPTER 449

AN ACT TO AUTHORIZE STATE CHARTERED SAVINGS AND LOAN ASSOCIATIONS TO ACCEPT SAVINGS DEPOSITS IN A MANNER SIMILAR TO FEDERAL SAVINGS AND LOAN ASSOCIATIONS DOING BUSINESS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, any building and loan association or savings and loan association incorporated under the laws of this State or any federal savings and loan association having its principal office in North Carolina is authorized to raise capital in the form of such savings deposits or savings accounts as are authorized by its charter or by regulation of the Commissioner of Insurance and may issue such passbooks, time certificates of deposit, or other evidence of savings accounts as are so authorized. Holders of savings accounts and obligors of an association shall to such extent as may be provided by its charter or by regulations of the Commissioner of Insurance, be members of the association, and shall have such voting rights and such other rights as are thereby provided. Except as may be otherwise authorized by the association's charter or regulation of the Commissioner of Insurance in the case of savings accounts for fixed or minimum terms of not less than thirty days, the payment of any savings account shall be subject to the right of the association to require such advance notice, not less than thirty days, as shall be provided for by the charter of the association or the regulations of the Commissioner of Insurance. The payment of withdrawals from savings accounts in the event an association does not pay all withdrawals in full (subject to the right of the association to require notice) shall be subject to such rules and procedures as may be prescribed by the association's charter or by regula-
tion of the Commissioner of Insurance. Savings accounts shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association, but the Commissioner of Insurance may by regulation provide for withdrawal or transfer of savings accounts upon nontransferable order or authorization. To such extent as the Commissioner of Insurance may authorize by regulation or advice in writing, an association may borrow, may give security, and may issue such notes, bonds, debentures, or other obligations, or other securities as the Commissioner of Insurance may so authorize.

Sec. 2. Any capital raised pursuant to the provisions of Section 1 of this Act shall be added to the amount of capital raised by the issuance of stock of the association for the purposes of determining the amount of the reserve fund required by G. S. 54-14.

Sec. 3. The Commissioner of Insurance shall adopt rules and regulations for the implementation of the authority herein vested in savings and loan associations.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 407

CHAPTER 450

AN ACT TO AMEND G.S. 44-49 AND G.S. 44-50 TO PROVIDE FOR THE INCLUSION OF SUMS DUE FOR AMBULANCE SERVICE IN LIENS UPON RECOVERIES FOR PERSONAL INJURIES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 44-49, as the same appears in the 1967 Cumulative Supplement to the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by rewriting the first paragraph thereof to read as follows:

"From and after March 26, 1935, there is hereby created a lien upon any sums recovered as damages for personal injury in any civil action in this State, the said lien in favor of any person, corporation, municipal corporation or county to whom the person so recovering, or the person in whose behalf the recovery has been made, may be indebted for drugs, medical supplies, ambulance services, and medical services rendered by any physician, dentist, trained nurse, or hospitalization, or hospital attention and/or services rendered in connection with the injury in compensation for which the said damages have been recovered. Where damages are recovered for and in behalf of minors or persons non compos mentis, such liens shall attach to the sum recovered as fully as if the said person were sui juris."

Sec. 2. G.S. 44-50, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting in the seventh line thereof after the words "medical supplies", the words "ambulance service".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.
CHAPTER 451

S. B. 413

AN ACT TO AMEND CHAPTER 677 OF THE 1947 SESSION LAWS RELATING TO ZONING IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 31 of Chapter 677 of the 1947 Session Laws be amended by adding a new sentence at the end thereof to read as follows:

"Whenever a zoning resolution adopted pursuant to this Chapter requires a notice to be posted on private property with respect to a hearing before a Planning Board, Board of County Commissioners, Zoning Board of Adjustment, or for any other reason, the person charged with responsibility for posting said notice or any public official may enter upon said private property for the purpose of posting said notice, and such entry shall be in all respects lawful; provided that every effort must be made by the Planning Board, Board of County Commissioners, or Zoning Board of Adjustment to secure permission from said property owner before entering said private property for purpose of posting notice."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification. In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 419

CHAPTER 452

AN ACT TO AMEND G.S. 153-10.1 TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAMPSON COUNTY TO REGULATE GARBAGE DISPOSAL.

The General Assembly of North Carolina do enact:

Section 1. G.S. 153-10.1 as the same appears in the 1967 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by inserting the word "Sampson" immediately after the word "Polk" on line 3 of paragraph 2 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon its ratification. In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 439

CHAPTER 453

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective July 1, 1969, the Chairman of the Board of County Commissioners of Person County shall receive as compensation for his services the sum of one hundred dollars ($100.00) per month and each of the other members of the Board of County Commissioners of Person County shall receive as compensation for his services the sum of eighty-five dollars ($85.00) per month.

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Person County to fix their own compensation and allowances as provided by G.S. 153-13, as amended by Chapter 180, Session Laws of 1969.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 441  CHAPTER 454

AN ACT TO AMEND CHAPTER 622, SESSION LAWS OF 1967, RELATING TO THE FEES OF JUSTICES OF THE PEACE IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 622, Session Laws of 1967, is hereby amended as follows:

By deleting the words and figures "ten cents (10)" from line 8 and inserting in lieu thereof the words and figures "fifty cents (50)";

By rewriting all of lines 17, 18, 19 and 20, to read as follows: "Issuing claim and delivery, including summons, affidavit, bond, order for seizure of property, trial of issues joined, five dollars ($5.00) where there is only one defendant and the sum of two dollars and fifty cents ($2.50) for each additional defendant."

By deleting the words and figures "three dollars and fifty cents ($3.50)" from line 22 and inserting in lieu thereof the words and figures "five dollars ($5.00)"

By deleting from lines 23 and 24 the words and figures "one dollar and fifty cents ($1.50)" and inserting in lieu thereof the words and figures "two dollars and fifty cents ($2.50)";

By deleting from line 29 the words and figures "one dollar ($1.00)" and inserting in lieu thereof the words and figures "two dollars ($2.00)"; and

By deleting from line 32 the words and figures "fifty cents (50)" and inserting in lieu thereof the words and figures "one dollar ($1.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 443  CHAPTER 455

AN ACT TO AMEND CHAPTER 1056 OF THE SESSION LAWS OF 1967 RELATING TO HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1056 of the Session Laws of 1967 is hereby amended by striking out of line 2 in Section 1 the figures "1968" and inserting in lieu thereof the figures "1970"; by striking out all of Section 2 between the commas and inserting in lieu thereof the words "if approved pursuant to Section 1"; by striking out all of Section 3 between the commas and inserting in lieu thereof the words "if approved pursuant to Section 1".

Sec. 2. Chapter 1056 of the Session Laws of 1967, as amended by Section 1 of this Act, is hereby reenacted.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
CHAPTER 455  
SESSION LAWS—1969

Sec. 4. This Act shall be effective upon its ratification.
In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 447  
CHAPTER 456
AN ACT TO AUTHORIZE THE WINDSOR TOWNSHIP DEVELOPMENT COMMISSION IN BERTIE COUNTY TO SUBORDINATE LOANS MADE BY IT.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 559 of the 1965 Session Laws of North Carolina is hereby amended to read and provide as follows:

"Sec. 2. The funds hereinbefore described in the preamble to this Act, together with interest accrued thereon, if any, shall be paid over to the commission herein provided for and invested on interest in secured accounts or investments as provided by law. Such funds may be used by said commission, in its discretion, to make loans, adequately secured by first or second mortgages upon real estate, for purposes which said commission finds will promote the industrial growth and development of Windsor Township. Said commission is empowered, in its discretion, to subordinate any first mortgages taken by it to other mortgages taken by other parties, at any time and in any manner which said commission shall determine will promote the industrial growth and development of Windsor Township. Said commission is authorized to use the interest or other income from the investments and loans of said funds for payment of the necessary expenses incident to its functioning as a public agency and its handling of said funds, and, in its discretion, for advertising the industrial advantages and opportunities of Windsor Township and for other purposes calculated to promote the industrial and economic growth and development of Windsor Township."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1969.

S. B. 451  
CHAPTER 457
AN ACT TO AMEND CHAPTER 110 OF THE GENERAL STATUTES TO PROHIBIT THE EXHIBITING OF MENTALLY OR PHYSICALLY DEFECTIVE CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 110 of the General Statutes, as it appears in Replacement Volume 3A of the General Statutes, is hereby amended by adding a new Article therein, immediately after Article 1 and immediately before Article 2 as follows:

"ARTICLE 1A.

"EXHIBITION OF CHILDREN.

"G. S. 110-20.1. Exhibition of certain children prohibited. (a) Except to the extent otherwise provided in subsection (d) of this section, it is unlawful to exhibit publicly for any purpose, or to exhibit privately for the purpose of entertainment, or solely
or primarily for the satisfaction of the curiosity of any observer, any child under
the age of 18 years who is mentally ill or mentally retarded or who presents the
appearance of having any deformity or unnatural physical formation or develop-
ment, whether or not the exhibiting of the child is in return for a monetary or
other consideration.

(b) It is unlawful to employ, use, have custody of, or in any way be associated
with any child described in subsection (a) for the purpose of an exhibition forbidden
therein, or for one who has the care, custody or control of the child as a parent,
relative, guardian, employer or otherwise, to neglect or refuse to restrain the child
from participating in the exhibition.

(c) It is unlawful to procure or arrange for, or participate in procuring or arrang-
ing for, anything made unlawful by subsections (a) and (b).

(d) This section does not apply to the transmission of an image by television
by a duly licensed television station, or to any exhibition by a Federal, State, county
or municipal government, or political subdivision or agency thereof, or to any exhibi-
tion by any corporation, unincorporated association, or other organization organized
and operated exclusively for religious, charitable, or educational purposes, no part
of the net earnings of which inures to the benefit of any private shareholder or
individual.

(e) Any violation of this Article shall be a misdemeanor which, upon conviction,
shall be punished by a fine of not less than five dollars ($5.00) nor more than fifty
dollars ($50.00) or imprisonment for not more than 30 days, or both such fine and
imprisonment. Each day during which any violation of this Article continues after
notice to the violator, from any county welfare director, to cease and desist from
any violation of this section shall constitute a separate and distinct offense. Any
act or omission forbidden by this Article shall, with respect to each child described
in the General Assembly read three times and ratified, this the 12th day of
May, 1969.

S. B. 505  
CHAPTER 458
AN ACT TO PLACE THE AUTHORITY IN THE STATE AUDITOR FOR INSTALL-
NING OR CHANGING ACCOUNTING SYSTEMS IN STATE DEPARTMENTS,
INSTITUTIONS OR AGENCIES.
The General Assembly of North Carolina do enact:

Section 1. G. S. 147-58(17) is rewritten to read as follows:
"(17) The auditor may, as often as he deems advisable, conduct a detailed review
of the bookkeeping and accounting systems in use in the various departments,
institutions, commissions, boards and agencies which are supported partially or
entirely from State funds. Such examinations would be for the purpose of evalu-
ating the adequacy of systems in use by these agencies and institutions. In
instances where the Auditor determines that existing systems are outmoded,
inefficient or otherwise inadequate, he shall prescribe and supervise the installa-
tion of such changes, as, in his judgment, appear necessary to secure and main-
taint internal control and facilitate the recording of accounting data for the purpose of preparing reliable and meaningful financial statements and reports. In all cases in which major changes in the accounting systems are made, he will be responsible for seeing that the new system is designed to accumulate information required for the preparation of Budget Reports and other financial reports required by the Budget Division of the Department of Administration. In instances in which departments, institutions, boards, commissions and agencies feel it desirable to revise or alter existing accounting systems, said agencies or institutions shall request the Auditor to make a survey of their systems for the purpose of seeing if such a change is desirable, including the advisability of purchasing or renting accounting equipment. Requisitions for the purchase of accounting equipment or contracts for the rental of accounting equipment for any State department, institution, or agency shall be approved by the Auditor.

Sec. 2. Amend G. S. 143-22 by striking out the following words and phrases beginning after the word "State", in the sixth line: "and for the purpose of determining whether the proper system of modern accounting is had in such departments, institutions, commissions and agencies and to require and direct the installation of the same whenever, in his opinion, it is necessary and proper in order to acquire and to secure a perfect correlated and control system in the accounting of all departments, institutions, commissions, divisions, and State agencies including every department or agency handling or expending State funds." Also amend G. S. 143-22 by striking out the last two lines reading as follows: "All auditing systems or uses prescribed, or to be prescribed hereunder, shall be administered by the Auditor."

Sec. 3. Amend G. S. 143-3 by rewriting the second paragraph thereof to read as follows: "The Director shall have power to have the books and accounts of any of such agencies or persons audited, and supervise generally the budget accounts of such departments, institutions and agencies within the terms of this article. The Director may require that the cost of making all audits shall be paid from the regular maintenance appropriation made by the General Assembly for such department, institution or agency which may be thus audited."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

H. B. 716

CHAPTER 459

AN ACT TO FIX THE SALARIES OF THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the County Commissioners and the Board of Education of Alleghany County shall be paid on a monthly basis at the rate of twenty-five dollars ($25.00) for the first day of any meeting held by either Board and at the rate of fifteen dollars ($15.00) per subsequent day of meeting held in any calendar month.

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Alleghany County to fix their own compensation and allowances according to G. S. 153-13, as amended by Chapter 180, Session Laws of 1969.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

H. B. 762

CHAPTER 460

AN ACT TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Yancey County shall consist of five (5) members who shall be chosen and elected as hereinafter set forth.

Sec. 2. The County Conventions of the political parties at their meetings held in 1972 in Yancey County may nominate five (5) candidates for membership on the Board of Education of Yancey County. The nominees named in the political party conventions shall be placed on a separate party ballot by the Yancey County Board of Elections and the nominees shall be voted on in the general election to be held for the election of county officers in the year of 1972. The members of the Yancey County Board of Education shall be elected by the electors in said County voting at large and the five (5) persons receiving the highest number of votes shall serve for terms of two (2) years each, and thereafter as the terms expire the successors shall be elected for terms of two (2) years. The persons so elected as members of said Board of Education shall take office on the first Monday in April, 1973.

Sec. 3. At its first meeting the said Board of Education shall organize by electing a Chairman who shall also be a member of said Board and entitled to vote on any matter considered by the Board but shall not be allowed to vote twice in case of a tie vote. The said Board shall fix and determine its own methods of procedure in the management of its public affairs and business. All vacancies in the membership of said Board shall be filled for the unexpired term by the action of the County Executive Committee of the political party of the member causing such vacancy. All such vacancies that are not filled by the County Executive Committee within thirty (30) days of the occurrence of such vacancies shall be filled by appointment by the State Board of Education. The said Board of Education of Yancey County shall exercise all of the powers and perform all of the duties relating to the public schools of Yancey County as set forth in Chapter 115 of the General Statutes of North Carolina, as amended.

Sec. 4. When the said Board of Education shall take office on the first Monday in April, 1973, then the terms of office of all members of said Board of Education who are holding office prior to said first Monday in April, 1973, shall terminate and expire.

Sec. 5. If Yancey County becomes subject to the Primary Law of the State as set forth in Chapter 163 of the General Statutes, then the members of the Board of Education of Yancey County shall be nominated and elected as hereinafter set forth. The said Board shall be composed of five (5) members as referred to above in Section 1 of this Act. The candidates for nomination of the political parties shall file notice of their candidacy with the Chairman of the Board of Elections of Yancey County on or before the Friday before the sixth Saturday before the date of the primary for the nomination of county officers. The notice shall be accompanied by a filing fee of ten dollars ($10.00) and shall state the name, age and residence of
the candidate. The names of said candidates shall be printed on a ballot for the appropriate political party and the said candidates shall be voted on at large in said primary. The five (5) members of each political party receiving the highest number of votes shall be declared to be the nominees of the party and there shall be no second primary. The names of the nominees of the political parties shall be printed on a ballot for the general election and shall be voted on at large by the electors of Yancey County in the general election to be held for county officers in 1972, and thereafter as the terms expire. The five (5) members receiving the highest number of votes shall be elected for terms of two (2) years and thereafter all successors shall be elected for terms of two (2) years.

Sec. 6. The members so elected under Section 5 of this Act shall take office on the first Monday in April, 1973, and at that time all terms of office existing prior to said date shall terminate and expire, and shall exercise all of the powers and duties as set forth in Section 3 of this Act.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed. Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

H. B. 788

CHAPTER 461

AN ACT TO PROVIDE FOR ONE FREE MOTOR VEHICLE REGISTRATION PLATE TO DISABLED VETERANS.

The General Assembly of North Carolina do enact:

Section 1. Part 5, Article 3, of Chapter 20 as the same appears in the 1967 Replacement Volume 1C and the Cumulative Supplement thereto of the General Statutes of North Carolina is hereby amended by adding a new section thereto to be designated as Section 20-81.4 and to read as follows:

"G.S. 20-81.4. Free registration plates to disabled veterans. (a) From and after January 1, 1970, the North Carolina Department of Motor Vehicles shall provide and issue free of charge to each disabled veteran in this State registration and registration plates for either one (1) automobile or one (1) pickup truck, where a pickup truck is the disabled veteran's only mode of transportation and is not used for hire, a disabled veteran being, for the purpose of this Section, a veteran of World War I, World War II or Korean service or Vietnam service, having served in the military, naval, marines or air services of the United States, who is a resident of North Carolina and who is entitled to compensation under the laws administered by the Veterans' Administration and who is rated as 100% service connected disabled or has suffered one or more of the following due to disability incurred in or aggravated by active military, naval, marine or air service of the United States during one or more conflicts:

(1) Loss or permanent loss of use of one (1) or both feet;
(2) Loss or permanent loss of use of one (1) or both hands;
(3) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty (20) degrees in the better eye."
(b) The registration plates provided for by this Section shall be in colors as prescribed by the Department of Motor Vehicles.

(c) The registration plate provided for by this Section shall be issued to disabled veterans only upon proof of disabled status, proof of financial responsibility as required by the motor vehicle laws of North Carolina and if the vehicle is to be operated by such disabled veteran that the vehicle is properly equipped to compensate for his disability in the operation thereof and that he has submitted to and passed the driver's license examination required by the motor vehicle laws of North Carolina.

(d) The registration plate provided for by this Section once issued shall be subject to all laws and policies that govern and control registration plates in North Carolina and such plate shall be canceled for violation of same.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1970.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 244

CHAPTER 462

AN ACT TO AUTHORIZE THE TRANSFER OF COUNTY PRISONERS TO THE STATE DEPARTMENT OF CORRECTION WHEN COUNTY JAIL FACILITIES ARE INSUFFICIENT AND INADEQUATE, AND TO AUTHORIZE THE COUNCIL OF STATE TO ASSIST THE COUNTIES IN PAYING THE COST THEREOF IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-189.1 is hereby amended by adding at the end of the present section a new paragraph reading as follows:

"Whenever prisoners are arrested in such numbers that county jail facilities are insufficient and inadequate for the safekeeping of such prisoners, the Resident Judge of the Superior Court or any Judge holding Superior Court in the District may order the prisoners transferred to a unit of the State Department of Correction designated by the Commissioner of Correction or his authorized representative, where the prisoners may be held for such length of time as the Judge may direct, such detention to be in cell separate from that used for imprisonment of persons already convicted of crimes. The Sheriff of the County from which the prisoners are removed shall be responsible for conveying the prisoners to the prison unit or units where they are to be held, and for returning them to the common jail of the county from which they were transferred. However, if due to the number of prisoners to be conveyed the Sheriff is unable to provide adequate transportation, he may request the assistance of the Department of Correction, and the Department of Correction is hereby authorized and directed to cooperate with the Sheriff and provide whatever assistance is available, both in vehicles and manpower, to accomplish the conveying of the prisoners to and from the county to the designated prison unit or units. The officer in charge of the prison unit designated by the Commissioner of Correction or his authorized representative shall receive and release the custody of the prisoners in accordance with the terms of the court order. The county from which the prisoners are transferred shall pay to the State Department of Correction the actual cost of transporting and maintaining the prisoners. However,
CHAPTER 462  SESSION LAWS—1969

if the County Commissioners shall certify to the Governor that the county is unable
to pay the bill submitted by the State Department of Correction to the county for
the services rendered, either in whole or in part, the Governor may recommend
to the Council of State that the State of North Carolina assume and pay, in whole
or in part, the obligation of the county to the Department of Correction, and upon
approval of the Council of State the amount so approved shall be paid from Conting-
ency and Emergency Fund to the Department of Correction."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 12th day of
May, 1969.

S. B. 296  CHAPTER 463

AN ACT TO REQUIRE ALL NEW HOUSE TRAILERS EXCEEDING THIRTY-
TWO FEET IN LENGTH AND USED AS RESIDENCES WITHIN THE STATE
TO HAVE AT LEAST TWO DOORS.

The General Assembly of North Carolina do enact:

Section 1. House trailers to have two doors.—(a) In order to provide greater
protection from the dangers of fire, every new house trailer having a body length
exceeding thirty-two (32) feet and manufactured or assembled after January 1, 1970,
and sold in this State shall, if such house trailer is to be used as a residence or
dwelling within this State, be equipped with at least two (2) doors. These doors
shall be located in the vicinity of the front and rear rooms of the house trailer.
Provided, however, this section shall not apply: (1) to any travel trailer which is
factory equipped for the road and designed to be used as a dwelling for travel, recrea-
tional or vacation use, if such travel trailer does not exceed thirty-two (32) feet
in length; (2) to any house trailer of any length sold in North Carolina for use
in a state other than North Carolina.

(b) It shall be unlawful for any dealer to sell in this State any house trailer
manufactured or assembled after January 1, 1970, having a body length exceeding
thirty-two (32) feet which does not conform to the specifications set forth in subsec-
tion (a). Any dealer who violates this section shall be guilty of a misdemeanor and
upon conviction fined not exceeding five hundred dollars ($500.00) or imprisoned
not exceeding thirty (30) days.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective from and after July 1, 1969.
In the General Assembly read three times and ratified, this the 12th day of
May, 1969.

382
CHAPTER 464

AN ACT REWRITING ARTICLE 49 OF CHAPTER 106 OF THE GENERAL STATUTES RELATING TO NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND THE REGULATION OF HATCHERIES, CHICK AND HATCHING EGG DEALERS.

The General Assembly of North Carolina do enact:

Section 1. Article 49 of Chapter 106 of the General Statutes is rewritten in its entirety to read as follows:

"ARTICLE 49

POULTRY; HATCHERIES; CHICK DEALERS

G. S. 106-539. National poultry and turkey improvement plans. In order to promote the poultry industry of the State, the North Carolina Department of Agriculture is hereby authorized to cooperate with the United States Department of Agriculture in the operation of the National Poultry and Turkey Improvement Plans.

G. S. 106-540. Rules and regulations. After public hearing following 30 days public notice, the North Carolina Board of Agriculture is hereby authorized to make such regulations as may be necessary to accomplish the following:

1. Carry out the provisions of the National Poultry and Turkey Improvement Plans.

2. Set up minimum standards for the operation of hatcheries.

3. Regulate hatching egg dealers, chick dealers, poult dealers, and jobbers.

4. Regulate the shipping into this State of baby chicks, turkey pouls and hatching eggs.

5. Facilitate the control and eradication of contagious and infectious diseases of poultry.

G. S. 106-541. Definitions. For the purpose of this Act, a hatchery shall be defined as any establishment that operates hatchery equipment for the production of baby chicks or pouls. A hatching egg dealer, chick dealer or jobber shall mean any person, firm or corporation that buys hatching eggs, baby chicks or turkey pouls and sells or offers them for sale. The term 'mixed chicks' or 'assorted chicks' shall mean chicks produced from eggs from purebred females of a distinct breed mated to a purebred male of a distinct breed.

G. S. 106-542. Hatcheries, chick dealers and others to obtain permit to operate. No person, firm or corporation shall operate a hatchery and no chick or hatching egg dealer or jobber shall operate within this State without first obtaining a permit from the Department of Agriculture to so operate. Said permit may be cancelled by the Department of Agriculture for violation of this Act or the Regulations promulgated thereunder by the Board of Agriculture. Any person who is refused a permit or whose permit is revoked may appeal within thirty (30) days of such refusal or revocation to the superior court of the county wherein the hatchery is or is sought to be located.

G. S. 106-543. Requirements of national poultry and turkey improvement plans must be met. All baby chicks, turkey pouls and hatching eggs produced, sold or offered for sale shall originate in flocks that meet the requirements of the National Poultry and Turkey Improvement Plans as administered by the North Carolina
Department of Agriculture and the regulations issued by authority of this Act for the control of pullorum disease and other infectious diseases provided that nothing in this Act shall require any hatchery to adopt the National Poultry Improvement Plan or National Turkey Improvement Plan.

"G. S. 106-544. Shipments from out of State. All baby chicks, turkey poults and hatching eggs shipped or otherwise brought into this State shall originate in flocks that meet the minimum requirements of pullorum and typhoid disease control provided for in this Act and the regulations issued by authority of this Act, and shall be accompanied by a certificate approved by the official State Agency or the livestock sanitary officials of the State of origin certifying same.

"G. S. 106-545. False advertising. No hatchery, hatchery dealer, chick dealer or jobber shall use false or misleading advertising in the sale of their products.

"G. S. 106-546. Notice describing grade of chicks to be posted. All hatcheries, chick dealers or jobbers offering chicks for sale to the public shall post in a conspicuous manner in their place of business a poster furnished by the North Carolina Department of Agriculture describing the grade of chicks approved by the North Carolina Department of Agriculture.

"G. S. 106-547. Records to be kept. Every hatchery, hatching egg dealer, chick dealer or jobber shall keep such records of operation as the regulations of the Department of Agriculture may require for the proper inspection of said hatchery, dealer or jobber.

"G. S. 106-548. Fees. For the purpose of carrying out the provisions of this Act and the regulations issued thereunder, the Department of Agriculture is authorized to collect annually from every hatchery fee not to exceed ten dollars ($10.00) where the egg capacity is not more than fifty thousand eggs and twenty dollars ($20.00) where the egg capacity is fifty thousand to one hundred thousand eggs, and thirty dollars ($30.00) where the egg capacity is over one hundred thousand, provided the fee for hatcheries with egg capacity not exceeding 1,000 eggs may be waived at the discretion of the Commissioner of Agriculture. Chick dealers and jobbers shall pay a fee of three dollars ($3.00) annually, said fees to be used for the enforcement of this Act. The North Carolina Board of Agriculture is authorized to establish fee schedules not in excess of the actual cost thereof for pullorum and other disease testing, and the performance of services such as culling and selecting by department personnel. When the State Veterinarian receives information or has reason to believe that pullorum disease or fowl typhoid exists in any poultry or that they have been exposed to one of these diseases, he shall promptly cause said poultry to be quarantined on the premises where located. Said poultry or hatching eggs shall not be removed from the premises where quarantined until quarantine has been released by the State Veterinarian or his authorized representative. A permit to move such infected or exposed poultry to immediate slaughter, or to another premise under quarantine, may be issued by the State Veterinarian or his authorized representative. The Board of Agriculture is empowered to make regulations under which compulsory testing of poultry for pullorum disease or fowl typhoid may be required.

"G. S. 106-549. Violation a misdemeanor. Any person, firm or corporation who shall wilfully violate any provision of this Act or any Rule or Regulation duly established by authority of this Act, shall be guilty of a misdemeanor and shall be fined
not in excess of five hundred dollars ($500.00) or imprisoned not in excess of six months, or both fined and imprisoned, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.
In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 386

CHAPTER 465

AN ACT AMENDING G. S. 106-390 RELATING TO THE TESTING OF CATTLE FOR BRUCELLOSIS.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 106-390, as the same appears in the 1967 Supplement to Volume 3A, is rewritten to read as follows:

"G. S. 106-390. Blood Sample Testing; Diseased Animals to be Branded and Quarantined; Sale; Removal of Identification, etc. All blood samples for the brucellosis test shall be drawn by persons whose qualifications are set by regulation of the Board of Agriculture. Animals from which blood is collected for a brucellosis test shall be identified by numbered ear tag, tattoo, or in some other manner approved by the Commissioner of Agriculture. It shall be the duty of the person who collects the blood sample, or other designated authorized person, to brand all cattle affected with brucellosis with the letter "B" on the left hip or jaw, not less than three or more than four inches high, tag such animals with an approved brucellosis reactor ear tag, and report the same to the State Veterinarian. It shall be the duty of the person owning said cattle at the time of said testing to assist with and cooperate with the person testing said cattle. Cattle affected with brucellosis shall be quarantined and slaughtered at a state or federally inspected slaughter plant within ten (10) days after branding and tagging; provided the State Veterinarian, in his discretion, may grant an extension of time for said slaughter not to exceed thirty (30) days and; provided further that the Commissioner of Agriculture may allow a branded and tagged animal having unusual breeding value to be held for a period of time determined by him under conditions of isolation and quarantine prescribed by the State Veterinarian. Animals believed by the State Veterinarian or his authorized representative to have been exposed to brucellosis, or animals classified as suspects, shall be quarantined on the owner's premises or at such other place as is mutually agreeable to the owner and the State Veterinarian until the quarantine is removed in accordance with law or until the animal is disposed of in accordance with law. No animal affected with, or exposed to, brucellosis shall be sold, traded or otherwise disposed of except for immediate slaughter, and it shall be the duty of the person disposing of such infected animals to see that they are promptly slaughtered and a written report of same made to the State Veterinarian."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.
In the General Assembly read three times and ratified, this the 12th day of May, 1969.
CHAPTER 466

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HARRELLS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Harrells, North Carolina, within the boundaries as established in Section 3 of this Charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Harrells, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Charter, the Town of Harrells shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Harrells by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities, to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To provide fire protection for the Town by contracting with any incorporated non-profit volunteer or community fire department or, by furnishing fire protection by the establishment of an organized municipal fire department.

(4) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(5) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof; or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(6) To organize and administer public libraries.

(7) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act, the Board of Commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.
Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Harrells have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the Town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the Board of Commissioners.

Sec. 3. Corporate Boundaries. The corporate boundaries of the Town shall be as follows: A circle of one (1) mile radius having its center point at the intersection of United States Highway No. 421 and North Carolina Highway No. 411, said center point lying and being in Franklin Township, Sampson County, North Carolina.

BOARD OF COMMISSIONERS

Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter, all powers of the Town shall be vested in a Board of Commissioners consisting of five (5) members. The term of office of the Board of Commissioners shall be for two (2) years and until their successors are elected and qualified, and shall begin on the first Monday in June next following their election. The Board of Commissioners, shall by a majority vote on the first Monday in June next following the election, elect one (1) of its members mayor. The term of such mayor shall be for two (2) years and until his successor is elected and qualified. If a vacancy occurs in the office of mayor or commissioner, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Board of Commissioners. Each member of the Board of Commissioners shall receive a salary, the amount of which shall be prescribed by ordinance. Provided, however, that the present mayor and members of the Board of Commissioners shall continue to receive the same salary until the same is changed as provided herein. No ordinance fixing or changing the salary of members of the Board of Commissioners shall become effective during the current term of office of the members of the Board of Commissioners enacting such ordinance. Members of the Board of Commissioners shall be qualified electors of the town. A member of the Board of Commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of felony while in office, shall immediately forfeit his office.

Sec. 5. Meetings of the Board of Commissioners. At 7:30 o'clock P.M., on the first Monday in June following a regular municipal election, the Board of Commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter, the Board of Commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two (2) members of the Board of Commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the Board of Commissioners and of committees thereof shall be open to the public, and the rules of the Board of Commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of June following a regular municipal election, the Board of Commissioners shall choose
one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the Board of Commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the Town. He shall be recognized as the head of the Town government for all ceremonial purposes, by the courts for serving civil process, and by the Governor for purposes of military law. In time of public danger or emergency, the mayor shall, if so authorized and directed by vote of the Board of Commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The Board of Commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Board of Commissioners in any such case shall be subject to review by the courts. The Board of Commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the Board of Commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the Board of Commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the Board of Commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one (1) subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Board of Commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Harrells".

Sec. 10. When Ordinances and Resolutions Take Effect. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of Town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Board of Commissioners shall take effect at the time indicated therein. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four (4) members of the Board of Commissioners shall be required to pass any ordinance or resolution
as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Board of Commissioners except as defined in this Section, and it is the intention of this Charter that such definitions shall be strictly construed by the Courts.

Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage, each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose.

MUNICIPAL ELECTIONS

Sec. 12. Municipal Elections. The regular election for members of the Board of Commissioners shall be held on Tuesday following the first Monday in May in odd-numbered years. The Board of Commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulations of Elections. All elections shall be conducted in accordance with the general state laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Candidates for Office. Any qualified elector of the Town may become a candidate for the Board of Commissioners by filing at least ten (10) days prior to the date of the election a written notice on forms provided by the Town with the town clerk and by payment of the filing fee as provided herein. The filing fee for the office of Board of Commissioners shall be five dollars ($5.00).

The town clerk shall take and preserve the form filed by each candidate. No filing form shall be accepted unless signed by the candidate. Any candidate may withdraw his nomination not later than the last day for filing by filing a notice of withdrawal with the town clerk. The filing form of each candidate for the Board of Commissioners shall be preserved by the town clerk until the expiration of the term of office for which he filed.

Sec. 15. Ballots. The full names of candidates nominated for the Board of Commissioners in accordance with the provisions of this Charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames without any party designation.

Sec. 16. Election Board of Commissioners. All members of the Board of Commissioners shall be elected at large. Every voter shall be entitled to vote for as many candidates as there are members to be elected to the Board of Commissioners. All candidates up to the number to be elected, who receive the largest number of votes shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 17. Appointment of Officers and Employees. The Board of Commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the Town at the time of appointment; Provided, that the Board of Commissioners may appoint one (1) person to fill any two (2) or more such positions. Such employees or officers shall serve at the pleasure of the Board of Commissioners, and shall perform such duties as may be prescribed by the Board of Commissioners. The Board of Commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.
Sec. 18. Town Clerk. The Board of Commissioners shall choose a town clerk. The town clerk shall keep the records of the Board of Commissioners and perform such other duties as may be required by law of the Board of Commissioners.

Sec. 19. Duties of Town Attorney. The attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five (5) years. He shall be the chief legal advisor of and attorney for the Town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the Board of Commissioners; to give advice in writing, when so requested, to the Board of Commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party, to prepare all contracts, bonds and other instruments in writing in which the Town is concerned, and to endorse on each his approval of the form and correctness thereof, and to perform such other duties of a legal nature as the Board of Commissioners may require. In addition to the duties imposed upon the town attorney by this Charter or required of him by ordinances or resolutions of the Board of Commissioners, he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 20. Duties of Town Accountant. The town accountant shall prepare the budget in accordance with the general laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the Town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the Town and such subsidiary accounts and cost records as may be required by ordinance or by the the Board of Commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the Town government; to examine and approve all contracts, orders and other documents by which the Town incurs financial obligations, having ascertained before approval that monies have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the Town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the Town government to the mayor and Board of Commissioners and to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the Board of Commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the Town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the Town government as the Board of Commissioners may require by ordinance.

Sec. 21. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees and other monies belonging to the Town government, subject to the provisions of this Charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities.
Sec. 22. Duties of Town Treasurer. The treasurer, if any, shall have custody of and shall disburse all monies belonging to the Town government subject to the provisions of this Charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the Town or in possession of the Town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of Town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of Town bonds and certificates for transfer, registration, or exchange.

Sec. 23. Custody of Town Money. All monies received by any department or agency of the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository. Such institution shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on monies belonging to the Town shall accrue to the benefit of the Town government. All monies belonging to the Town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.

Sec. 24. Issuance of Bonds. The Town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 25. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the Town government by qualified public accountants, selected by the Board of Commissioners, who have no personal interest directly or indirectly in the financial affairs of the Town government or of any of its officers.

Sec. 26. Police Jurisdiction Extended. The police officers of the Town of Harrells shall have, within all that territory embraced within one (1) mile in all directions of the corporate limits of said Town, all the power and authority which they now exercise within the corporate limits.

MISCELLANEOUS PROVISIONS

Sec. 27. Publicity of Records. All records and accounts of every office and department of the Town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the Board of Commissioners.

Sec. 28. Personal Interest. Neither the mayor nor any members of the Board of Commissioners nor any officer or employee of the Town shall have a financial interest, direct or indirect, in any contract with the Town, or be financially interested, directly or indirectly, in the sale to the Town of any land, materials, supplies or services, except on behalf of the Town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the Town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the Town shall render the contract voidable by the Board of Commissioners.

Sec. 29. Oath of Office. Every officer of the Town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in
all respects, observe the provisions of the Charter and ordinances of the Town of Harrells and will faithfully discharge the duties of the office of

Sec. 30. Continuance of Contracts. All contracts entered into by the Town or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 31. Saving Clause. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Harrells is affected thereby.

Sec. 32. Repealing Clause. The following Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

(1) "AN ACT TO INCORPORATE THE TOWN OF HARRELLS STORE IN SAMPSON COUNTY", Session Laws of North Carolina, 1943, Chapter 419.

(2) "AN ACT TO AMEND CHAPTER 419 OF THE SESSION LAWS OF 1943 ENTITLED 'AN ACT TO INCORPORATE THE TOWN OF HARRELLS STORE IN SAMPSON COUNTY' REWRITING THE SAME", Session Laws of North Carolina, 1955, Chapter 209.

Sec. 33. This Act shall be in full force and effect from and after June 1, 1969; provided that the mayor and Board of Commissioners in office at the time this Charter takes effect shall continue until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 13th day of May, 1969.

S. B. 421

CHAPTER 467

AN ACT FIXING THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of Commissioners of Caldwell County shall receive as compensation the sum of one thousand two hundred dollars ($1,200.00) per year, and each member of the Board other than the Chairman shall receive as compensation the sum of seven hundred twenty dollars ($720.00) per year. The salaries of the Board shall be paid in equal monthly installments.

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Caldwell County to fix their own compensation and allowances as provided by G. S. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.
AN ACT AUTHORIZING THE MARION CITY SCHOOL BOARD TO CONVEY, WITHOUT CONSIDERATION, TO THE CITY OF MARION OR McDOWELL COUNTY CERTAIN DESCRIBED LAND.

The General Assembly of North Carolina do enact:

Section 1. The Marion City Board of Education is hereby empowered and authorized to convey to McDowell County, either with or without consideration, the land hereinafter described:

PARCEL NO. ONE:

BEGINNING on a black oak, the Southeast corner of the Presbyterian Church lot and runs with a line of said lot South 61 deg. West 19 poles to a stake, the Southwest corner of said lot; then same course 10 poles to a stake; then South 26 deg. East 11 poles to a stake; then North 61 deg. East 29 poles to a stake in the old town line; then North 26 deg. West 11 poles to the BEGINNING, and being the same tract of land described in that certain deed from D. E. Hudgins and wife, Josie Hudgins, et al. to George I. White, George E. Evans, E. J. Justice, J. L. C. Bird and Thomas Morris. as the Graded School Committee for Marion, N.C., dated June 25, 1901, and which is recorded in Deed Book 30, at page 176, of McDowell County Deed Records.

PARCEL NO. TWO:

BEGINNING on the Southwest corner of F. P. Crawford lot and runs a North course with said Crawford's line to The Marion Graded Schools' line; thence a West course with the South line of The Marion Graded School lot to the Southwest corner of The Marion Graded School lot or old Marion Academy lot; thence a South course a parallel course or line with D. S. Masters and L. C. Burgins' line to a stake on D. S. Master's line on Old Fort or Cross Street; thence an East course with Old Fort or Cross Street to the BEGINNING, and being the same lot of land described in that certain deed from D. S. Masters to The Marion Graded School, dated March 12, 1906, and which is recorded in Deed Book 38, at page 89, of McDowell County Deed Records.

PARCEL NO. THREE:

BEGINNING on a stake on the North side of Old Fort or Court Street in the Master's line and runs North, with the Master's line to a stake in the line of the Marion Graded School lot; then East with said line to a stake on the West side of the new street leading to the Graded School; then South, with the West side of said street, to a stake in Old Fort, or Court Street; then West with said Street to the BEGINNING, and being the same lot of land described in that certain deed from F. P. Crawford to The Marion Graded School, dated March 13, 1906, and which is recorded in Deed Book 38, at page 242, of McDowell County Deed Records.

PARCEL NO. FOUR:

BEGINNING at a stake in the J. F. Wilkerson's line said stake being located North 27 deg. 30 min. West 280 feet from the Beginning corner of the J. C. Rabb lot as described in deed from T. M. Finley and Bessie May Finley to J. Clyde Rabb and Iris Rabb, dated February 24, 1919, and runs same course North 27 deg. 30 min. West 260 feet to stake in the Hudgins line; thence North 68
deg. East 60 feet to a stake in the Hudgins line; thence South 27 deg. 30 min. East 260 feet to a stake in the J. C. Rabb East line; thence South 68 deg. West 60 feet to the BEGINNING, let the same contain what it may, and being the same tract of land described in that certain deed from J. C. Rabb and wife, Itasco Foister Rabb to Eugene Cross, Jr., R. W. Proctor, R. W. Twitty, W. W. Neal, Jr., T. H. Henderson, W. P. Elliott and Mrs. B. A. Dickson, Trustees Marion City Administrative School Unit, dated July 29, 1948, and which is recorded in Deed Book 121, at page 318, of McDowell County Deed Records.

PARCEL NO. FIVE:

Tract A: BEGINNING at an iron stake in D. E. Hudgins Estate West line of the G. A. Masters lot, and the East line of the McNeeley lot, said stake being located North 32 deg. West 320 feet from an iron stake in the Northern margin of West Court Street, Southeast corner of the McNeeley lot, and runs North 61 deg. East 126 feet to an iron stake; thence North 10 deg. West 73 feet to an iron stake; thence South 84 deg. West 187 feet to an iron stake in the said McNeeley and Masters line; thence with said line South 32 deg. East 142 feet to the BEGINNING.

Tract B: BEGINNING at an iron stake, said stake being located North 32 deg. West 18 feet from the Northwest corner of Tract A hereinabove described, and runs with the D. E. Hudgins Estate line (formerly Masters and McNeeley line) North 32 deg. West 75 feet to an iron stake in the Southern margin of Hillcrest Drive; thence in a Westerly direction with the Southern margin of Hillcrest Drive 250 feet to an iron stake in the margin of said Hillcrest Drive; thence South 27 deg. 30 min. East about 123 feet to the Northwest corner of the McNeeley tract; thence North 68 deg. East with the McNeeley North line about 245 feet to the BEGINNING, and being the First Tract and Second Tract of land described in that certain deed from Carter Hudgins, et al, heirs at law of D. E. Hudgins, to Trustees of Marion City Administrative Unit, dated December 14, 1956, and which is recorded in Deed Book 143, at page 325, of McDowell County Deed Records.

PARCEL NO. SIX:

Tract A: BEGINNING at a point which is located exactly South 61 West 54.4 feet from the Southwest corner of that certain tract of land described in a deed from G. L. Carson and wife, to the Trustees of the First Presbyterian Church of Marion, North Carolina, bearing date of June 25, 1845, and appearing of record in Deed Book 2, at page 60, of McDowell County Deed Records, and runs thence North 22 deg. 30 min. West 60-1/2 feet to a stake; thence South 10 East 63 feet to a stake; thence North 61 deg. East 13.6 feet to the BEGINNING, let the same contain what it may.

Tract B: BEGINNING at a point which is located South 84 West 187 feet, and then North 10 West 10 feet from the Northwest corner of the Tract A hereinbefore described, and runs thence North 32 West 133 feet to a stake in the South margin of Hillcrest Drive; thence with the South margin of Hillcrest Drive North 84 East 13.3 feet to a stake; thence South 32 East 133 feet to a stake; thence South 84 West 13.3 feet to the BEGINNING, let the same contain what it may, and being the same tract of land described in that certain deed from the First Presbyterian Church of Marion, N. C., to the Marion City Board of Education, dated June 4, 1962, and which is recorded in Deed Book 172, at page 39, of McDowell County Deed Records.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall apply only to the Marion City Board of Education and McDowell County.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 317

CHAPTER 469

AN ACT TO AMEND G. S. 122-65.8 SO AS TO CLARIFY THE INTENT OF THE ORIGINAL ACT IN REGARD TO THE COMMITMENT OF CHRONIC ALCOHOLICS BY COURTS HAVING JURISDICTION OVER THEM TO FACILITIES OF THE DEPARTMENT OF MENTAL HEALTH.

The General Assembly of North Carolina do enact:

Section 1. Subsection 5 of G. S. 122-65.8 as the same appears in the 1967 Cumulative Supplement to Volume 3C of the General Statutes is amended by adding after the last sentence of G. S. 122-65.8 Subsection 5 of the following proviso: "Provided that no person acquitted of public drunkenness by reason of chronic alcoholism shall be committed to any facility of the Department of Mental Health by the Court having jurisdiction over him in any manner other than pursuant to the procedure as provided in Subsection (1) above."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 545

CHAPTER 470

AN ACT TO AMEND CHAPTER 105, SESSION LAWS OF 1961, RELATING TO THE APPOINTMENT OF THE SANFORD ALCOHOLIC BOARD OF CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Section 7 of Chapter 105, Session Laws of 1961, is hereby rewritten to read as follows:

"Sec. 7. The Board of Aldermen of the City of Sanford shall, on or before July 1, 1969, appoint the City of Sanford Board of Alcoholic Control, to be composed of three members. The Board of Aldermen shall designate one member as chairman and fix the term of office of the chairman and members of the Board of Alcoholic Control."

Sec. 2. The term of office of the present members of the City of Sanford Board of Alcoholic Control shall expire and terminate on July 1, 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.
CHAPTER 471 SESSION LAWS—1969

H. B. 338 CHAPTER 471
AN ACT AMENDING CHAPTER 775 OF THE SESSION LAWS OF 1965 TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE AND FIRE DEPARTMENT EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 775 of the Session Laws of 1965 is hereby amended by deleting the last sentence thereof which reads as follows:

"If an applicant is accepted for employment who resides outside of the corporate limits of the City of Statesville, he or she must then move within the city limits not later than ninety days from the time he or she actually goes on the force."

Sec. 2. The purpose and intent of this Act is to eliminate the residency requirements for Police Department and Fire Department personnel.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

H. B. 859 CHAPTER 472
AN ACT TO PRESCRIBE CONDITIONS UNDER WHICH THE CITY OF SANFORD IS AUTHORIZED TO TRANSFER REAL AND PERSONAL PROPERTY TO LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Sanford is hereby authorized and empowered, subject to the conditions prescribed below, and notwithstanding provisions of any other law, general or local, to assign, lease, sell or convey to the County of Lee, with or without consideration, any or all right, title or interest in or to property, real or personal, owned by the City of Sanford, including but not limited to property held in trust for the public and property used for the purposes of government, upon such terms and conditions and with such restrictions as the Board of Aldermen may deem in the best interest of the citizens of Sanford.

Sec. 2. The foregoing authority may be exercised by the Board of Aldermen only after full and express compliance with the following conditions:

a. Any property to be transferred pursuant to this Act must be for use by the county in rendering services or performing functions, singly or jointly with the city, for the benefit or government of the citizens of Sanford as well as of all other citizens of Lee County.

b. Notice of any proposed transfer of property pursuant to this Act shall be published in a local newspaper at least twice, the first publication to be not less that fifteen (15) days prior to a public hearing on such proposal.

c. A public hearing shall be held by the Board of Aldermen at least fifteen (15) days before any transfer of property pursuant to this Act is authorized.

d. The transfer of any property pursuant to this Act must be authorized by a two-thirds affirmative vote of all members of the Board of Aldermen.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 378    

CHAPTER 473

AN ACT TO AMEND CHAPTER 1070 OF THE NORTH CAROLINA SESSION LAWS OF 1967 TO MAKE STATUTES AUTHORIZING ZONING, SUBDIVISION REGULATIONS, BUILDING CODES AND ACQUISITION OF OPEN SPACE APPLICABLE TO FLOOD PLAIN MANAGEMENT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1070 of the North Carolina Session Laws of 1967 is hereby amended as follows:

(a) By striking out all of paragraph 3 as follows:

"WHEREAS, the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish flood plain management rests with local levels of government: Now, therefore,"

(b) By substituting for the paragraph so stricken, the following: "WHEREAS, the primary responsibility for determining flood hazards rests with local levels of government, using available Federal programs if desired; and the authority for the adoption and enforcement of land use regulations has been given to local governments to accomplish flood plain management and other purposes, including building codes (G. S. 143-138), zoning (G. S. Chapter 160, Article 14 and G. S. Chapter 153, Article 20B), subdivision regulation (G. S. Chapter 160, Article 18, Part 3A and G. S. Chapter 153, Article 20A), and acquisition of open space (G. S. Chapter 160, Article 14A); Now, therefore,"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act becomes effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 394    

CHAPTER 474

AN ACT TO AMEND ARTICLE 26 OF CHAPTER 153 OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE COASTAL CITIES TO LEVY SPECIAL ASSESSMENTS FOR BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION PROJECTS AND TO ENLARGE THE DISCRETION OF COUNTY COMMISSIONERS WITH RESPECT TO THE LEVYING OF SPECIAL ASSESSMENTS FOR THE SAME PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-326 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"Sec. 153-326. Authority to make special assessments.— The board of commissioners of any county may specially assess all, or part, of the cost of any beach erosion control or flood and hurricane protection works against the property to be benefited by such works. The authority herein granted shall apply only to those counties which are bounded, in part, by the Atlantic Ocean."
Sec. 2. Article 26 of Chapter 153 of the General Statutes of North Carolina is hereby amended to add thereto a new section, 153-341, to read as follows:

"Sec. 153-341. Coastal municipalities granted same authority.—The authority granted in this Article to the board of commissioners of any county bounded, in part, by the Atlantic Ocean is hereby granted to the governing board of any municipality bounded, in part, by the Atlantic Ocean.

"For the purpose of exercising the authority granted by this Section to the governing board of any municipality bounded, in part, by the Atlantic Ocean, all references in this Article to 'county', 'counties', the 'board of commissioners', the 'county tax collector', and the 'clerk to the board of commissioners' shall be construed, respectively, as referring to 'municipality', 'municipalities', the 'municipal governing board', the 'municipal tax collector', and the 'municipal clerk'. In G. S. 153-335 the references to 'the superior court of the county' and the 'chairman of the board of commissioners' shall be construed, respectively, as referring to 'the superior court of the county in which the municipality is located' and the 'mayor'."

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1969.

S. B. 395

CHAPTER 475

AN ACT TO AMEND G. S. 153-80, BEING PART OF THE COUNTY FINANCE ACT, TO FIX THE MATURITY OF BONDS ISSUED TO FINANCE BEACH EROSION CONTROL AND SIMILAR PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. Section 153-80 of Article 9 of Chapter 153 of the General Statutes, the same being a part of The County Finance Act, is hereby amended by adding thereto a new subdivision numbered "(12)" to read as follows:

"(12) Groins, jetties, dikes, moles, walls, sand dunes, vegetation, or other types of works or improvements which are designed for the control of beach erosion or for protection from flood and hurricanes or for the preservation or restoration of facilities and natural features, forty (40) years."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 475

CHAPTER 476

AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE MEMBERS OF THE COUNTY BOARD OF EDUCATION OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Cherokee County shall be elected in a nonpartisan election as hereinafter provided.

Sec. 2. Members of said Board of Education who are now serving on said Board shall continue to serve their terms of office until the expiration of same and until
their successors are elected and qualified, and upon their successors being elected and qualified they shall serve for terms of six years each. In the year of 1970, there shall be elected, as hereinafter set forth, three members of said Board of Education who shall serve for terms of six years each and until their successors are elected and qualified. These successors shall serve for terms of six years each. In the year of 1972, there shall be elected two members of said Board of Education who shall serve for terms of six years each and until their successors are elected and qualified, and all successors for these or any other members shall serve for terms of six years each.

Sec. 3. Each candidate shall file his notice of candidacy, without reference to any political party affiliation, with the Chairman of the Cherokee County Board of Elections on or before the Friday preceding the sixth Saturday before the date of the primary for the nomination of County Officers, and the filing of said notice shall be accompanied by a filing fee of five dollars ($5.00) to be paid to the County Board of Elections. There shall be provided a separate ballot by the Cherokee County Board of Elections with the names of the candidates printed thereon with instructions for use in the general election in which the members of said Board of Education shall be elected, and no political party affiliation shall be shown on said ballot. The candidates shall be elected at large in said general election by the eligible voters of Cherokee County and biennially thereafter as their terms of office expire, and the number of candidates eligible for office receiving the highest number of votes shall be certified as duly elected members of the Board of Education. The members so elected shall be inducted into office on the first Monday in December following their election.

Sec. 4. At the first meeting of the County Board of Education after the general election of 1970, the said Board shall elect a Chairman from its members. The Chairman shall have a right to vote on any matter before the Board of Education for action and consideration, but the said Chairman shall not have the right to vote twice in case of a tie vote. The said Board shall have a right to elect all other proper officers and to determine its own methods of internal procedure.

Sec. 5. All vacancies occurring in the membership of the Board of Education of Cherokee County by death, resignation, removal from office, or change of residence, or otherwise, shall be filled within twenty (20) days of such vacancy by the remaining members of said Board of Education and for the unexpired term.

Sec. 6. All elections for the members of the Board of Education of Cherokee County shall be held under the laws and regulations governing elections for County Officers as provided by Chapter 163 of the General Statutes, as amended.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.
CHAPTER 477

H. B. 528

AN ACT RELATING TO SUBSTITUTE TRUSTEES UNDER DEEDS OF TRUST, AND PROVIDING FOR THE VALIDATION OF CERTAIN ACTS DONE BY SUCH SUBSTITUTE TRUSTEES BEFORE APRIL 1, 1969.

The General Assembly of North Carolina do enact:

Section 1. G. S. 45-18, as the same appears in the 1967 Supplement of Volume 2A of the General Statutes, is hereby amended by striking from the second line thereof the date, "April 1, 1967" and by inserting in lieu thereof the date, "April 1, 1969".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification, but shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

H. B. 587

CHAPTER 478

AN ACT TO AMEND CHAPTER 130 OF THE GENERAL STATUTES SO AS TO PROVIDE THAT SANITARY DISTRICTS MAY ACQUIRE DISTRIBUTION SYSTEMS LOCATED OUTSIDE THE DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Article 12 of Chapter 130 of the General Statutes, as the same appears in Volume 3B and in the 1967 Cumulative Supplement thereto, is hereby amended by adding at the end of G.S. 130-128 a new paragraph to be designated as subparagraph (19) and reading as follows:

"(19) To negotiate for and acquire any distribution system located outside the district when the water for such distribution system is furnished by the district pursuant to contract. If any such distribution system be acquired by a district it may continue the operation of such system even though it remains outside the district."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

H. B. 647

CHAPTER 479

AN ACT TO AMEND G. S. 115A-39 ENLARGING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA VOCATIONAL TEXTILE SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115A-39, as the same appears in Volume 3A, 1966 Replacement, of the North Carolina General Statutes, is hereby amended by striking out the word "six" immediately following the word "of" and immediately preceding the word "members" in line 2 thereof and inserting the word "nine".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. B. 322

CHAPTER 480

AN ACT TO REPEAL CHAPTER 602 OF THE 1953 SESSION LAWS RELATING TO THE APPOINTMENT OF A VETERANS SERVICE OFFICER IN MITCHELL COUNTY AND TO MAKE THE PROVISIONS OF G. S. 153-9(43) APPLICABLE TO MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 602 of the Session Laws of 1953 is hereby repealed.
Sec. 2. G. S. 153-9 (43) is amended by adding in line six thereof after the word "Martin" and before the word "Montgomery" the word "Mitchell".
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1969.

S. B. 396

CHAPTER 481

AN ACT RELATING TO PAYMENT OF FIREMEN'S RETIREMENT CONTRIBUTIONS IN THE CITY OF ROANOKE RAPIDS AND TO MODIFY THE APPLICATION OF G.S. 118-7 TO THE CITY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Roanoke Rapids is hereby authorized to pay from the monies of the Fund to the City of Roanoke Rapids the lesser of fifteen thousand dollars ($15,000.00) or an amount equal to ten per cent of the total payroll of all employees of the Fire Department of the City of Roanoke Rapids for the twelve calendar month period beginning with the calendar month in which employees of the City shall become members of the North Carolina Local Governmental Employees' Retirement System. Such amount may be paid in a lump sum or periodically during the twelve month period, in the discretion of the Board of Trustees. Any funds paid to the City pursuant to this Act shall be applied only to the City's contributions to the North Carolina Local Governmental Employees' Retirement System on behalf of employees of the Fire Department of the City.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of May 1969.

S. B. 453

CHAPTER 482

AN ACT TO AMEND CHAPTER 1058, SESSION LAWS OF 1963, SO AS TO MAKE G. S. 160-173, AS AMENDED, APPLICABLE TO CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1058 of the 1963 Session Laws, is hereby amended by deleting "Cumberland" from the second line thereof, so as to make G. S. 160-
CHAPTER 482       SESSION LAWS—1969

173, as amended by Section 1, Chapter 1058, Session Laws of 1963 as the same now appears in the 1964 Replacement Volume 3D of the General Statutes, applicable to Cumberland County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1969.

S. B. 465       CHAPTER 483

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF DURHAM TO APPROPRIATE AND EXPEND NON-TAX REVENUES FOR CERTAIN PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. In addition to the powers now or hereafter granted to municipalities under the general laws of the State of North Carolina and under special, local charter provisions, the Governing Body of the City of Durham shall have and is hereby granted the following expressed powers:

(a) To appropriate funds, in the discretion of the Governing Body, to aid any non-profit association or other entity in the City in defraying the expenses arising in the operation and maintenance of a museum, arts and drama, or other enterprise by whatever name called wherein and in connection with which is maintained and operated one or more of the following: Natural, historical, scientific, or literary curiosities, works of art, paintings, sculptures, dramatic undertakings, historical collections, and other exhibits and works for the education, cultural advancement and enjoyment of the general public including children and young people; the provision and maintenance of a park, zoo, aviary, aquarium, or other facility in which are kept animals, birds, or fish; the cultivation, maintenance, and exhibition of botanical gardens; the organization and conduct of nature classes and programs of scientific, cultural and educational interests which may tend to encourage individuals, especially children and young people, to take an interest in natural, scientific and cultural works; the purpose of advertising the advantages of the City or promoting the public interest and general welfare of the City; and such other projects and endeavors as are not inconsistent with the general purposes and scope of activities herein described.

(b) No such appropriation shall be made unless the said museum, garden, or other facilities and enterprise are open to the general public.

(c) No funds shall be appropriated by the Governing Body for any of such purposes except those which may be available from sources other than taxes, unless and until authority to appropriate funds derived from taxes is granted in accordance with the constitutional and statutory requirements.

(d) The Governing Body is authorized and empowered, as a condition precedent to the making of any such appropriation of public funds for any of the purposes herein above described, to require written reports to be submitted to it by such association or enterprise as often and in as much detail as it may prescribe; to have the right to examine and audit the books and records of such association or enterprise at such times as it may deem advisable; and
to establish such rules, regulations, and policies as it may deem in the public interest, to which such association or enterprise shall conform.

(e) The activities, enterprises, and purposes described in this Act are hereby declared to be public purposes.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1969.

S. B. 501  
CHAPTER 484
AN ACT PROHIBITING HUNTING FROM PUBLIC ROADS WITHOUT LAND-OWNER'S PERMISSION IN A PORTION OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In Franklin County, in an area bounded by the Warren County line on the North, the Nash County line on the East, Sandy Creek on the South and U. S. Highway 401 on the West, it shall be unlawful to take or attempt to take any game animal or game bird from any public highway, public road, or public right of way, without first securing the written permission of the owner of the land which abuts said public highway, public road or public right of way. The prohibition herein contained shall include the North side of U.S. Highway 401 between the Warren County line and Sandy Creek.

Sec. 2. Any person violating the provisions hereof shall be guilty of a misdemeanor punishable by a fine of not in excess of fifty dollars ($50.00) or imprisoned for not in excess of thirty days or both fined and imprisoned.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

H. B. 265  
CHAPTER 485
AN ACT RELATING TO THE ALAMANCE COUNTY LAW LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 532 of the Session Laws of 1965 is hereby amended as follows:

1. By inserting immediately after the word and punctuation "Act," and immediately before the word "except" in line 5 of Section 5, the following words "and until the establishment of the District Court in Alamance County."

2. By striking the words "Clerk of the Superior Court" in line 8 of Section 5 and substituting in lieu thereof the words "Treasurer of Alamance County."

3. By striking the words "Clerk of the Superior Court" in line 6 of Section 6 and substituting in lieu thereof the word "Treasurer."

4. By striking on line 4 of Section 7 the words "and pay for."

5. By striking from line 19 of Section 7 the words "Clerk of the Superior Court" and by substituting in lieu thereof the word "Treasurer."
6. By striking the word "clerk" from line 20 of Section 7 and substituting in lieu thereof the word "treasurer".

Sec. 2. It is the purpose and intent of this Act that any funds held by the Clerk of the Superior Court of Alamance County for the purpose of establishing and maintaining a law library in Alamance County shall be remitted to the Treasurer of Alamance County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 404

CHAPTER 486

AN ACT TO AMEND CHAPTER 118 OF THE GENERAL STATUTES, RELATING TO THE NORTH CAROLINA FIREMEN'S PENSION FUND, SO AS TO EXCLUDE FROM GROSS INCOME CERTAIN RETIREMENT BENEFITS FROM THE NORTH CAROLINA FIREMEN'S PENSION FUND.

The General Assembly of North Carolina do enact:

Section 1. G.S. 118-32, as the same appears in the 1964 Replacement Volume 3B of the General Statutes, is hereby amended by adding the words "nor shall the pensions be subject to any state or municipal tax," immediately following the word "assignable" in line three thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective and shall apply to all taxable years beginning on or after January 1, 1969.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 536

CHAPTER 487

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ESTABLISH A PROGRAM OF INDIVIDUALIZED INSTRUCTION FOR CHILDREN IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-198 is hereby amended by adding the following sentence immediately after the first sentence ending on line 4:

"In the course of study adopted by the State Board, the Board may establish a program of continuous learning based upon the individual child's need, interest, and stages of development, so that the program has a non-graded structure of organization."

Sec. 2. G. S. 115-37 is hereby amended by adding the following sentence at the end thereof:

"Nothing in this chapter shall prohibit city or county boards of education from operating a non-graded system in which pupils are taught at their individual learning levels."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 540  
CHAPTER 488  
AN ACT TO AMEND G. S. 160-70 SO AS TO CLARIFY THE STATUS OF COUNTY AND MUNICIPAL LIBRARY EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Section 160-70, subdivision (a)(4), of the General Statutes is hereby amended by adding the following at the end thereof:

"the employees of a county or municipal library shall be for all purposes the employees of the county or municipality, as the case may be;".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 628  
CHAPTER 489  
AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL SO AS TO AUTHORIZE LOCAL IMPROVEMENTS AND ASSESSMENT WITHOUT PETITION.

The General Assembly of North Carolina do enact:

Section 1. The Charter of The Town of Chapel Hill, Orange County, North Carolina, as the same appears in Chapter 87, Session Laws 1961, as amended, is hereby amended by adding a new Section, following Section 6.01 to read as follows:

"Section 6.02. Sidewalk improvements: when petition unnecessary: assessment cost. Notwithstanding the other provisions of this Charter or of any other laws, whenever the Board of Aldermen shall find by a personal inspection by each member of the Board that the public interest requires that a paved sidewalk is necessary by reason of heavy pedestrian traffic, or pedestrian safety, it may without petition order the making of such sidewalk improvement on one or both sides of such street, and assess the cost thereof against the abutting property in the same manner as such assessment would be made upon petition. Whenever such improvement is made by authority of this Section on only one side of a street, assessment may, if in the opinion of the governing body, the abutting property on both sides of said street will be benefited by said improvement, be made against said abutting properties on each side of said street in the same manner as such assessment would be made if the improvement had been made on both sides. Before any order is made requiring such sidewalk improvement under the provisions of this Section, the Board of Aldermen of The Town of Chapel Hill shall give at least ten (10) days written notice of such proposed action to each owner of property to be assessed at a public hearing to be held by the Board of Aldermen for the purpose of considering such order at which all persons to be effected by said order shall be given the opportunity to be heard.

In ordering sidewalk improvements without a petition and in assessing the cost thereof under authority of this Section, the Board of Aldermen shall comply with the procedure provided by Article 9, Chapter 160, of the General Statutes, except
CHAPTER 489 SESSION LAWS—1969

those provisions relating to the petition of property owners and the sufficiency there-of. The effect of the acts of levying and confirming assessments under authority of this Section shall for all purposes be the same as if the assessments were levied and confirmed under authority of and pursuant to Article 9, Chapter 160, of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 678 CHAPTER 490

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAYWOOD COUNTY TO INCREASE THE COMPENSATION OF CERTAIN PERSONNEL EMPLOYED BY THE COUNTY AND TO INCREASE THE COMPENSATION OF THE COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Haywood County is authorized to increase the present salaries of the Chairman of the Board of Commissioners and County Manager, and the other two members of the Board of Commissioners, in an amount not to exceed fifteen percent (15%) of their present salaries.

Sec. 2. Any salary increase authorized by the Board of Commissioners under this Act shall be effective as of July 1, 1969, and the authority of the Board of Commissioners of Haywood County to increase salaries pursuant to this Act shall expire on July 2, 1969. Nothing in this Act shall impair the authority of the Board of Commissioners of Haywood County to fix their own compensation as provided by G. S. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 702 CHAPTER 491

AN ACT TO AUTHORIZE THE SCHOOL BOARD OF THE FRANKLINTON CITY SCHOOLS IN FRANKLIN COUNTY TO TRANSFER SURPLUS FROM CAPITAL OUTLAY FUND TO CURRENT EXPENSE FUND FOR FISCAL 1968-1969.

The General Assembly of North Carolina do enact:

Section 1. The School Board of Franklinton City Schools is hereby authorized, in its discretion, to divert a sum not exceeding fifteen thousand dollars ($15,000.00) from the surplus in the fiscal 1967-1968 Capital Outlay Fund, to the fiscal 1968-1969 Current Expense Fund, in which there is a deficit, to overcome this said deficit in the Current Expense Fund.

Sec. 2. During the 1968-1969 fiscal year, the School Board of the Franklinton City Schools is hereby authorized, in its discretion, to transfer from the Capital Outlay Fund to the Current Expense Fund, a sum not in excess of fifteen thousand dollars ($15,000.00).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

406
In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 776

CHAPTER 492

AN ACT TO AMEND CHAPTER 946, SESSION LAWS OF 1953, RELATING TO THE ANSON COUNTY HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 946, Session Laws of 1953, is hereby amended by adding a new subsection to Section 1 thereof immediately after Section 15.5 to be designated as Section 15.6 and to read as follows:

"Sec. 15.6. The Board of Trustees of the Anson County Hospital is specifically authorized to expend the income, either current or accumulated, from the Anson County Endowment Fund in an amount not to exceed two hundred and fifty thousand dollars ($250,000.00) for the purchase of real estate contiguous to property on which is located the Anson County Hospital, and to erect thereon a medical clinic. They are further authorized to rent or lease office space in said clinic to doctors and physicians who practice in Anson County. No portion of said income shall be used for this purpose which comes from any gift or trust property where the terms of such gift or trust would be inconsistent with said use.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 782

CHAPTER 493

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF JONES COUNTY TO MAKE AVAILABLE TO THE JONES COUNTY WATERSHED IMPROVEMENT COMMISSION, FROM AD VALOREM TAX MONIES, FUNDS SUFFICIENT FOR SUCH COMMISSION TO PAY ASSESSMENTS MADE AGAINST LAND OWNERS IN JONES COUNTY BY THE LENOIR, CRAVEN AND JONES COUNTY DRAINAGE DISTRICT #1 AND TO AUTHORIZE SUCH COMMISSION TO PAY SUCH ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Jones County is hereby authorized to make available to the Jones County Watershed Improvement Commission, from ad valorem tax monies collected by the county and available in its general fund, such funds as shall be sufficient for the Jones County Watershed Improvement Commission to pay all or any part of assessments made against land owners in Jones County by the Lenoir, Craven and Jones County Drainage District #1, without regard to whether such assessments have been prepaid by such land owners, and the Board of Commissioners of Jones County is hereby authorized to permit the Jones County Watershed Improvement Commission to apply such funds in payment of such assessments.

Sec. 2. This Act shall apply only to Jones County.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 794

CHAPTER 494

AN ACT TO AMEND CHAPTER 337, SESSION LAWS OF 1951, RELATING TO THE TERM OF APPOINTMENT OF THE TAX COLLECTOR OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 337, Session Laws of 1951, is hereby amended by deleting from Section 1 thereof all of the second paragraph appearing in quotation marks, and by inserting in lieu thereof the following:

"Provided, further that the tax collector of Carteret County shall, beginning July 1, 1969, be appointed biennially on or before July 1 of alternate years, and the person so appointed shall serve for a term of two years, said two year term to commence on July 1 of the year of appointment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

H. B. 795

CHAPTER 495

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NEWPORT AS IT RELATES TO MUNICIPAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Beginning with the regular municipal election to be held in 1971, the municipal elections in the Town of Newport shall be held and conducted in accordance with the provisions of Article 3, Chapter 160, of the General Statutes, relating to municipal elections.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 803

CHAPTER 496

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF SHELBY AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, AND G. S. 118-7 TO THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Shelby shall as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this Act.
Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time fireman of the City who retires with twenty (20) years' service or more as a City fireman, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00); (b) Each retired volunteer fireman of the City who retires with twenty (20) years' service or more as a volunteer fireman of the City, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual benefit equal to one quarter (1/4) of one share for each full year of service as a volunteer fireman of the City; provided, in no event shall any retired volunteer fireman be entitled to or receive in any year an annual benefit in excess of one hundred dollars ($100.00); (c) Any former fireman of the City who is not otherwise entitled to supplemental retirement benefits under this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact: (1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and (2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and (3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and (4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and (5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years. Sec. 3. Intention. It is the intention of Sections 1 and 2 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Local Firemen's Relief Fund. Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more investments named in or authorized by G.S. 159-28.1. Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be
CHAPTER 496
SESSION LAWS—1969

in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from
the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. If any provision of this Act shall be declared invalid by a court of compe-
tent jurisdiction, such invalidity shall not affect other provisions hereof which can
be given effect without the invalid provision, and to this end the provisions of this
Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 14th day of
May 1969.

H. B. 815

CHAPTER 497

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LIN-
COLN COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LIST-
ING OF PROPERTY FOR TAXATION IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lincoln County is hereby
authorized and empowered to prescribe regulations as to the type and form of oath,
affirmation or declaration to be given by persons, firms and corporations listing
property for taxation in Lincoln County, and the manner of administering the same,
and to prescribe regulations relating to the listing of property for taxation by agents
and relating to the listing of property for taxation by mail and tax lists submitted
by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent
by mail, the affixing of the signature to the oath or affirmation contained on the
property listing statement shall constitute and shall be equivalent to taking the
oath or affirmation prescribed in G. S. 105-308 or G. S. 105-310, and the taxpayer
so signing shall, in case of a false or fraudulent statement, be subject to the same
penalties as if he had taken the oath prescribed by G. S. 105-308 and G. S. 105-
310.

Sec. 3. The provisions of G. S. 105-306(26), G. S. 105–308, G. S. 105-309 and
G. S. 105-310 shall be applicable to Lincoln County except insofar as they are inconsis-
tent with regulations prescribed by the Board of County Commissioners of Lincoln
County relating to the oath or affirmation of the taxpayer, the listing of taxes by
agents, and the listing of taxes by mail adopted pursuant to the authority contained
in Section 1 of this Act.

Sec. 4. This Act shall apply only to Lincoln County.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of
May 1969.
H. B. 821

CHAPTER 498

AN ACT TO REPEAL CHAPTER 531 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937 RELATING TO THE POSITION OF "KEEPER OF THE JAIL OF ALAMANCE COUNTY."

The General Assembly of North Carolina do enact:

Section 1. Chapter 531 of the Public-Local and Private Laws of 1937 is hereby repealed.

Sec. 2. It is the intent and purpose of this Act that the provisions of G. S. 162-22 shall apply to Alamance County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 841

CHAPTER 499

AN ACT TO ADD REGISTERS OF DEEDS TO THE LIST OF OFFICERS WHO MAY ADMINISTER OATHS OF OFFICE TO PUBLIC OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 11-7.1 is amended by substituting a semi-colon for the period at the end of subsection (8) and by adding a new subsection to read as follows:

"(9) A register of deeds."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

H. B. 849

CHAPTER 500

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF THE BOARD OF EDUCATION OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Alamance County shall continue to be constituted with five members as its membership, and the present members of the Board of Education of Alamance County shall continue to hold their offices for the terms of office hereby established and until the term of office of each member has expired as follows:

Clinton S. Crissman
Carl M. Sellars
Robert B. McQueen, Jr.
George M. Bullard
W. Adrian Jobe

First Monday in December, 1970
First Monday in December, 1972
First Monday in December, 1972
First Monday in December, 1974
First Monday in December, 1974

or until his successor has been elected and qualified and thereafter the term of office of each member of the Board shall be four years as provided for in Chapter 115 of the General Statutes.

Sec. 2. Any and all provisions contained in Chapter 175 of the 1965 Session Laws, Chapter 130 of the 1967 Session Laws and Chapter 248 of the 1969 Session Laws—1969

CHAPTER 500

411
Laws relating to the appointment in said Omnibus Acts of certain members of the Board of Education of the respective counties of North Carolina as set forth and applied to Alamance County are hereby repealed and the appointments made under said Omnibus Acts to the Board of Education of Alamance County are repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

H. B. 864  CHAPTER 501

AN ACT TO AMEND CHAPTER 1257 OF THE SESSION LAWS OF 1959 RELATING TO THE DISTRIBUTION OF ABC PROFITS AMONG THE SCHOOL UNITS OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subdivision b of Subdivision (4) of Subdivision (i) of Section 3 of Chapter 1257 of the Session Laws of 1959, as the same appears on page 1413 of the printed Session Laws, is hereby amended by striking out in lines six and seven the comma and the words "the Weldon City Administrative Unit and the Roanoke Rapids City Administrative Unit" and inserting in lieu thereof the words "and all city school administrative units in Halifax County".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

H. B. 872  CHAPTER 502

AN ACT TO AMEND G. S. 66-84 TO INCLUDE MOORE COUNTY WITHIN THE CLOSING-OUT SALE PROVISIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-84 is hereby amended by inserting the word "Moore," before the words "New Hanover" so as to bring Moore County within the provisions of Chapter 66, Article 17, of the General Statutes regarding closing-out sales.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.
CHAPTER 503

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF DURHAM TO PROVIDE FOR THE LEVY OF A LIEN FOR COSTS OF REMOVAL OF CERTAIN DESCRIBED MOTOR VEHICLES FROM PRIVATE PROPERTY, AND TO PROVIDE THE PROCEDURE FOR THE COLLECTION OR FORECLOSURE OF SUCH LIEN.

The General Assembly of North Carolina do enact:

Section 1. In addition to the power and authority now possessed or hereafter granted by general or special laws, the Governing Body of the City of Durham is hereby granted the power and authority to establish charges to be made for the cost of removing abandoned or junk motor vehicles from private property. When said City causes the removal of any such vehicle from private property pursuant to an Ordinance permitting such removal and the owner or other person having control of said property fails to pay the cost of such removal and disposal within 30 days after it becomes due, the amount of the cost of removal and disposal of such vehicle shall on the 30th day after the due date thereof become a lien against the real property from which said vehicle was removed; and the amount of such costs shall be placed upon the tax books of said City against the said property and may be collected and the said lien may be foreclosed in the same manner as taxes are collected and foreclosed, or by suit, as the municipality may determine.

Sec. 2. A motor vehicle shall be deemed to be abandoned or a junk motor vehicle for the purposes of this Act in the following circumstances: (1) it is partially or completely dismantled or wrecked; (2) it is incapable of self-propulsion or of being moved in the manner for which it was originally intended; or (3) it has been abandoned, is inoperable, or damaged and worth less than fifty dollars ($50.00); and (4) it is a junk vehicle and has been so abandoned for a period of not less than 30 days.

Sec. 3. The provisions of this Act and of any ordinance enacted pursuant hereto are hereby declared to be in furtherance and promotion of the public interest and welfare and to constitute a public purpose.

Sec. 4. If any part or provision of this Act shall be declared to be unconstitutional or invalid by any Court of competent jurisdiction, said declaration of unconstitutionality or invalidity shall not affect any other part or provision hereof.

Sec. 5. This Act shall apply only to the City of Durham in Durham County, North Carolina.

Sec. 6. All laws or clauses of laws in conflict herewith are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.
H. B. 550  

CHAPTER 504

AN ACT TO AUTHORIZE THE GREENVILLE CITY BOARD OF EDUCATION OF PITT COUNTY, NORTH CAROLINA, TO APPROPRIATE AND MAKE AVAILABLE TO EAST CAROLINA UNIVERSITY THE SUM OF ONE HUNDRED THOUSAND DOLLARS ($100,000.00) FOR FURNISHING AND EQUIPPING A NEW ELEMENTARY LABORATORY SCHOOL AND TO AUTHORIZE THE BOARD TO CONVEY TO EAST CAROLINA UNIVERSITY A TRACT OF LAND ON WHICH TO BUILD AND LOCATE A NEW ELEMENTARY LABORATORY SCHOOL.

WHEREAS, East Carolina University is a State-supported institution located at Greenville, in Pitt County, North Carolina, and serves all of the people of Greenville; and

WHEREAS, East Carolina University has operated the present Wahl-Coates Elementary School and has furnished teachers and personnel to provide an education for the school children of Greenville through its training program; and

WHEREAS, it is necessary to locate and build a new elementary laboratory school in which East Carolina University will participate and furnish teachers and staff personnel for the operation of said school, thereby furnishing to the school children of Greenville excellent educational instruction and training; and

WHEREAS, it is essential that land be furnished for the location and construction of said school by the Greenville City Board of Education and that an amount not to exceed one hundred thousand dollars ($100,000.00) must be made available to East Carolina University by the Greenville City Board of Education for furnishing and equipping the new elementary laboratory school; and

WHEREAS, the new elementary laboratory school will be used in the capacity of and for a public purpose and for public events of a cultural, artistic and educational nature;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The Greenville City Board of Education is hereby authorized to appropriate and make available to East Carolina University the sum of one hundred thousand dollars ($100,000.00) to be spent for furnishing and equipping the new elementary laboratory school.

Sec. 2. The Greenville City Board of Education is hereby authorized to convey to East Carolina University a tract of land sufficient in size within the Greenville School District to locate and build thereon a new elementary laboratory school in order that a new elementary laboratory school might be built thereon to replace the present Wahl-Coates elementary laboratory school.

Sec. 3. The appropriation and conveyance authorized by this Act are hereby declared to be for a public purpose and the funds authorized shall be appropriated from any and all available funds of the Greenville City Board of Education whether the same be tax funds, surplus funds, or non-tax funds of any description or kind; the said funds are hereby authorized to be appropriated and made available for the purpose of promoting the public interest and the general welfare of the people of the Greenville School District and as an aid to the Greenville School System.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 14th day of
May 1969.

S. B. 482

CHAPTER 505

AN ACT TO AMEND CHAPTER 450, SESSION LAWS, 1961 TO REDEFINE THE
CORPORATE LIMITS OF THE TOWN OF BETHEL IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 450 of the Session Laws 1961 is hereby amended by deleting
the metes and bounds description contained therein, and inserting in lieu thereof
a new description of the corporate limits of the Town of Bethel to read as follows:

"BEGINNING at a concrete monument on the western side of the Bethel-
Greenville Highway (N. C. #11), said monument being located 177 feet north
of the northern boundary of the South View Cemetery; thence N. 65-00 W.,
750.74 feet; thence S. 3-49 W., 838.45 feet to the center of N. C. Secondary Road
No. 1430; thence with said road S 68-34 E., 102.0 feet; thence with said road
N. 31-38 E., 399.5 feet; thence with said road S. 84-38 E., 192.45 feet to the western
side of N. C. #11; thence with the western side of N. C. #11 S. 05-48 W.,
274.29 feet to the center line of the VEPCO Primary Power Transmission line;
thence with the center line of said power line S. 78-27 W., 1,590.61 feet to a
hedgerow dividing the Blount and Carson properties; thence with the Blount-
Carson line N. 3-35 E., 880.7 feet to the center of N. C. Secondary Road No. 1430;
thence with said road N. 74-52 W., 165.0 feet; thence N. 29-12 W., 1,718.45 feet;
thence parallel and 150 feet westerly from the western right of way line of Nor-
folk Street N. 31-54 E., 586.24 feet; thence N. 25-30 W., 563.41 feet; thence N.
24-10 W., 629 feet crossing U. S. Highway #64 and South Railroad Street to
a point in the center of the Atlantic Coast Line Railroad leading to Tarboro;
thence along and with the eastern side of a ditch N. 7-30 W., 495 feet to an
iron stake; thence N. 72 degrees E., 1,075 feet to a concrete monument; thence
N. 6-30 E., 1,425.7 feet to a concrete monument on the north side of Carson
Street; thence N. 41-00 E., 700 feet to the southwest corner of the intersection
of West Lane and Woodview Road; thence with the western right of way line
of West Lane N. 240 E., 550 feet; thence S. 84-00 E., 550 feet; thence N. 2-
00 E., 400 feet; thence S. 87-45 E., 1,108 feet to the western right of way line
of N. C. Highway #11; thence with the western line of N. C. Highway #11; S.
2-00 W., 300 feet; thence N. 81-30 E., 210 feet to an iron stake by a fence; thence
S. 3 degrees W., 1,172 feet to an iron stake; thence S. 87 degrees E., 432 feet
to an iron stake; thence S. 3 degrees W., 967 feet to an iron stake; thence S.
12 degrees E., 235 feet to an iron stake; thence S. 20-15 E., 453 feet to a point
in the center line of the Atlantic Coast Line Railroad track; thence S. 7 degrees
W., 700 feet to a point in the center of the Bethel-Robersonville road; thence
continuing S. 7 degrees W., 1,736 feet to an iron stake; thence S. 8-30 W., 296
feet to an iron stake on the south side of the Flat Swamp road; thence continuing
S. 8-30 W., 558.6 feet to an iron stake; thence S. 6-30 W., 176.5 feet to an iron
stake; thence S. 8-30 W., 461.27 to the center of the VEPCO Primary Power
Transmission line; thence with the center of the VEPCO power line S. 78-27
W., 843.68 to the eastern right of way line of N. C. Highway #11; thence with
the eastern line of N.C. Highway #11 N. 5-48 E., 773.08 feet, thence crossing said highway N. 80-00 W., 57.35 feet to the BEGINNING."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

S. B. 429

CHAPTER 506

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF HAMLET.

The General Assembly of North Carolina do enact:

THE CHARTER OF THE CITY OF HAMLET

Section 1. ARTICLE I. INCORPORATION AND CORPORATE POWERS.

Section 1.1. Incorporation and General Powers. The Town of Hamlet shall continue to be a body politic and corporate under the name of the "City of Hamlet", and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same with pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Section 1.2. Exercise of Powers. All powers, functions, rights, privileges and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or if this Charter makes no provisions, as provided by the general laws of North Carolina pertaining to municipal corporations, their officers, agencies or employees, and as provided by ordinance or resolution of the City Council.

Section 2. ARTICLE II. CORPORATE BOUNDARIES.

Section 2.1. City Boundaries.

(a) The boundaries of the City shall be those existing at the time of adoption of this Charter with such alterations as may be made from time to time in the manner provided by law. As of the effective date of this Charter, the said boundaries shall constitute the territory embraced within the following boundaries:

(1) A circle the center of which is the place upon which was located the passenger depot of the Seaboard Air Line Railway Company when the Town of Hamlet was originally incorporated in the year 1897, and the radius of which is three-fourths (3/4) of a mile.

(2) Beginning at an iron stake in the northerly margin of Juanita Avenue in the City of Hamlet, North Carolina, said point being North 42 degrees West 100 feet from the northwesterly intersection of Juanita Avenue and Wallace Street, also the southwesterly corner of Lot No. 44, and running thence as a northerly margin of Juanita Avenue North 42 degrees West 93.5 feet to a concrete marker, a corner in the easternmost line of the Freeman property; thence turning and running as the Freeman and Kinsman lines North 14

416
degrees 40' East 214.4 feet to an iron stake; a corner of the Freeman property and the southeasterly corner of the J. P. Gibbons property in the Kinsman line, also a corner of Lot No. 78-A; thence turning and running parallel with Juanita Avenue South 42 degrees East 211.2 feet to an iron stake, a common corner of Lots Nos. 43, 44, 76, and 77; thence turning and running parallel with Wallace Street South 48 degrees West 175 feet to the point or place of beginning, containing .543 acres. A plat of this property is of record in Plat Book 8 at Page 59 in the office of the Register of Deeds for Richmond County, North Carolina, and this is the same property as that conveyed to Vance Sykes, L. S. Brown, and S. B. McGuirt, Trustees of First Presbyterian Church, Hamlet, North Carolina, by Philip Gibbons and wife, Aimee D. Gibbons, by deed dated September 5, 1968, and recorded in Book 506 at Page 262 of the Richmond County Registry.

(3) Area A

BEGINNING at a concrete monument set in the north right-of-way of Rice Street, said monument being the old city limits line, and runs North 82 degrees 20' West 257.6 feet to a stake; thence South 54 degrees 11' West 387.1 feet to a stake; thence North 67 degrees 31' West and crossing Austin Street to a stake in the western edge of Maple Avenue, said distance being 491.5 feet; thence South 56 degrees West and crossing Walnut Avenue 620.5 feet to a stake; thence North 34 degrees 52' West 1161.5 feet to a monument in the northern right-of-way of Hawthorne Street; thence continuing the same course 464.7 feet to a stake on the east side of Pine Hill Avenue; thence along the eastern right-of-way of the above mentioned avenue North 11 degrees 10' West 401 feet to a stake; thence crossing U. S. Highway 177, North 15 degrees 37' West 69 feet to a stake; thence North 18 degrees 22' West 261.3 feet to a stake; thence North 56 degrees 31' East 527.9 feet to a stake in the south side of Battley Road; thence crossing said Battley Road North 69 degrees 45' East 326.4 feet to a concrete monument at the southwest corner of Richmond Street; thence North 77 degrees 13' East 516 feet to a concrete monument in the right-of-way of Park Avenue; thence North 20 degrees 1' East 653.1 feet to a stake west of McDonald Street; thence North 65 degrees 14' West 339.6 feet to a stake; thence North 25 degrees 14' East and crossing McDonald, Fairview, and Branch Avenue 1016.4 feet to a stake in Woodland Road; thence down said Woodland Road North 39 degrees 54' West and crossing Boyette Street 972.5 feet; thence North 48 degrees 11' East 846 feet to a stake; thence North 40 degrees 49' West 802.5 feet to a stake; thence North 49 degrees 4' East and crossing Hylan and Juanita Avenues 799.8 feet to a stake; thence South 40 degrees 28' East and crossing Pineland and Sandhurst Streets 901.7 feet; thence North 49 degrees 27' East and crossing Stacy Avenue 400 feet to a stake; thence South 40 degrees 19' East and crossing Boyette and Terry Streets 669 feet to a stake; thence North 82 degrees 37' East 218.8 feet to a stake below the dam at Kinsman Lake; thence South 74 degrees 38' East 162.3 feet to a stake; thence North 43 degrees 4' East 374.3 feet to a stake; thence South 55 degrees 51' East 545 feet to a stake where the original Hamlet City Limits crosses the Seaboard Railroad right-of-way east of Jefferson Street; thence in a westerly and southerly direction with the original line of the Town of Hamlet 6200 feet to the beginning in the edge of Rice Street.
Area B

BEGINNING at a stake located in the original Hamlet City Limits, said stake being located in the western lot line of the Bankhead residence, said point being located south of Fourth Street and west of U. S. Highway No. 74, and running thence South 47 degrees East 852.7 feet to a stake; thence North 50 degrees 28' East 197.7 feet to a stake, thence South 46 degrees 57' East 305.8 feet to a stake; thence North 35 degrees 39' East and crossing U. S. Highway No. 74 east of Hub Grill 421 feet to a stake; thence North 68 degrees 8' West 300.2 feet to a stake; thence North 61 degrees 40' West 94 feet to a stake; thence North 53 degrees 48' West 80.6 feet to a stake; thence North 45 degrees 45' West 193.4 feet to a stake; thence North 44 degrees 15' East 51 feet to a stake; thence North 46 degrees 17' West and crossing Fifth Street 357.9 feet to a stake; thence 45 degrees 20' East and crossing Winston, Durham, and Fayetteville Streets a distance of 1032.2 feet to a stake; thence North 10 degrees 34' West 177.2 feet to a stake; thence North 47 degrees 29' West and crossing Fourth Street 410.4 feet to the original line of the Town of Hamlet in a northwesterly direction 1600 feet to the beginning.

(4) BEGINNING at a point in the northwestern edge of Rice Street said point being in the present town limits line of the Town of Hamlet and marked by a concrete marker, and runs from said point with Rice Street in a southwesterly direction to the southwestern edge of North Carolina Avenue, Moore's corner; continuing southwesterly with Rice Street a distance of 200 feet to a stake; thence in a southeasterly direction and parallel to North Carolina Avenue 260 feet to a stake; thence in a northeasterly direction and parallel to Rice Street to the present corporate limits of the Town of Hamlet; thence with the present corporate limits of the Town of Hamlet in a circuitous line to the beginning corner on the northwestern edge of Rice Street.

(b) The current City boundaries, at all times, shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the Town Clerk and to be designated, as the case may be, "Map (or Description) of Hamlet City Limits". Alterations in these boundaries shall be indicated by appropriate entry upon or additions to such Map or Description. Such entries or additions shall be made by or under the direction of the City Clerk. Photographic, types or other copies of such Map or Description, certified by the City Clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original Map or Description.

(c) The City Council may provide for the redrawing of any such Map. A redrawn Map shall supersede for all purposes the earlier Map or Maps which it is designated to replace.

Sec. 3. ARTICLE III. CHARTER AMENDMENTS.
Section 3.1. Incorporation of Amendments.

(a) As soon as possible after the adjournment of each General Assembly, the City Attorney shall present to the City Council copies of all local laws relating to the City of Hamlet that were enacted by such General Assembly, whether or not amending in terms this Charter, which he recommends be incorporated into this Charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law as may be necessary to implement the purposes of this Article.
(b) After considering the recommendations of the City Attorney, the City Council may provide for the incorporation of such laws into this Charter.

c) The purpose of this Section is to enable the City to maintain at all times a current and accurate City Charter, organized in clear and orderly fashion, and embracing all pertinent local laws relating to the City.

Sec. 4. ARTICLE IV. MAYOR AND CITY COUNCIL.

Section 4.1. Composition of the City Council.

(a) The governing body of the City of Hamlet shall consist of a Mayor and five (5) Councilmen who shall be residents of the City.

(b) The Mayor and the members of the City Council shall be elected from the City at large.

(c) The person receiving the highest number of votes for the office of Mayor shall be declared elected.

(d) The Mayor shall take the required oath of office before the City Clerk to perform faithfully the duties of the office of Mayor and as required by the general laws of North Carolina.

(e) The Mayor shall be the official head of the City and shall preside at all meetings of the City Council. In the absence or the disability of the Mayor, the Mayor Pro Tem shall perform his duties. In the absence or disability of both the Mayor and the Mayor Pro Tem the Council shall designate one of its members to perform such duties. In the event of the resignation of the Mayor the members of the Council shall by a majority vote elect a Mayor as provided by the General Statutes of the State of North Carolina.

(f) The City Council shall consist of five (5) members. In the regular municipal election to be held in 1971, and biennially thereafter, three Commissioners shall be elected. The two candidates for Commissioner receiving the highest number of votes shall be elected for a term of four years and the candidate receiving the next highest number of votes shall be elected for a term of two years. All candidates elected as Commissioner shall serve until their successors are elected and qualified.

Section 4.2. Organization of City Council; Oaths of Office. The City Council shall at 8:00 o'clock, P. M. on the evening following the date of their election meet and organize for the transaction of official municipal business. Before entering upon their offices the Councilmen shall severally take the required oath before the City Clerk to perform faithfully the duties of their respective offices. Any elected Councilman not present at the organization meeting may take the oath of office within thirty days, and the failure on the part of any elected Councilman to take said oath within thirty days forfeits his right to the office and the Council shall have the authority to fill the vacancy.

Section 4.3. Qualifications; Terms; Vacancies.

(a) No person shall be eligible to be elected to the office of Mayor or to serve on the City Council unless he is a qualified voter under the election laws as prescribed by the General Statutes of the State of North Carolina, and shall have resided within the corporate limits of the City of Hamlet for thirty days immediately preceding the regular municipal election.

(b) If any elected Council member shall refuse to be qualified or if there is any vacancy in the office of Councilman after election and qualification, or if any Coun-
CHAPTER 506  
SESSION LAWS—1969

citizen be unable to discharge the duties of his office, the remaining members of
the Council shall elect some person to serve the unexpired term, or during his disa-
bility, as the case may be. Councilmen so elected shall have all authority and powers
granted by this Charter to regularly elected Councilmen.

Section 4.4. Election of Mayor Pro Tem.

(a) The Mayor Pro Tem shall be elected by the City Council from among its
own members and he shall hold such office for the term for which he has been
elected to the Council. In the absence, disability, or resignation of the Mayor, the
Mayor Pro Tem shall, to the extent permitted by the General Statutes of the State
of North Carolina perform the Mayor's duties, and until a Mayor has been selected
as provided in Article IV, Section 4.1(e) of this Charter.

Section 4.5. Rules of Council; Journal of Proceedings. The City Council shall
determine its own rules and order of business and shall cause to be kept a journal
of its proceedings.

Section 4.6. Council Members to Hold No Other Offices. Neither the Mayor
nor any member of the City Council shall hold any other office or position of trust,
profit, or honor under the City government.

Section 4.7. Meetings of the City Council.

(a) The City Council shall fix suitable times for its regular meetings, which shall
be at least as often as once monthly. The Mayor or any two Council members may
at any time call a special meeting by signing a written notice stating the time
of the meeting, to be delivered to each member or left at his usual dwelling place
at least six hours before the meeting. Meetings of the Council may also be held
at any time when all members are present and consent thereto. Any business may
be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the City Council shall be public meetings and as prescribed
by the General Statutes of the State of North Carolina.

Section 4.8. Quorum; Votes.

(a) A majority of the members elected to the Council shall constitute a quorum
to do business, but a less number may adjourn from time to time and compel the
attendance of absent members.

(b) The affirmative vote of a majority of the Council members shall be necessary
to adopt any ordinance or to authorize the expenditure of money. All other matters
voted upon shall be decided by a majority vote of the Council members present,
except as provided in Article VI of this Charter.

(c) No member of the Council shall be excused from voting except on any matter
involving his own official conduct.

Section 4.9. Exercise of City Powers.

(a) The City Council shall direct the exercise of all of the powers of the City,
except as otherwise provided by this Charter.

(b) In addition to the specific powers herein conferred, and to other powers con-
ferred upon it by general law, the City Council may adopt and provide for the execu-
tion of such ordinances, rules, and regulations, not inconsistent with this Charter,
as may be necessary or appropriate for the preservation and promotion of the
health, safety, comfort, convenience, good order, better government, and the general
welfare of the City and its inhabitants.

Section 4.10. Compensation for the Mayor and Council.
(a) The Mayor shall receive for his services such salary as the Council shall determine from time to time. The members of the Council may establish a salary for its members. The salary of the Mayor and the salaries of the Council may be reduced but no increase therein shall be made to take effect during the term in which the increase is voted and such increase shall apply only to the terms of the members taking office after the next subsequent election.

(b) Until changed as herein provided, the compensation for the Mayor and members of the City Council shall be as follows:

(1) The salary of the Mayor shall be one thousand two hundred dollars ($1,200.00) per year, payable monthly.

(2) The members of the City Council shall each receive twelve dollars and fifty cents ($12.50) for each and every regular meeting and ten dollars ($10.00) per meeting for special or called meetings, not to exceed two in any month, payable monthly.

Sec. 5. ARTICLE V. NOMINATION AND ELECTION PROCEDURE.

Section 5.1. Nonpartisan Primaries and Registration by Voters.

(a) All candidates to be voted on in regular municipal elections in the City of Hamlet shall be nominated in nonpartisan primaries in a manner and form herein prescribed, and no other name shall be printed on the official ballot for such regular municipal elections unless such candidate or candidates are nominated under the provisions of this Charter.

(b) On the second Tuesday preceding the general municipal election in the City of Hamlet, there shall be called, held, conducted and concluded under the direction of the Mayor and Board of Commissioners of the City of Hamlet by election officials, designated and approved by them for that purpose, a nonpartisan primary for the purpose of nominating candidates for Mayor and members of the City Council for the City of Hamlet. All candidates shall file their notices of candidacy with the City Clerk not later than 5:00 o'clock, P. M. on the fourth Tuesday preceding such general election and each shall pay a filing fee of ten dollars ($10.00).

(c) The registration books shall be opened on the sixth, seventh, and eighth Saturdays next preceding the first Tuesday after the first Monday in May when the general election is held. The registration books shall not thereafter be opened for registration for either the primary or the general municipal election except for persons qualifying between the time of closing of the books and the general election, as in the case of newly qualified voters under the general elections laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration. In the event not more than two candidates file for each office to be filled in any general election, no primary shall be held. If more than two candidates file for each position, a primary shall be held, and only the names of the two candidates receiving the highest number of votes in the primary shall be placed on the general election ballot. In no case will there be a second primary. In all other respects, primary elections for the City of Hamlet shall be governed by the general law provided for primary elections in Subchapter II of Chapter 163 of the General Statutes insofar as such general laws may be construed to apply to municipal primaries, and in all other respects where the general laws of the State cannot be construed to conform to the provisions and the procedures of a municipal primary, said primary shall be governed by rules and regulations to be adopted by the Mayor and City Council of the City of Hamlet for such primaries.
(d) The City Council shall, at a regular meeting in March of each odd numbered year, appoint a registrar and two judges of election for each precinct in the City. Any vacancy occurring among the election officials may be filled by the City Council, provided that any vacancies occurring in any precinct on the date of the regular municipal election may be filled by the remaining election officials of such precinct.

(e) The City Council may at this regular meeting in March of each odd numbered year decide where each precinct shall be located in Hamlet; the number of precincts necessary to accommodate the electorate; and if one or more precincts should be merged with another precinct. Notice of Council action relating to precincts shall be publicized twenty days prior to the regular municipal election in the newspapers of Hamlet.

(f) The registration books shall be open on each Saturday during the registration period at the respective polling places. On each day of registration, the registration books shall be open from 9:00 o'clock, A. M. until 5:00 o'clock, P. M., provided that on the last day of registration, the books shall remain open until 6:30 o'clock, P. M.

(g) The City Clerk shall cause to be published in a newspaper having general circulation in the City, at least two weeks prior to the first day of registration, a notice stating the dates when the registration books will be open, the names of the registrars, the locations of the polling places, and the day of the primary and of the regular municipal election.

(h) Any person seeking to register shall be allowed to register if he complies with the North Carolina General Statutes 163-54, 163-55, 163-57, and 163-58, and amendments thereto.

(i) Any person who is denied registration for any reason may appeal the decision of the registrar to the City Council and the City Council shall extend to any such person all rights and privileges as provided in the North Carolina General Statutes 163-75 through G. S. 163-77, and amendments thereto.

(j) On challenge day the registration books shall be open at the polling place in each precinct for the inspection of electors and the challenging of any person registered. Challenges shall be heard and determined by the election officials as provided by general law governing elections for members of the General Assembly.

(k) Payment of the filing fee of ten dollars ($10.00) above provided shall be a condition precedent to participate as a candidate in the election. There shall not be any refund of any filing fee so paid. All filing fees shall be turned over to the Treasurer of the City of Hamlet to help defray the costs of conducting the election.

Section 5.2. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

Section 5.3. Regulation of Election. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

Sec. 6. ARTICLE VI. ADOPTION OF MAYOR, CITY COUNCIL, AND CITY MANAGER PLAN OF GOVERNMENT. PLAN OF GOVERNMENT.

Section 6.1. The City Council, after notice and hearing as herein provided, may adopt by a majority vote of all members of the Council, the Mayor, City Council, and City Manager method of city government, known and hereinafter referred to
as Plan D, pursuant to the provisions of North Carolina General Statutes 160-338 through 160-351, and any amendments thereto. Upon the adoption of Plan D as herein provided, such plan shall become operative and the powers of government of the City shall be exercised, as provided in North Carolina General Statutes 160-338 through 160-351, and in North Carolina General Statutes 160-291 through 160-295, and any provisions in this Charter in conflict therewith shall be deemed repealed.

Section 6.2. The City Council shall not adopt Plan D until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive weeks in a newspaper published in the City, or, if there is no newspaper published in the City, by posting such notice at four public places in the City, said notice to be published the first time or posted not less than fifteen (15) days prior to the date set for said hearing.

Section 6.3. After said hearing and the adoption of Plan D by a majority vote of all members of the City Council as herein provided, such plan shall become operative and effective and it shall not be necessary to file a petition and hold an election as provided in General Statutes 160-296 through 160-307.

Sec. 7. ARTICLE VII. ADMINISTRATIVE OFFICERS AND PERSONNEL.
Section 7.1. Appointment and Removal of Department Heads and Employees; Salaries.

(a) The City Council, except as may be delegated to Department Heads from time to time, shall appoint and may suspend and remove all City employees and heads of departments, and, in its discretion, may employ consultants of any kind when needed.

(b) All salaries and compensation shall be fixed or approved by the Council.

(c) City employees and department heads shall perform such duties as may be required of them under the general direction and regulations of the Council.

(d) The Council reserves the right to provide that upon the recommendation of a Department Head any employee shall be given the right to present his grievance to the Council.

Except for the purpose of inquiry or for consultation with the City Attorney, the Council and its members shall deal with the administrative service through the City Clerk or the Department Heads, either publicly or privately.

Section 7.2. City Attorney. The City Attorney shall be appointed by the City Council, and shall have the following duties: (1) to serve as legal advisor to the City Council, the Clerk, the Treasurer, the Tax Collector, and all City departments, officers and agencies; (2) to represent as Counsel the City, its officers, agents or employees, in any legal action arising out of or connected with the proper functions of the City, unless disqualified so to act; (3) to draft such ordinances, resolutions and documents as requested by the Council.

Section 7.3. City Clerk. The City Clerk shall be appointed by the City Council, and shall have the following duties: (1) to act as Clerk to the Council, to attend all meetings thereof, and to maintain a permanent record of all proceedings thereof; (2) to keep the books of account of the City.

Section 7.4. City Treasurer. The City Treasurer shall be appointed by the City Council, and shall receive and keep all monies belonging to the City and disburse the same according to law, and keep the Council advised of the status of all funds.
Section 7.5. City Tax Collector. The City Council shall appoint a Tax Collector for the City, who shall be charged with the collection of all taxes and assessments.

Section 7.6. Consolidating of Functions of Certain Offices. The City Council may, in its discretion, consolidate the offices of City Clerk, City Treasurer, and City Tax Collector, and may assign the functions of any one of these offices to the holder of any other of these offices.

Section 7.7. Oath of Office Required. Before entering upon the discharge of their duties, the holders of the following offices and positions shall be required to take the oath prescribed for public officers, before the Mayor or the City Clerk: The City Clerk, City Treasurer, Tax Collector, any assistant City Clerk or assistant Tax Collector, or assistant City Treasurer; Chief of Police and each member of the police force, the Building Inspector and all employees empowered to enforce the building code.

Sec. 8. ARTICLE VIII. TAXATION.

Section 8.1. Powers of Taxation. The City shall have all taxing power and authority delegated to municipal corporations by general law.

Section 8.2. Payment of Delinquent Taxes into General Fund. The City Council may, in its discretion, direct the payment into the General Fund of the City all or any part of the proceeds of ad valorem taxes which are, when collected, three or more years delinquent.

Section 8.3. Additional Remedies for Collection of Privilege License Taxes. In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the Tax Collector may employ the remedies of levy upon personal property, attachment, and garnishment, in the manner and subject to the limitations provided by general law for the collection of ad valorem taxes.

Sec. 9. ARTICLE IX. STREET IMPROVEMENTS: ASSESSMENTS FOR COST.

Section 9.1. In addition to any authority which is now or may hereafter be granted by general law to the City of Hamlet for making street improvements, the City Council is authorized to make street improvements, and assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Section 9.2. When Petition Unnecessary. The City Council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

(a) That the street improvement project does not exceed twelve hundred lineal feet; and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement; or

(c) That it is in the public interest to connect two streets or portions of a street already improved; or

(d) That it is in the public interest to widen a street or part thereof, which is already improved, provided, that assessment for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Section.
Section 9.3. Street Improvements Defined. For the purposes of the preceding Section, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Section 9.4. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the City Council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Section 9.5. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

Sec. 10. ARTICLE X. ESTABLISHMENT OF PROPOSED STREET LINES.

Section 10.1. Authority to Establish Proposed Street Lines. Whenever, in the opinion of the City Council, it is in the best interest of the City to do so, the Council may make provision for the ultimate widening or extension or both of existing streets and for the opening of new streets, and for the gradual acquisition of the lands necessary for such improvements, in accordance with the procedure established by this Article.

Section 10.2. Plating of Proposed Street Lines. From and after the time of adoption of a major street plan by the City Council and the State Highway Commission pursuant to provisions of G. S. 136-66.2, and as amended, the City Council shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened, or narrowed streets and highways in the whole or any portion of the City and the area within one mile outside of its corporate boundaries. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Section 10.3. Adoption of Official Map; Hearing; Notice. Following the preparation of such plats, the City Council may officially adopt a map or maps of planned new streets and highways, extensions, widenings, narrowings, or vacations of streets within the City and the area within one mile outside of its corporate boundaries. Before taking any such action, the Council shall hold a public hearing thereof, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper published in the City, or if there be no newspaper published in the City, by posting such notice at four public places in the City and at four public places within the affected area outside of the corporate boundaries. Said notice shall be published or posted for the first time not less than fifteen days prior to the date fixed for said hearing. Following adoption of such map or maps, the Council shall certify a copy to the Register of Deeds of Richmond County, which copy shall be duly filed. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.
CHAPTER 506  SESSION LAWS—1969

Section 10.4. Right of City to Acquire Property before Improvement. From and after the time of adoption and certification to the Register of Deeds of any such map or maps, it shall be unlawful to build upon any land within the lines of proposed streets shown thereon or to repair or otherwise improve any existing buildings within said lines until the City Council shall have been given an opportunity to purchase or otherwise acquire said property for street purposes as provided by this Article. To that end, any person proposing to build upon such land or to make repairs or improvement to any existing building on such land, shall, in writing, notify the City Council of the nature and estimated cost of such building, repairs, or improvements. The Council shall then determine whether it will take the necessary steps to acquire said land prior to construction of said buildings or the making of said repairs or improvements. If the Council fails, within sixty days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire said property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in said notice. The Building Inspector is authorized to withhold and refrain from issuing, for a period not exceeding sixty days from receipt by the Council of the notice herein prescribed, any building permit for the erection of any building within the said lines, or for the making of any repairs or improvements to existing buildings within said lines.

Section 10.5. Failure to Give Notice Bars Recovery for Value of Improvements. If any person, firm or corporation builds upon any land included within said proposed street lines, or repairs or otherwise improves that part of any existing building within said lines, without giving the City Council an opportunity to acquire said property free from improvements, as provided in Section 10.4 of this Article, the Council shall not be required to pay for the value of said building, repairs, or improvements in any proceeding subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

Section 10.6. Failure of City to Act; No Limit to Subsequent Condemnation. The failure of the City Council to take action under Sections 10.4 and 10.5 of this Article within sixty days after notice shall not have the effect of limiting the right of the Council at any subsequent time to condemn the same. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs, or improvements made after the failure of the Council to take action within the prescribed period.

Sec. 11. ARTICLE XI. ZONING.

Section 11.1. Extraterritorial Zoning. The City Council shall have such authority to enact zoning regulations as is granted by the general law and as provided by North Carolina General Statutes 160-181.2 and amendments thereto.

Sec. 12. ARTICLE XII. PARKING AND PARKING FACILITIES.

Section 12.1. Authority to Regulate Off-street Parking. The City Council shall have power and authority to enact ordinances for the regulation of the use by vehicles of:

(a) Municipally owned or leased off-street parking areas and facilities;

(b) Publicly owned off-street parks, outdoor recreation areas, and yards and grounds occupied by public buildings; and

(c) Privately owned areas permissively used by the general public for parking or street purposes.
Section 12.2. Civil Penalties. In the exercise of the authority granted by Section 12.1, the City Council shall have authority to make and provide civil penalties for violations of such ordinances, not exceeding the penalties provided by general law for the violation of municipal ordinances.

Section 12.3. Towing of Vehicles from Off-street Areas; Charges. The City Council may, in addition to providing civil penalties, provide that such vehicles in violation of parking regulations at any of the places designated in Sections 12.1 and 12.2 of this Article, may be towed away and the owner or person responsible therefor required to pay the resulting towing and storage charges.

Section 12.4. Towing of Vehicles from Streets; Charges. The City Council may provide by ordinance that vehicles stalled, wrecked, abandoned, or illegally parked upon any public street may be removed therefrom by having the same towed away to such place as may be designated by a Council appointed City official and to require that the owner or person responsible therefor pay the resulting towing and storage charges.

Section 12.5. Registration Prima Facie Evidence of Responsibility. The ownership of any vehicle as established by its registration with the North Carolina Department of Motor Vehicles shall be prima facie evidence as to the person, firm or corporation responsible for violating the provisions of any ordinance adopted in accordance with the powers granted in this Article.

Section 12.6. Towing and Storage Facilities. In the implementation of the authority granted by this Article relating to the removal and storage of vehicles, the City Council may provide such towing and storage facilities by and through its own forces, equipment and property, as well as by contract with independent towing and storage contractors and operators, and the City Council may appropriate and use reasonable sums of public funds to defray the necessary expenses thereof.

Sec. 13. ARTICLE XIII. TRAFFIC BUREAU.

Section 13.1. Authority of City Council to Establish Traffic Bureau.

(a) The City Council may by ordinance establish a Traffic Bureau to process and collect civil penalties provided for violations of traffic and parking ordinances of the City.

(b) No State tax shall be paid to the State of North Carolina in cases finally disposed of by the Traffic Bureau.

(c) All civil penalties collected in the Traffic Bureau shall be paid into the General Fund of the City.

Sec. 14. ARTICLE XIV. POLICE.

Section 14.1. Police Jurisdiction Extended.

(a) The jurisdiction of the police force is hereby extended to include all territory outside and within two miles of the corporate limits, and all members of the police force shall have within each territory, all rights, power, and authority, as they now have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all City-owned property and facilities, whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they now have within the corporate limits.

Sec. 15. ARTICLE XV. SIDEWALKS.
CHAPTER 506  SESSION LAWS—1969

Section 15.1. City May Clean or Repair After Notice; Charges a Lien. The City Council may, by ordinance, establish a procedure whereby City forces may clean or repair any sidewalk upon failure of the abutting property owner after ten days' notice to do so. In such event, the cost of such cleaning or repair shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the City or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

Sec. 16. ARTICLE XVI. REFUSE, WEEDS, AND TRASH.

Section 16.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the City to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

Section 16.2. Removal of Offensive Matter; Charges a Lien. The City Council may by ordinance establish a procedure whereby City forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days' notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the City or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

Sec. 17. ARTICLE XVII. PURCHASING AND CONTRACTS.

Section 17.1. Provisions of General Law Govern. All contracts of the City for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment shall be made in compliance with the requirements of Article 3, Chapter 143 of the General Statutes.

Section 17.2. Conflict of Interest. No officer, department head, employee, or board of commission member shall make or participate in the making of any contract with the City in which he may be in any manner financially interested, directly or indirectly. Any such person who has such an interest in any proposed contract shall make known that interest. The willful concealment of such a financial interest or the willful violation of this Section shall constitute malfeasance in office or position, and any violator shall forfeit his office or position. Violation of this Section with the knowledge express or implied of the person, firm, or corporation contracting with the City shall render the contract void.

Sec. 18. ARTICLE XVIII. CLAIMS AGAINST THE CITY.

Section 18.1. Presentation of Claims, Suit Upon Claims.

(a) All claims or demands against the City of Hamlet arising in tort shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon shall be barred.
(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any public purpose of any kind or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof unless, within two years after such alleged use, the owner, his executor, administrator, guardian or next friend shall have given notice in writing to the City Council of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of damage or compensation claimed.

(c) Notwithstanding the provision of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or in his behalf within six months after the termination of the incapacity, provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given in his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given in his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity.

Section 18.2. Settlement of claims by City Clerk or Treasurer. The City Clerk or Treasurer, as authorized by the governing body of the City, may settle claims against the City for: (1) personal injury or damages to property when the amount involved does not exceed the sum of fifty dollars ($50.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (2) the taking of small portions of private property which are needed for the rounding of corners at street intersections, when the amount involved in any such settlement does not exceed fifty dollars ($50.00) and does not exceed the actual loss sustained. Any settlement of a claim by the City Clerk or Treasurer pursuant to this Section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be approved as to form by the City attorney.

Sec. 19. ARTICLE XIX. MISCELLANEOUS.

Section 19.1. Signing of Warrants or Orders for Payment. Either the City Clerk, or any bonded official of the City of Hamlet and who is authorized by the City Council may sign warrants or orders for payment on the City Treasury or depository. In addition, in the absence of the City Clerk or other qualified and authorized official, such warrants or orders may be signed by the Mayor.

Section 19.2. City Depositories; Signatures to Vouchers; Surety Bonds. The City Council from time to time shall have the power to designate depositories to receive any and all funds collected or paid to the City Treasurer. The City Council shall determine from time to time what security shall be required for funds placed in a depository. The City Treasurer is authorized and empowered to sign vouchers for all obligations of the City. The Council may from time to time designate other officials of the City of Hamlet to sign vouchers in behalf of the City. The City Council shall designate what officials of the City of Hamlet shall furnish surety bonds and the amount of said bonds.
Section 19.3. Bond Elections. The conduct of bond elections shall be governed by the provisions of general law relating to municipal bond elections.

Section 19.4. Cemetery Regulations. The City Council may provide rules and regulations for the use of all City cemeteries, whether located within or outside the corporate limits, and such rules and regulations shall be enforced by the police force within said cemeteries as City ordinances.

Section 19.5. Interments within City. The City Council may regulate or prohibit interments within the corporate limits, and may prohibit interments within the corporate limits elsewhere than in City-owned cemeteries.

Section 19.6. It is the purpose of this Act to revise and reorganize the Charter of the City of Hamlet (North Carolina Private Laws 1897, Chapter 14) and to consolidate into it certain local Acts concerning the property, affairs, and government of the City of Hamlet, including the following Acts: North Carolina Session Laws 1959, Chapter 851, providing for nonpartisan primaries; and North Carolina Session Laws 1963, Chapter 908, and North Carolina Session Laws 1967, Chapter 542, relating to municipal elections. It is intended to continue in force without interruption those provisions of prior local Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Section 19.7. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, or amendments thereto, even though such acts or amendments are not expressly set forth herein:

(a) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts, or obligations of any kind.

(b) Any acts authorizing conveyance or sale of particular City property or interests therein.

(c) North Carolina Session Laws 1945, Chapter 931, which authorized the City to regulate or prohibit the sale of beer and wine from 7:00 o'clock, P. M. Saturday to 7:00 o'clock, A. M. Monday.

(d) North Carolina Public-Local Laws 1941, Chapter 350, providing for an election for airport bonds.

(e) North Carolina Private Laws 1909, Chapter 144, establishing a sewerage system, building and enlarging schools, and improving streets in the City.

(f) North Carolina Private Laws 1929, Chapter 43, authorizing the City to issue bonds for refunding its floating indebtedness.

(g) North Carolina Private Laws 1913, Chapter 43, and North Carolina Private Laws 1925, Chapter 90, authorizing the City to issue bonds to build and to extend, respectively, the municipal sewerage system.

(h) North Carolina Private Laws 1913, Chapter 50, and North Carolina Private Laws 1911, Chapter 256, authorizing the City to issue bonds for street and bridge improvements.

(i) North Carolina Private Laws 1935, Chapter 140, validating certain bonds and authorizing the issuance of refunding bonds.

(j) North Carolina Session Laws 1947, Chapter 218, authorizing the City to establish a traffic bureau by ordinance to handle certain traffic violations within the City, and North Carolina Session Laws 1963, Chapter 655, relating to violations and penalties within the jurisdiction of the traffic bureau.
(k) North Carolina Session Laws 1955, Chapter 1117, authorizing the Chief of the Fire Departments of the Towns of Rockingham, Hamlet, and Ellerbe to seize and impound all evidence of arson which they may discover.

(l) North Carolina Session Laws 1955, Chapter 589, and North Carolina Session Laws 1957, Chapter 748, relating to exemption from ad valorem taxes on the property of Senior Woman's Club, Inc., and Junior Woman's Club, Inc., and Calvary Baptist Church.

(m) North Carolina Session Laws 1963, Chapter 982, authorizing the establishment of a town liquor control store, and North Carolina Session Laws 1967, Chapter 1062, relating to the allocation of the net profits of the Hamlet Board of Alcoholic Control.

(n) North Carolina Session Laws 1963, Chapter 166, authorizing the Chief of Police to reside outside the corporate limits of the City.

(o) North Carolina Session Laws 1945, Chapter 948, authorizing the City to execute a quitclaim deed to the Seaboard Air Line Railway Company.

(p) North Carolina Private Laws 1927, Chapter 2; North Carolina Public-Local Laws 1937, Chapter 276; North Carolina Session Laws 1945, Chapter 1001; and North Carolina Session Laws 1963, Chapter 538, authorizing the City to convey real estate.

(q) North Carolina Session Laws 1949, Chapter 102, and North Carolina Session Laws 1955, Chapter 1217, relating to the fees of the jailer of the City.

(r) North Carolina Session Laws 1951, Chapter 299, creating a bird sanctuary within the territorial limits of the City.

Section 19.8. The following Acts, having served the purposes for which enacted or having been consolidated into this Act, are hereby repealed:

(a) North Carolina Private Laws 1907, Chapter 171, providing for petitions for appointment of election officers.

(b) North Carolina Private Laws 1931, Chapter 191, providing for the granting franchises without a vote of the people.

(c) North Carolina Session Laws 1945, Chapter 449, fixing the compensation of the judge of the Hamlet Recorder's Court.

(d) North Carolina Session Laws 1955, Chapter 1118, providing for clerical assistance to the solicitor of the Hamlet Recorder's Court.

(e) North Carolina Session Laws 1965, Chapter 553, relating to compensation for the Mayor and the Town Board.

Section 19.9. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law so repealed.

Section 19.10. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:
CHAPTER 506        SESSION LAWS—1969

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated laws.

Section 19.11.

(a) Notwithstanding any other provisions of this Act, all existing Hamlet ordinances and resolutions and existing rules or regulations of City of Hamlet departments or agencies in effect at the time of the ratification of this Act shall be and continue in full force and effect until repealed, amended or modified.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against or before the City of Hamlet or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 20. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 21. General Repeal. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 22. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 165        CHAPTER 507

AN ACT TO SUPPLEMENT THE COMPENSATION OF REGISTRARS AND JUDGES OF ELECTION IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the compensation fixed as provided by G.S. 163-46, as the same may from time to time be amended, the registrars and judges of elections in Richmond County shall receive the hourly wage fixed by G.S. 95-87, as the same may from time to time be amended, for time spent in the performance of their duties on primary and general election days in excess of fifteen (15) hours.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May 1969.

S. B. 402        CHAPTER 508

AN ACT TO FIX THE SALARY OF THE SHERIFF OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 67, Session Laws of 1967, is hereby rewritten to read as follows: "The Sheriff of Cabarrus County shall be paid an annual salary of ten thousand five hundred dollars ($10,500), payable in equal monthly installments, out of the General Fund of the County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 358, Session Laws of 1969.

432
Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.
In the General Assembly read three times and ratified, this the 14th day of May 1969.

S. B. 449  CHAPTER 509
AN ACT TO INCREASE THE SALARY OF THE REGISTER OF DEEDS OF FRANKLIN COUNTY AND HIS ASSISTANTS.

The General Assembly of North Carolina do enact:

Section 1. The annual salary of the Register of Deeds of Franklin County shall be $7,130. The annual salary of the First Assistant Register of Deeds of Franklin County shall be $4,197.50. The annual salary of the Second Assistant Register of Deeds of Franklin County shall be $3,852.50. These salaries shall be payable in monthly installments.

Sec. 2. Effective July 1, 1970, and upon recommendation of the Register of Deeds of Franklin County, the Board of County Commissioners may appoint a Third Assistant Register of Deeds and set his salary.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 358, Session Laws of 1969.

Sec. 4. Except as otherwise provided, this Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 14th day of May 1969.

S. B. 471  CHAPTER 510
AN ACT TO INCREASE THE SALARIES OF THE SHERIFF, CHIEF DEPUTY AND DEPUTY SHERIFFS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salary of the Sheriff of Franklin County shall be $7,360. The annual salary of the Chief Deputy Sheriff of Franklin County shall be $5,520. The salary of all other Deputy Sheriffs of Franklin County shall be $5,060. These salaries shall be payable in monthly installments.

Sec. 2. Effective July 1, 1970, and upon recommendation of the Sheriff of Franklin County, the Board of County Commissioners may appoint an additional Deputy and set his salary.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 358, Session Laws of 1969.

Sec. 4. Except as otherwise provided, this Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 14th day of May 1969.
CHAPTER 511

Session Laws—1969

H. B. 685

CHAPTER 511

AN ACT TO AMEND SECTION 2 OF CHAPTER 339 OF THE PRIVATE LAWS OF 1915, AS AMENDED BY CHAPTER 218 OF THE PRIVATE LAWS OF 1929, EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAGRANGE.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 339 of the Private Laws of 1915, as amended by Chapter 218 of the Private Laws of 1929, be and the same is hereby further amended by striking out all of said section and inserting in lieu thereof the following:

Sec. 2. Boundaries. That the boundaries and corporate limits of the City of LaGrange shall be as follows:

"BEGINNING at a concrete marker on the east side of paved road No. 1002, said marker being located the following courses and distances from the point where the center line of unpaved road No. 1325 intersects the center line of road No. 1002 S. 13-07 E. 572.5 feet and S. 89-12 E. 32.0 feet and running N. 89-12 W. 269.0 feet to a point on the property of the George Warters heirs; thence N. 13-07 W. 479.8 feet to a point on the Warters-Eli Perry property line; thence with said property line S. 76-39 W. 1292.2 feet to a point on the north west side of the Carolina Power and Light Company Transmission Line; thence 15.0 feet from and parallel with the center of said pole line, N. 47-00 W. 721.5 feet to a concrete marker; thence continuing N. 47-00 W. 1623.0 feet to a concrete marker; thence continuing N. 47-00 W. 367.8 feet to a concrete marker 15.0 feet from center line of power line; thence N. 8-40 E. 33.7 feet to a concrete marker; thence continuing N. 8-40 E. 1840.7 feet to a concrete marker at the edge of the woods; thence continuing N. 8-40 E. 2228.8 feet to a concrete marker on the south side of U. S. 70; thence N. 30-25 E. 718.6 feet to a concrete marker on the south side of the Southern Railroad; thence continuing N. 30-25 E. 485.7 feet to a concrete marker on the south side of King Street extension to Fairview Cemetery; thence continuing N. 30-25 E. 873.8 feet to a concrete marker on the west right-of-way line of paved road No. 1503; thence with said right-of-way line N. 13-48 W. 428.0 feet to a concrete marker; thence N. 42-08 E. 1001.4 feet to a concrete marker at the edge of the woods; thence N. 61-29 E. 532.8 feet to a concrete marker; thence S. 76-09 E. 412.6 feet to a concrete marker on the west right-of-way line of paved road No. 1502, Allen Mewborn's northeast corner; thence S. 38-34 E. 1693.3 feet to a point on the west side of Charles Street extension; thence with A. H. Gray property line N. 75-12 E. 1986.8 feet to a concrete marker on the east side of paved road No. 1002; thence S. 19-14 E. 1212.4 feet to a concrete marker on the south right-of-way line of paved road No. 1514; thence with J. E. Jones property line S. 34-03 E. 1616.8 feet to a concrete marker on the Town property line; thence with Town property line N. 49-46 E. 625.0 feet to an iron pipe; thence with Town property line N. 53-35 E. 395.6 feet to the center of Moseley Marsh Canal; thence down the center of said canal S. 63-33 E. 70.8 feet; thence down the center of said canal S. 56-03 E. 66.9 feet; thence down the center of said canal S. 30-37 E. 72.6 feet; thence down the center of said canal S. 39-28 E. 62.8 feet; thence down the center of said canal S. 35-35 E. 76.5 feet; thence down the center of said canal S. 39-03 E. 139.8 feet; thence down the center of said canal S. 33-18 E. 191.6 feet; thence down the center of said canal S. 76-11 E. 434.3 feet to the mouth of a ditch; thence up the center
of said ditch S. 58-37 W. 498.8 feet; thence up center of ditch S. 59-31 W. 339.9 feet; thence up center of ditch S. 58-14 W. 97.5 feet; thence up center of ditch S. 60-12 W. 189.9 feet; thence up center of ditch S. 58-36 W. 357.7 feet; thence up center of ditch S. 65-12 W. 107.6 feet; thence up center of ditch S. 73-29 W. 63.4 feet; thence up center of ditch S. 8-58 W. 161.0 feet; thence up center of ditch S. 9-24 E. 61.5 feet; thence up center of ditch S. 13-58 E. 80.9 feet; thence up center of ditch S. 5-49 W. 184.0 feet; thence up center of ditch S. 21-41 W. 181.3 feet; thence up center of ditch S. 46-26 W. 265.1 feet; thence up center of ditch S. 67-29 W. 162.4 feet; thence up center of ditch S. 64-17 W. 747.3 feet; thence up center of ditch S. 52-00 W. 172.4 feet; (concrete marker on northeast ditch bank); thence 300.0 feet from Southern Railroad and parallel to same S. 58-37 E. 2111.2 feet to a concrete marker buried in Mrs. Sallie Whitted's field; thence S. 26-43 W. 218.0 feet to a concrete marker on the north side of paved road No. 1503; thence continuing S. 26-43 W. 716.3 feet to a concrete marker on the north side of Highway U. S. 70; thence continuing S. 26-43 W. 1753.9 feet to a concrete marker on a ditch bank; thence continuing S. 26-43 W. 325.8 feet to a concrete marker buried in the field; thence N. 89-12 W. 3193.5 feet to the beginning containing 1265.5 acres or 1.97 square miles."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. The provisions of this Act shall be in full force and effect when a majority of the qualified voters of said City who shall vote thereon shall vote in favor of the approval of an ordinance authorizing two hundred fifty thousand dollars ($250,000) Water Bonds for the construction of water lines and an ordinance authorizing three hundred twenty-five thousand dollars ($325,000) Sanitary Sewer Bonds for the construction of sewer lines. In the event that a majority of the qualified voters of said City who vote thereon vote against either or both of said ordinances, this Act shall be without force and effect.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

H. B. 712

CHAPTER 512

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HAVELock TO EXCLUDE FROM WITHIN THE TOWN LIMITS A PORTION THEREOF USED PRIMARILY FOR AGRICULTURE PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 760 of the 1963 Session Laws, which amends Section 2 of Chapter 952 of the 1959 Session Laws, is hereby amended by striking out all of Section 1 and substituting therefor the following:

Sec. 1. The corporate limits of the Town of Havelock shall be as follows:

BEGINNING at a point which is the intersection of the center line of U. S. Highway No. 70 and the mean low-water line of the southeast shore line of the West Prong of Slocum Creek and running thence in a westerly and south-westerly direction along the said low-water line for a distance of approximately 2473 feet to the East right of way line of the Atlantic and East Carolina Railroad main line; thence along the said right of way line in two courses South 22 deg. 00 min. East and South 32 deg. 00 min. East, for a distance of approximately 4938.3 feet to the southwest corner of a tract of land conveyed by Gretchen
S. Bryan, et al, to Miller W. Harrell, which said tract was surveyed and platted by Albert R. Bell, C. E., January 27, 1965; thence along the Agreed Line between the aforementioned Miller Harrell Tract and the lands of Ozell Bell as shown on the aforementioned plat, South 83 deg. 47 min. East 3551.44 feet to the run of the East Prong of Slocum Creek; thence up the run of the East Prong of Slocum Creek in a southwardly and southwesterly direction approximately 4150 feet to an old iron corner, the southwest line of the C. S. Bryan land, this said point standing the following courses and distances from that point of intersection of the eastern right of way line of the Atlantic and North Carolina Railroad with the southeast bank of the East Prong of Slocum Creek; North 88 deg. 50 min. East 179 feet, North 20 deg. 00 min. East 213 feet, North 7 deg. 30 min. East 122 feet, North 60 deg. 00 min. East 172 feet and North 18 deg. 15 min. East 131 feet (for a total of 817 feet); thence along the southwest line of the C. S. Bryan land South 28 deg. 45 min. East 3061.47 feet to an iron pipe in the U. S. Forestry line; thence along the established boundaries of the Havelock Sanitary District, as set forth in the petition for establishment of said Sanitary District, to wit: Thence following said line (U. S. Forestry line) South 87 deg. East 2200 feet, more or less to a concrete monument marked corner 322 on the West side of Old Highway No. 70, (Old N. C. Highway 10); thence crossing Highway No. 70, North 64 1/2 deg. East 550 feet; thence parallel to Highway No. 70 and 400 feet from its eastern boundary North 18 deg. West 2300 feet, more or less, to the southern boundary of Johnson's Trailer Park; thence following the boundaries of said trailer park in two courses North 72 deg. East 340 feet and North 18 deg. West 740 feet, more or less, to the line of the Godwin Subdivision; thence following the lines of the Godwin Subdivision North 79 deg. East 660 feet, North 15 deg. West 256 feet; North 60 1/2 deg. West 719 feet; North 4 deg. East 194 feet; North 19 1/2 deg. West 224 feet; North 6 deg. West 240 feet; North 39 1/2 deg. East 539.5 feet; and North 39 1/2 deg. West 585 feet to Capp's Branch; thence following Capp's Branch about 300 feet to the corner of the Wynne Subdivision; thence following the lines of the Wynne Subdivision North 48 1/2 deg. West 365 feet to the northern boundary of Wynne Road; thence along said northern boundary North 84 1/2 deg. West 860 feet, more or less, to the eastern right of way of U. S. Highway No. 70, North 20 deg. 10 min. West 342.7 feet and North 17 deg. 41 min. West 1,085.31 feet to the southeastern right of way of Roosevelt Boulevard; thence northeasterly along the said Roosevelt Boulevard right of way line North (twenty-eight) 28 deg. 24 min. East 290.02 feet to an iron pipe southwest of Hatteras Avenue; thence South 61 deg. 41 min. East 198.03 feet to the point of curvature (P.C.) of a curve, an arrow cut in the south edge of a concrete walk, southeast of Hatteras Avenue; thence with the curve along the edge of said concrete walk 342.76 feet to a point, an arrow cut in the south edge of said walk by a line South 70 deg. 30 min. East 339.20 feet; thence from said point North 6 deg. 02 min. 30 sec. East 255.00 feet with the southeast edge of a four foot concrete walk to an arrow cut in said walk; thence North 83 deg. 31 min. West 43.88 feet to an iron pipe; thence North 61 deg. 36 min. West 396.00 feet to an unmarked point; thence North 28 deg. 24 min. West 100.01 feet to a point; thence North 28 deg. 29 min. East 439.94 feet, and North 26 deg. 02 min. East 446.0 feet to the projection of the northern boundary of the Commercial Center; thence across Roosevelt Boulevard North 89 deg. 00 min. West 109.68 feet to the northeast corner of the said Commercial Center; thence along the lines of the Commercial Center 89 deg. West.
300 feet. South 24 deg. 54 min. West 490.61 feet to the northern right of way of connecting road also called Jayce Street; thence westerly along the said northern right of way approximately 400 feet to the eastern right of way of U.S. Highway No. 70; thence again along the boundaries of the aforementioned Havelock Sanitary District, to wit: "thence following the eastern boundary of Highway No. 70 in its old location to the rear corner of the property of the Ashford Oil Company; thence following the lines of the Ashford Oil Company due East 240 feet; and due North 390 feet, more or less, the northern boundary of North Carolina Highway 101;" thence westerly along the northern right of way of North Carolina Highway No. 101 approximately 915 feet to the mean low water line of the west shore of the East Prong of Slocum Creek; thence northerly along the said low-water line approximately 8500 feet to the junction with the West Prong of Slocum Creek and the mean low-water line of the East shore of the said West Prong; thence southwesterly along the mean low-water line of the East shore of the said West Prong approximately 5400 feet to the point of beginning. EXCEPTING AND EXCLUDING therefrom 11.8 acres in the northernmost corner of the area and between the East Prong and the West Prong of Slocum Creek, said area having been conveyed by Slocum Village Corporation to the Board of Education of Craven County, North Carolina, by deed dated October 13, 1953, recorded January 21, 1954, in the office of the Register of Deeds of Craven County, North Carolina, in Book 498 at Page 284. ALSO EXCEPTING AND EXCLUDING THEREFROM the right of way of the Atlantic and East Carolina Railroad spur line which crosses the area from West to East. ALSO EXCEPTING AND EXCLUDING therefrom that area of federally controlled tract of land known as Slocum Village Housing Project, formerly owned by the PBC Housing Corporation, and other government controlled lands within the corporation limits of the town.

With the exception of the area known as PINE ACRES SUBDIVISION, all of the foregoing proposed boundaries for the incorporated Town of Havelock coincide with or include the established boundaries of the aforementioned Havelock Sanitary District but are not limited to the said established boundaries.

Sec. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

H. B. 735

CHAPTER 513

AN ACT AMENDING G. S. 7-64 RELATING TO THE JURISDICTION OF THE SUPERIOR AND INFERIOR COURTS SO AS TO MAKE SAME APPLICABLE TO IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

Section 1. G. S. 7-64 as the same appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes is amended by striking from line fourteen thereof the word "Iredell".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.
CHAPTER 513  

SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 14th day of May, 1969.

H. B. 624  

CHAPTER 514

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF DAVIE COUNTY, IN THEIR DISCRETION, TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF THE DAVIE PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Davie County be, and they are hereby authorized and empowered, in their discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax of not more than three cents (3c) on each one hundred dollars ($100.00) valuation of property in said county, the same when collected to be applied to the upkeep, support and maintenance of the Davie Public Library, which said library is operated for the benefit of the public. The appropriations and taxes for the purpose hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters of Davie County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 92  

CHAPTER 515

AN ACT TO PROVIDE COMPENSATION FOR THE MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Commissioner of Finance of Jackson County shall be seven thousand two hundred dollars ($7,200.00) per year, said salary to be retroactive to July 1, 1968. Beginning July 1, 1969, the salary of the Chairman of the Board of County Commissioners of Jackson County shall be increased to eight thousand two hundred dollars ($8,200.00) per year, payable in equal monthly installments. In addition to the annual salary of eight thousand two hundred dollars ($8,200.00) per year effective July 1, 1969, the Chairman of the Board of County Commissioners of Jackson County shall receive annually six hundred dollars ($600.00) for travel expenses, payable in equal monthly installments, beginning July 1, 1969.

Sec. 2. Effective July 1, 1969, the other members of the Board of County Commissioners of Jackson County shall receive as compensation a per diem amount of forty-five dollars ($45.00) for any single day, the major or substantial part of which is spent in the discharge of their official duties and twenty-five dollars ($25.00) for any night meetings or any day meeting when less than three hours of time is involved. In addition to the per diem compensation, the members of the Board of County Commissioners of Jackson County other than the Chairman of the Board of County Commissioners, shall receive reimbursement for travel at a rate of ten cents per mile.

438
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 180, Session Laws of 1969.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 25

CHAPTER 516

AN ACT TO REWRITE G. S. 115-125 RELATING TO THE CONDEMNATION OF LAND FOR SCHOOL PURPOSES SO AS TO INCREASE THE MAXIMUM SIZE OF SUCH SITES TO FIFTY ACRES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-125 is rewritten in its entirety to read as follows:

"County and city boards of education may acquire suitable sites for school houses or other school facilities either within or without the administrative unit; but no school may be operated by an administrative unit outside its own boundaries, although other school facilities such as repair shops, may be operated outside the boundaries of the administrative unit. Whenever any such board is unable to acquire or enlarge a suitable site for a school, school building, school bus garage or for a parking area for school buses or for other school facilities by gift or purchase, condemnation proceedings to acquire same may be instituted by such board under the provisions of Article 2, Chapter 40 of the General Statutes, and the determination of the county or city board of education of the land necessary for such purposes shall be conclusive; provided that not more than a total of fifty (50) acres shall be acquired by condemnation for any one site for a schoolhouse or other school facility as aforesaid."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 319

CHAPTER 517

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND LOCAL BOARDS OF EDUCATION TO ENGAGE IN EDUCATIONAL RESEARCH AND SPECIAL EDUCATIONAL PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-11 is amended by adding a new subsection "18" to read as follows:

"(18) Education research. The Board is authorized to sponsor or conduct educational research and special school projects considered important by the Board for improving the public schools of the State. Such research or projects may be conducted during the summer months and involve one or more local school units as the Board may determine. The Board may use any available funds for such purposes.

Sec. 2. G. S. 115-35 is amended by adding a new subsection "h" to read as follows:

"(h) Educational research. County and city boards of education are authorized to sponsor or conduct educational research and special projects approved by the
CHAPTER 517  SESSION LAWS—1969

State Department of Public Instruction and the State Board of Education that may improve the school system under its jurisdiction. Such research or projects may be conducted during the summer months and the Board may use any available funds for such purposes."

Sec. 3. G. S. 115-79 is amended by adding the following sentence at the end: "Nothing in this chapter shall prevent the use of State monies for supporting or financing school programs conducted in the summer if approved by the State Board of Education."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 454  CHAPTER 518

AN ACT TO ACCORD CERTAIN DIPLOMA SCHOOL CREDITS TO LICENSED PRACTICAL NURSES.

The General Assembly of North Carolina do enact:

Section 1. Upon application by a licensed practical nurse for admission to a diploma school of nursing in this State, the education, training and experience of such nurse shall be evaluated by the school for purposes of determining what credits should be accorded with respect thereto in the diploma school, and reasonable credit shall be accorded therefor. Such evaluation may include proficiency examinations in various areas of knowledge and experience. The credit accorded pursuant to this Act shall not exceed a total of nine months.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 477  CHAPTER 519

AN ACT TO AMEND AND REVISE ARTICLES 25 and 26 OF CHAPTER 115 OF THE GENERAL STATUTES TO AUTHORIZE COUNTY AND CITY BOARDS OF EDUCATION TO PROVIDE FOR THE SELECTION AND PROCUREMENT OF SUPPLEMENTARY TEXTBOOKS, LIBRARY BOOKS, PUBLICATIONS, AND OTHER INSTRUCTIONAL MATERIALS FOR THE PUBLIC SCHOOL SYSTEM.

WHEREAS, the State Board of Education has approved the recommendation of the State Superintendent of Public Instruction that amendments be made to Articles 25 and 26 of Chapter 115 of the General Statutes relating to the selection and adoption of textbooks, and to the furnishing of basic and supplementary textbooks and instructional materials insofar as these Articles relate to the adopting, warehousing, and distribution of supplementary books by the State Board of Education and to the buying and selling of library books based on a list recommended by the State Superintendent of Public Instruction; and

WHEREAS, it is desirable that the selection of supplementary instructional materials be made by each school administrative unit and that State funds available
for these purposes be allotted to the school administrative units under the State Nine Months School Fund; and

WHEREAS, in view of the wide variety of library books available to the public schools that can be purchased by the school administrative units from large commercial publishers and book jobbers at a price comparable to that charged by the State for the limited number of titles that the State is able to warehouse and distribute; and

WHEREAS, it is the consensus that the limited jobbing service being performed by the State Board of Education for library books is no longer needed by the school administrative units, and that the time spent by the professional staff of the Department of Public Instruction in selecting, processing and compiling a list of library books by title to be warehoused by the State could better be spent in more productive instructional efforts; and

WHEREAS, the North Carolina public school system cannot now be properly served under the present system of distributing supplementary text materials because of the cumbersome and antiquated contract system which delays introduction into the classrooms of the newest available materials and sometimes keeps items on contract that are no longer appropriate, and since technological breakthroughs in the design and manufacture of supplemental materials have placed an enormous volume and variety of materials within easy reach of most local school systems; and

WHEREAS, the present system of distributing supplementary materials is also limited because many of these materials can no longer be made available through the current contract system because of the limitations placed on the contract system by publishers; and since the local units should be encouraged to design and develop instructional programs that will meet the specific needs of each child in every school situation, and since the limited supplementary book list restricts and hinders the local school system in accomplishing the goals and objectives for their programs; and

WHEREAS, the selection of library materials that should be purchased for inclusion in a given school library or unit center should be done by the individual school faculty and at the county and city administrative levels under the guidance of a professional school librarian, and since the State Department of Public Instruction, through conferences and other in-service education activities can assist school administrative units in developing sound written selection policies and procedures;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. A new Article, to be designated Article 25A and entitled "Textbooks and Instructional Material", shall be inserted in Chapter 115 of the General Statutes immediately following Article 24 and shall read as follows:

ARTICLE 25A. TEXTBOOKS AND INSTRUCTIONAL MATERIAL.

"Sec.115-206.1. Textbook needs are determined by course of study. When the State Board of Education has adopted, upon the recommendation of the State Superintendent of Public Instruction, a standard course of study at each instructional level in the elementary school and the secondary school, setting forth what subjects
shall be taught at each level, it shall proceed to select and adopt textbooks. Textbooks adopted in accordance with the provisions of this Article shall be used by the public schools of the State."

"Sec.115-206.2. State Board of Education to select and adopt textbooks. The Board shall select and adopt for a period determined to be most advantageous to the State public school system for the exclusive use in the public schools of North Carolina the basic textbooks or series of books needed for instructional purposes at each instructional level on all subject matter required by law to be taught in elementary and secondary schools of North Carolina."

"Sec. 115-206.3. Appointment of Textbook Commission. Shortly after assuming office, the Governor, upon recommendation of the State Superintendent, shall appoint a Textbook Commission of twelve members who shall hold office for four years, or until their successors are elected and qualified. The Governor shall fill all vacancies by appointment for the unexpired term. Six of the members shall be teachers or principals in the elementary grades; five shall be teachers or principals in the high school grades; and one shall be a superintendent of a county or city school administrative unit. The Commission shall elect a chairman, subject to the approval of the State Superintendent. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the performance of their duties at rates specified in G. S. 138-5(b)."

"Sec.115-206.4. Commission to evaluate books offered for adoption. The members of the Commission who are teachers or principals in the elementary grades shall evaluate all textbooks offered for adoption in the elementary grades. The members who are teachers or principals in the high schools shall evaluate all books offered for adoption in the high school grades.

Each member shall examine carefully and file a written evaluation of each book offered for adoption in the category for which he is responsible.

The evaluation report shall give special consideration to the suitability of the book to the instructional level for which it is offered, the content or subject matter, and other criteria prescribed by the Board.

Each evaluation report shall be signed by the member making the report and filed with the Board not later than a day fixed by the Board when the call for adoption is made."

"Sec.115-206.5. Selection of textbooks by Board. At the next meeting of the Board after the reports have been filed, the Textbook Commission and the Board shall jointly examine the reports. From the books evaluated the Board shall select those that it thinks will meet the teaching requirements of the State public schools in the instructional levels for which they are offered. The Board shall then request sealed bids from the publishers on the selected books.

The Board shall make all necessary rules and regulations concerning requests for bids, notification to publishers of calls for adoption, execution and delivery of contracts, requirement of performance bonds, cancellation causes, and such other material matters as may affect the validity of the contracts."

"Sec.115-206.6. Adoption of textbooks and contracts with publishers. The publishers' sealed bids shall be opened in the Board's presence at the next regular meeting
after the Board has requested the submission of bids. The Board may then adopt the books required by the courses of study and enter into contracts with the publisher of adopted books. It may refuse to adopt any of the books offered at the prices bid and call for new bids. When bids are accepted and a contract entered into, the contract may require, in the Board’s discretion, that the total sales of each book in the State of North Carolina be reported annually to the Board."

"Sec. 115-206.7. Continuance and discontinuance of contracts with publishers. When an existing or future contract expires, the Board may, with the publisher’s approval, continue the contract for any particular book or books for a period not less than one or more than five years. If a publisher desires to terminate a contract that has been extended beyond the original contract period, he shall give notice to the Board ninety (90) days prior to May 1. The Board may then proceed to a new adoption."

"Sec. 115-206.8. Procedure for change of textbook. The Superintendent may at any time communicate to the Board that a particular book is unsatisfactory for the schools, whereupon the Board may call for a new selection and adoption. If the Board votes to change a textbook, it shall give the publisher ninety (90) days' notice prior to May 1, after which it may adopt a new book or books on the subject for which a book is sought."

"Sec. 115-206.9. Advice from and suits by Attorney General. The form and legality of contracts between the Board and publishers of textbooks shall be subject to the approval of the Attorney General.

When requested by the Board, the Attorney General shall bring suit against any publisher who fails to keep his contract as to prices, distribution, adequate supply of books in the edition adopted, or in any other way violates the terms of his contract. The suit shall be brought for an amount sufficient to enforce the contract or to compensate the State for any loss sustained by the publisher's failure to keep his contract."

"Sec. 115-206.10. Publishers to register. Any publisher who submits books for adoption shall register in the office of the State Superintendent of Public Instruction the names of all agents or other employees authorized to represent that company in the State, and this registration list shall be open to the public for inspection."

"Sec. 115-206.11. Sale of books at lower price reduces price to State. Every contract made by the Board with the publisher of any school textbook on the State-adopted list shall be deemed to have written therein a condition providing that if that publisher, during the life of his contract with this State, contracts with any other governmental unit or places that textbook on sale anywhere in the United States for a price less than that stipulated in his contract with the State of North Carolina, the publisher shall immediately furnish that textbook to this State at a price not greater than that for which the book is furnished, sold, or placed on sale anywhere else in the nation."

"Sec. 115-206.12. Powers and duties of the State Board of Education in regard to textbooks. The children of the public elementary and secondary schools of the State shall be provided with free basic textbooks within the appropriation of the General Assembly for that purpose. The State Board of Education is directed to request sufficient appropriations from the General Assembly to implement this directive."
"The State Board of Education shall administer a fund and establish rules and regulations necessary to:

"(1) Acquire by contract such basic textbooks as are or may be on the adopted list of the State of North Carolina which the Board finds necessary to meet the needs of the State's Public School System and to carry out the provisions of this Article.

"(2) Provided a system of distribution of these textbooks and distribute the books that are provided without using any depository or warehouse facilities other than that operated by the State Board of Education.

"(3) Provide for the free use, with proper care and return, of elementary and secondary basic textbooks. The title of said books shall be vested in the State."

"Sec.115-206.13. State Board of Education authorized to discontinue handling supplementary and library books. The State Board of Education may discontinue the adoption of supplementary textbooks and, at the expiration of existing contracts, may discontinue the purchase, warehousing, and distribution of supplementary textbooks. The Board may also discontinue the purchase and resale of library books. Funds appropriated to the State Board of Education for supplementary textbooks shall be transferred to the State Nine Months School Fund for allotment to each school administrative unit, based on its average daily membership, for the purchase of supplementary textbooks, library books, periodicals, and other instructional materials."

"Sec.115-206.14. Local boards of education to provide for local operation of the textbook program and the selection and procurement of other instructional materials. (a) Local boards of education shall adopt rules and regulations not inconsistent with the policies of the State Board of Education concerning the local operation of the textbook program.

"(b) Local boards of education shall adopt written policies concerning the procedures to be followed in its school administrative unit for the selection and procurement of supplementary textbooks, library books, periodicals, and other instructional materials needed for instructional purposes in the public schools of that unit. Supplementary books and other instructional materials shall neither displace nor be used to the exclusion of basic textbooks.

"(c) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the school administrative units, may be used for the above-stated purposes."

"Sec. 115-206.15. Legal custodians of books furnished by State. Local boards of education are the custodians of all books furnished by the State. They shall provide adequate and safe storage facilities for the proper care of these books and emphasize to all students the necessity for proper care of textbooks."

"Sec.115-206.16. Rental fees for textbooks prohibited; damage fees authorized. No local board of education may charge any pupil a rental fee for the use of textbooks. Damage fees may be charged for abuse or loss of textbooks under rules and regulations promulgated by the State Board of Education. All money collected on State-owned books as damage fees or from the sale of books under the provisions of this Article shall be paid quarterly as collected to the State Board of Education."
"Sec. 115-206.17. Duties and authority of superintendents of local administrative units. The superintendent of each administrative unit, as an official agent of the State Board of Education, shall administer the provisions of this Article and the rules and regulations of the Board insofar as they apply to his unit. The superintendent of each administrative unit shall have authority to require the cooperation of principals and teachers so that the children may receive the best possible service, and so that all the books and monies may be accounted for properly. If any principal or teacher fails to comply with the provisions of this Section, his superintendent shall withhold his salary vouchers until the duties imposed by this Section have been performed.

"If any superintendent fails to comply with the provisions of this Section, the State Superintendent, as secretary to the State Board of Education, shall notify the State Board of Education and the State Treasurer. The State Board and the State Superintendent shall withhold the superintendent's salary vouchers, and the State Treasurer shall make no payment until the State Superintendent notifies him that the provisions of this Section have been complied with."

"Sec. 115-206.18. Right to purchase. Any parent, guardian, or person in loco parentis may purchase any instructional material needed for any child in the public schools of the State from the board of education of the school administrative unit in which the child is enrolled or, in the case of basic textbooks, from the State Board of Education."

Sec. 2. Article 25 and 26 of G. S. 115 are hereby repealed.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 542
CHAPTER 520
AN ACT TO DESIGNATE NURSES’ WEEK IN NORTH CAROLINA.

WHEREAS, nurses in North Carolina have exhibited a dedicated devotion to duty and public service; and

WHEREAS, nurses in this State have worked hard through the years for little pay; and

WHEREAS, nurses in this State have been, in many instances, the “silent partners” of doctors often receiving little public recognition for their services; and

WHEREAS, nurses in this State have often been directly and primarily responsible for the saving of lives; and

WHEREAS, nurses have dedicated their lives to helping people by pursuing their profession of caring for and aiding the sick; and

WHEREAS, nurses are members of a strategic health team striving diligently in the endless battle to conquer disease and make life more comfortable and healthy; and

WHEREAS, in the true tradition of Florence Nightingale, nurses strive to relieve and ameliorate human suffering and add comfort to life; and

WHEREAS, it is in the interest of the health and well-being of the people of North Carolina for students to be encouraged to enter the profession of nursing in view of the extreme shortage of nurses in this State and throughout the Nation.
WHEREAES, the availability of nurses is essential to the proper delivery of medical care to the people of North Carolina and the continuing education and training of nurses is greatly desired by the medical profession, hospitals, the State of North Carolina and this General Assembly;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The week starting May 12th is hereby designated as Nurses' Week in North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

H. B. 48

CHAPTER 521

AN ACT TO PROVIDE FOR UNIFORM ANNUAL OBSERVANCES OF CERTAIN LEGAL PUBLIC HOLIDAYS ON MONDAYS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 103-4 as the same appears in the 1965 Replacement Volume 2D of the General Statutes of North Carolina is hereby rewritten to read as follows:

(a) The following are declared to be legal public holidays:
(1) New Year's Day, January 1.
(2) Robert E. Lee's Birthday, January 19.
(3) Washington's Birthday, the third Monday in February.
(4) Anniversary of signing of Halifax Resolves, April 12.
(7) Memorial Day, the last Monday in May.
(8) Easter Monday.
(10) Labor Day, the first Monday in September.
(11) Columbus Day, the second Monday in October.
(12) Veterans Day, the fourth Monday in October.
(13) Tuesday after the first Monday in November in years in which a general election is to be held.
(14) Thanksgiving Day, the fourth Thursday in November.

Provided that Easter Monday and Memorial Day, the last Monday in May, shall be a holiday for all state and national banks only.
(b) Whenever any public holiday shall fall upon Sunday, the Monday following shall be a public holiday."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1971.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.
CHAPTER 522
AN ACT TO CLARIFY THE LAWS RELATING TO LARCENY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-70 is rewritten to read as follows: "G. S. 14-70 Distinctions between grand and petit larceny abolished; punishment; accessories to larceny. All distinctions between petit and grand larceny are abolished. Unless otherwise provided by statute, larceny is a felony punishable under G. S. 14-2 and is subject to the same rules of criminal procedure and principles of law as to accessories before and after the fact as other felonies."

Sec. 2. G. S. 14-72 is rewritten to read as follows: "G. S. 14-72 Larceny of property, or the receiving of stolen goods, not exceeding two hundred dollars in value. (a) Except as provided in subsections (b) and (c) below, the larceny of property, or the receiving of stolen goods knowing them to be stolen, of the value of not more than two hundred dollars ($200.00) is a misdemeanor punishable under G. S. 14-3(a). In all cases of doubt the jury shall, in the verdict, fix the value of the property stolen.

(b) The crime of larceny is a felony, without regard to the value of the property in question, if the larceny is:

(1) From the person; or
(2) Committed pursuant to a violation of G. S. 14-51, 14-53, 14-54 or 14-57; or
(3) Of any explosive or incendiary device or substance. As used in this Section, the phrase 'explosive or incendiary device or substance' shall include any explosive or incendiary grenade or bomb; any dynamite, blasting powder, nitroglycerine, TNT, or other high explosive; or any device, ingredient for such device, or type or quantity of substance primarily useful for large-scale destruction of property by explosive or incendiary action or lethal injury to persons by explosive or incendiary action. This definition shall not include fireworks; any weapon, gunpowder, ammunition, or other device or substance primarily useful in hunting or sport; any antique or souvenir weapon or ammunition; or any form, type, or quantity of gasoline, butane gas, natural gas, or any other substance having explosive or incendiary properties but serving a legitimate nondestructive or nonlethal use in the form, type, or quantity stolen."

"(c) The crime of receiving stolen goods knowing them to be stolen in the circumstances described in subsection (b) is a felony, without regard to the value of the property in question."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.
CHAPTER 523
Session Laws—1969

H. B. 554

CHAPTER 523

AN ACT TO AMEND SECTIONS 105-306; 105-308; 105-309 and 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE CATAWBA COUNTY TAX COMMISSION TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN THAT COUNTY, AND TO AUTHORIZE THE DIVISION OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Catawba County Tax Commission is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in the said county, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G.S. 105-308 or G.S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G.S. 105-308 and G.S. 105-310.

Sec. 3. Authority is hereby granted to the Catawba County Tax Commission to divide or combine townships within Catawba County for tax listing purposes. The tax supervisor of the said county, with the approval of the Catawba County Tax Commission, may appoint one or more list takers for each such unit within said county so combined or divided.

Sec. 4. The provisions of G.S. 105-306; G.S. 105-308, G.S. 105-309 and G.S. 105-310 shall apply to the County of Catawba except insofar as they are inconsistent with regulations relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G.S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Catawba County. If the Catawba County Tax Commission has adopted regulations relating to any matter covered by this Act, the listing in the affected county must be in accordance with the General Statutes as amended by such regulations, and the provisions of G.S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Catawba County Tax Commission.

Sec. 6. This Act shall apply only to the county of Catawba.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.
S. B. 211

CHAPTER 524
AN ACT PERTAINING TO THOSE PERSONS WHO ARE ELIGIBLE TO INSTRUCT PERSONS STUDYING TO BECOME REGISTERED NURSES.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provision of law or any rule or regulation of the North Carolina Board of Nursing, where an instructor is otherwise unavailable, any registered nurse who is a graduate of a diploma school of nursing and who has been teaching nurses for five years or more and who is otherwise qualified shall be entitled to be an instructor on the floors of an educational unit in nursing and shall also be entitled to be an assistant instructor in the classrooms of an educational unit in nursing; provided that the North Carolina Board of Nursing may require such instructors to attend annual nursing workshops. On occasions when sickness or leave of absence of B. S. Degree nurses makes it impossible for her to teach, the R. N. Nurse can act as classroom instructor. For the purposes of this Act, "unavailable" shall mean that an educational unit in nursing has been unable, after a bona fide continuing effort, to employ sufficient registered nurses with B. S. or M. S. Degrees to act as instructors on all floors and in all classrooms of the unit at all times when persons are studying nursing and taking training to be registered nurses.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 387

CHAPTER 525
AN ACT AMENDING ARTICLE 34 OF CHAPTER 106 OF THE GENERAL STATUTES RELATING TO INDEMNITY PAYMENTS BY THE STATE TO OWNERS OF HOGS AND OTHER ANIMALS SLAUGHTERED TO PREVENT THE SPREAD OF ANIMAL DISEASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-322.2 is amended by striking from line 12 thereof the words "one third" and substituting in lieu thereof "one-half" and by striking from line 19 the words and figures "twelve dollars and fifty cents ($12.50)" and substituting in lieu thereof "twenty-five dollars ($25.00)" and by striking from lines 19-20 the words and figures "twenty-five dollars ($25.00)" and substituting in lieu thereof "one hundred dollars ($100.00)"

Sec. 2. G. S. 106-322.2 is further amended by adding at the end thereof the following:

"provided, however, that the appraisal may be made by the owner, or his representative, and the State Veterinarian, or his authorized representative, when agreement on the appraised value of the swine can be made; provided, further, that swine which entered the state thirty days or more before developing symptoms of hog cholera may be appraised in the same manner as swine which originate in North Carolina."
"For the purposes of this section, 'purebred swine' shall mean any swine upon which a certificate of pure breeding has been issued by a purebred swine association, or swine not more than twelve months of age eligible to receive such a certificate."

Sec. 2 1/2. There is hereby added to Article 34 of Chapter 106 a new Section to be designated G. S. 106-322.3 and reading as follows:

"G. S. 106-322.2. No payments shall be made for any swine slaughtered in the following cases:

1. If the owner does not clean up and disinfect premises as directed by an inspector of the Animal Health Division, Agricultural Research Service, United States Department of Agriculture or the State Veterinarian or his authorized representative.

2. Where the owner has not complied with the livestock disease control laws and regulations applicable to hog cholera.

3. For swine in a herd in which hog cholera vaccine has been used illegally on one or more animals in the herd.

4. Swine involved in an outbreak in which the existence of hog cholera has not been confirmed by the State Veterinarian or his authorized representative.

5. Swine belonging to the United States or the State of North Carolina.

6. Swine brought into the State in violation of State laws or regulations.

7. Swine which the claimant knew to be affected with hog cholera, or had notice thereof, at the time they came into his possession.

8. Swine which have not been within the State of North Carolina for at least 30 days prior to discovery of the disease.

9. Where the owner does not use reasonable care in protecting swine from exposure to hog cholera.

10. Where the owner has failed to submit the reports required by the United States and North Carolina Departments of Agriculture for animals on which indemnity is paid under Article 34.

11. Swine purchased by a buying station for slaughter which are not slaughtered within ten (10) days of purchase."

Sec. 3. G. S. 106-323 is amended by striking from lines 8-9 thereof the words "twelve dollars and fifty cents" and substituting in lieu thereof "twenty-five dollars ($25.00)" and by striking from line 9 thereof the words "twenty-five dollars" and substituting in lieu thereof "one hundred dollars ($100.00)", and adding after the word "animal" in line 10 the phrase "provided further, that the state indemnity shall not be in excess of the indemnity payments made by the federal government."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec 5. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.
CHAPTER 526

AN ACT INCREASING THE NUMBER OF COUNTY COMMISSIONERS OF SURRY COUNTY, TO INCREASE AND STAGGER THEIR TERMS OF OFFICE AND TO CREATE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Surry County shall consist of five members who shall be nominated from the districts herein created and elected county wide for the terms and in the manner herein provided.

Sec. 2. Surry County is hereby divided into four districts for the election of County Commissioners, as follows:

(a) The Mount Airy District shall consist of Mt. Airy Township and this District shall have two Commissioners.

(b) The East District shall consist of Pilot, Shoals, Siloam, Long Hill, North Westfield and South Westfield Townships and this District shall have one Commissioner.

(c) The Central District shall consist of Dobson, Franklin, Stewart's Creek, and Eldora Townships and this District shall have one Commissioner.

(d) The South District shall consist of Elkin, Bryan, Marsh and Rockford Townships and this District shall have one Commissioner.

Sec. 3. Each Commissioner must be a resident of the district from which elected. The candidates from each district shall be voted on in the primary by all the voters of Surry County and the nominees of the respective political parties from each district shall be voted on in the general election by all the voters of Surry County.

Sec. 4. In the primary and general election in 1970, there shall be nominated and elected two commissioners from Mount Airy District, and one commissioner from each of the other districts. At the general election in 1970, the candidate from Mount Airy District receiving the highest number of votes shall serve for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. Thereafter, as their terms expire, their successors shall be elected for terms of four years.

The candidate from East, Central & South Districts receiving the highest number of votes shall be elected, and the two candidates receiving the highest number of votes of the three so elected shall serve for a term of four years, and the remaining candidate shall serve for a term of two years. Thereafter, as their terms expire, their successors shall be elected for terms of four years.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

CHAPTER 527

AN ACT TO ESTABLISH AN ADDITIONAL SEAT OF COURT IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-133 is hereby amended by designating Belhaven as an additional seat of court for Beaufort County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 19th day of May, 1969.

H. B. 766

CHAPTER 528

AN ACT TO AMEND CHAPTER 385 OF THE PUBLIC LOCAL LAWS OF 1921, RELATING TO PENSIONS FOR SCHOOL TEACHERS IN NEW HANOVER COUNTY, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 385 of the Public Local Laws of 1921 as amended, be and the same is hereby further amended by adding the following paragraph at the end of Section 3(a):

"After June 30, 1969, the Board of Commissioners of New Hanover County shall have absolute discretion to determine the extent, if any, to which the amount of pension received from the State Retirement System shall be deducted from the amount of pension otherwise to be paid after said date by the County of New Hanover under the provisions of the preceding paragraph."

Sec. 2. This Act shall apply to New Hanover County only.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

H. B. 833

CHAPTER 529

AN ACT TO AUTHORIZE THE ALLEGHANY COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN PROPERTY IN SPARTA TO ALLEGHANY COUNTY TO BE USED FOR COUNTY RECREATION CENTER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law as to the minimum area of tracts of land used for school purposes, the Alleghany County Board of Education is hereby authorized, in its discretion, to convey without consideration to the Board of County Commissioners of Alleghany County, to be used for county recreation center purposes, such portion of the tract of land on which the Alleghany High School in Sparta is located, as is in the opinion of the Board of Education surplus property and not necessary for school purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.
H. B. 836

CHAPTER 530

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF MACON COUNTY TO CONVEY CERTAIN SURPLUS PROPERTY TO THE BOARD OF COMMISSIONERS OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Macon County is hereby authorized and empowered to convey certain surplus land and property to the County Board of Commissioners of Macon County upon such consideration as the said Board of Education of Macon County may consider to be adequate and in the public interest. The property or land to be conveyed under the authority of this Act is described in Deed Book Z7 at Page 5 in the records of the Office of the Register of Deeds of Macon County.

Sec. 2. The said Board of Education of Macon County is hereby authorized and empowered to execute a deed conveying such property to the Board of County Commissioners of Macon County, as a private transfer and without said property being offered for sale at public auction. The said Board of Education is authorized to execute any and all documents necessary to effectuate such sale and transfer and upon such conditions and considerations as the said Board may require.

Sec. 3. The Board of Education of Macon County is further authorized to sell and transfer other land and property of a surplus nature to the Board of Commissioners of Macon County upon such considerations as it may deem to be adequate or may deem to be in the public interest. The Board is further authorized to transfer said property by deed and to execute said deed in any and all other necessary documents to effectuate such sale or sales and without offering said land for sale at public auction.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

H. B. 860

CHAPTER 531

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO PROVIDE AND PAY FOR GROUP INSURANCE FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Charlotte-Mecklenburg Board of Education is hereby authorized and empowered, in the discretion of and upon an appropriate resolution of the Board, to contract to pay and to pay all or any part of the costs of employees group health and accident insurance for the superintendent, assistant superintendents, principals, teachers, administrative employees, maintenance employees, janitors and all other employees of such Board, such payments to be made from the special school tax supplement or from current expense funds or from any other funds available to the Board.

Sec. 2. Any such official or employee of the Board, at his or her election and by agreement in writing with the Board, may extend the coverage provided by said group health and accident insurance with respect to himself or herself to include,
individually or collectively, a husband, wife, father, mother or child or children of such person; provided the official or employee so electing shall pay the amount of the premium on such extended coverage.

Sec. 3. The Board, in its discretion and upon being authorized in writing by any such person, may advance the amount necessary to pay the extra premium to be reimbursed by deducting the amount from any salary payments subsequently to be made out of local funds.

Sec. 4. The Board, in its discretion, may further authorize that any former or present employee of the Board who has retired or will retire as an employee of the Board may enroll or continue in the group insurance plan for employees and their dependents. In the event of such an election by a retired or retiring employee, he or she shall pay the amount of the premium for such coverage.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

H. B. 318 CHAPTER 532
AN ACT REWRITING G. S. 116-44.10(b) RELATING TO THE PURPOSES OF REGIONAL UNIVERSITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-44.10(b) is hereby rewritten in its entirety to read as follows:

"The Regional Universities shall provide undergraduate and graduate instruction in the liberal arts, fine arts, and sciences, and in the learned professions, including teaching, these being defined as those professions which rest upon advanced knowledge in the liberal arts and sciences; and said Regional Universities shall provide for research in the liberal arts and sciences, pure and applied. The Regional Universities shall provide other undergraduate and graduate programs of instruction as are deemed necessary to meet the needs of their constituencies and of the State. Regional Universities insofar as possible shall extend its educational activities to all persons of the State who are unable to avail themselves of their advantages as resident students by means of extension courses, by lectures, and by such other means and methods as may seem to the Boards of Trustees and administrative officers as most effective. The President and professors of each Regional University shall have the power of conferring all such degrees or marks of distinction as are conferred by colleges or universities, including the doctor's degree. All degree programs or marks of distinction offered or conferred by a Regional University shall be offered or conferred by and with the consent of the Board of Trustees of the University and subject to the approval of the North Carolina Board of Higher Education and in any case doctoral programs shall not be offered before the completion of the study on the role of regional universities as required by G. S. 116-44.16, and consistent with appropriations made therefor."

Sec. 2. G. S. 116-15 is amended to delete the third sentence thereof.

Sec. 3. G. S. 116-158 (1) is amended to delete the second sentence thereof and to substitute a new sentence in lieu thereof which shall read as follows: 'No public senior educational institution shall request from the General Assembly, the Advisory Budget Commission or any other State agency approval of, or funding for,
any new degree program or educational function or activity until the same has
been approved by the board of trustees of the institution and acted upon, in accord-
ance with regularly established procedures, by the Board of Higher Education.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of
May, 1969.

S. B. 345

CHAPTER 533

AN ACT TO AUTHORIZE THE NORTH CAROLINA BOARD OF PHARMACY
TO ADOPT A CODE OF PROFESSIONAL CONDUCT FOR THE PRACTICE
OF PHARMACY.

The General Assembly of North Carolina do enact:

Section 1. Amend Article 4 of Chapter 90 of the General Statutes of North
Carolina, as it is codified in Volume 2-C of the General Statutes and its 1967 Cumula-
tive Supplement, by adding a new section, immediately following Section 90-57 and
preceding Section 90-58, to be designated as G. S. 90-57A and to read as follows:
"Powers of the Board; professional standards. The Board of Pharmacy shall by
regulation and after due notice and hearing, adopt a Code of Professional Con-
duct appropriate to the establishment and maintenance of a high standard of
integrity and dignity in the practice of the profession of pharmacy. In adopting
such a Code, or any amendment thereto, the Board shall consider the recommenda-
tions of the North Carolina Pharmaceutical Association."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of
May, 1969.

S. B. 486

CHAPTER 534

AN ACT TO AMEND CHAPTER 48 AND CHAPTER 49 OF THE GENERAL STAT-
UTES TO SPECIFY CERTAIN RELATIONSHIP BETWEEN THEM REGARD-
ING ADOPTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 48-6(a) is hereby amended by adding the following sentence
to the present section at the conclusion thereof:
"The legitimation of the child by any means subsequent to the signing of such
consent of the mother shall not make such consent invalid nor adversely affect
the sufficiency of such consent nor make necessary the consent of the father or
his joinder as a party to the proceeding."

Sec. 2. Chapter 49, Article 2, as it appears in 1966 Replacement Volume 2A
of the General Statutes, is hereby amended by adding the following as G. S. 49-
13.1:

"Legitimation of a child under the provisions of this Article shall not invalidate
or adversely affect the sufficiency of the consent to adoption given by the mother
CHAPTER 534  
SESSION LAWS—1969

are alone, nor make necessary the consent of the father or his joinder as a party to
the adoption proceeding, when the provisions of G. S. 48-6(a) and amendments there-
to are applicable."

Sec. 3. All laws and clauses of law in conflict with this Act are hereby repealed.
Sec. 4. This Act is intended to clarify and express in part the original, as well
as the present, purpose and intent of Section 48-6(a) of the General Statutes of
North Carolina as related to Chapter 49, Article 2.
Sec. 5. This Act shall be in full force and effect upon and after the date of
its ratification.

In the General Assembly read three times and ratified, this the 19th day of
May, 1969.

S. B. 516  
CHAPTER 535

AN ACT TO AMEND CHAPTER 114 OF THE GENERAL STATUTES TO AUTHO-
RIZE THE ATTORNEY GENERAL OF NORTH CAROLINA TO PROVIDE
REPRESENTATION FOR THE CONSUMING PUBLIC'S INTEREST BEFORE
CERTAIN REGULATORY AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 114-2, as the same appears in the 1967 Supplement to the
1966 Replacement Volume 3A of the General Statutes, is hereby amended by adding
a new subsection, to be designated (8), as follows:

"(8)(a) To intervene, when he deems it to be advisable in the public interest,
in proceedings before any Courts, regulatory officers, agencies and bodies, both State
and Federal, in a representative capacity for and on behalf of the using and consum-
ing public of this State. He shall also have the authority to institute and originate
proceedings before such Courts, officers, agencies or bodies and shall have authority
to appear before agencies on behalf of the State and its agencies and citizens in
all matters affecting the public interest.

(b) Upon the institution of any proceeding before any State agency by application,
petition or other pleading, formal or informal, the outcome of which will affect
a substantial number of residents of North Carolina, such agency or agencies shall
furnish the Attorney General with copies of all such applications, petitions and
pleadings so filed, and, when the Attorney General deems it advisable in the public
interest to intervene in such proceedings, he is authorized to file responsive plead-
ings and to appear before such agency either in a representative capacity in behalf
of the using and consuming public of this State or in behalf of the State of any
of its agencies.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of
May, 1969.
S. B. 577

CHAPTER 536
AN ACT TO REPEAL CHAPTERS 599 AND 914 OF THE SESSION LAWS OF 1945 AND 1957 RESPECTIVELY, RELATING TO THE LEE COUNTY BOARD OF VETERANS AFFAIRS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 599 of the Session Laws of 1945, and Chapter 914 of the Session Laws of 1957 amending said Chapter 599, are hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

H. B. 166

CHAPTER 537
AN ACT TO AMEND G.S. 20-118 CONCERNING AXLE WEIGHTS.

The General Assembly of North Carolina do enact:

Section 1. Subsection 5(b) of G.S. 20-118, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the last three lines thereof following the word "pounds," at the end of line two and inserting the words "for any two axle combination or 60,000 pounds for any three axle combination." in lieu thereof.

Sec. 2. Subsection 6 of G.S. 20-118, as the same appears in the 1965 Replacement Volume 1C of the General Statutes is amended by rewriting the same to read as follows:

"(6) Axle Weights. For the purposes of this Section, the following definitions shall apply:

a. Single axle weight. The total load on all wheels whose centers are included within two parallel transverse planes less than forty-eight inches apart.

b. Tandem axle weight. The total load on all wheels whose centers are at least forty-eight inches apart but not more than one-hundred-four inches apart and are equipped with a connecting mechanism designed to equalize the load on all axles except that as to any vehicle equipped with tandem axles prior to July 1, 1969, the portion of this definition concerning a connecting mechanism designed to equalize the load on all axles shall not apply."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 184

CHAPTER 538
AN ACT TO AMEND ARTICLE 21, CHAPTER 143 OF THE GENERAL STATUTES TO CLARIFY THE AUTHORITY OF LOCAL AIR POLLUTION CONTROL PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 143-215.3 (a) (11), as the same appears in the 1967 Supplement to the 1964 Replacement Volume 3C of the North Carolina General Statutes, is hereby amended by adding at the end thereof the following:
"e. Local Air Pollution Control Programs Authorized. 1. The governing body of any county, municipality, or group of counties and municipalities within a designated area of the State, as defined in this Article, subject to the approval of the Board of Water and Air Resources, is hereby authorized to establish, administer, and enforce a local air pollution control program for the county, municipality, or designated area of the State which includes but is not limited to:"

(i) Development of a comprehensive plan for the control and abatement of new and existing sources of air pollution.

(ii) Air quality monitoring to determine existing air quality and to define problem areas, as well as to provide background data to show the effectiveness of a pollution abatement program.

(iii) An emissions inventory to identify specific sources of air contamination and the contaminants emitted, together with the quantity of material discharged into the outdoor atmosphere.

(iv) Adoption, after notice and public hearing, of air quality and emission control standards or by reference such standards as are promulgated by the Board of Water and Air Resources.

(v) Provisions for the establishment or approval of time schedules for the control or abatement of existing sources of air pollution and for the review of plans and specifications and issuance of approval documents covering the construction and operation of pollution abatement facilities at existing or new sources.

(vi) Provision for adequate administrative staff, including an air pollution control officer and technical personnel, and provision for laboratory and other necessary facilities.

2. Each governing body is authorized to adopt any ordinances, resolutions, rules or regulations which are necessary to establish and maintain an air pollution control program and to prescribe and enforce air quality and emission control standards, a copy of which must be filed with the State Board of Water and Air Resources and with the clerk of court of any county affected. Provisions may be made therein for the registration of air contaminant sources; for the requirement of a permit to do or carry out specified activities relating to the control of air pollution, including procedures for application, issuance, denial and revocation; for notification of violators or potential violators about requirements or conditions for compliance; for procedures to grant temporary permits or variances from requirements or standards; for the declaration of an emergency when it is found that a generalized condition of air pollution is causing imminent danger to the health or safety of the public and the issuance of an order to the responsible person or persons to reduce or discontinue immediately the emission of air contaminants; for notice and hearing procedures for persons aggrieved by any action or order of any authorized agent; for the establishment of an advisory council and for other administrative arrangements; and for other matters necessary to establish and maintain an air pollution control program.

3. The penalty for violation of any of the requirements contained in such ordinances, resolutions, rules or regulations shall, upon conviction, be a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty days, except that the penalty for violation of an order for the abatement of air pollution issued by the governing body after notice and hearing shall, upon conviction, be a fine
of not more than two-hundred fifty dollars ($250.00) or imprisonment for not more than thirty days. Each day in violation shall constitute a separate offense and shall be subject to the foregoing penalties.

4. Each governing body, or its duly authorized agent, may institute a civil action in the Superior Court, brought in the name of the agency having jurisdiction, for injunctive relief to restrain any violation or immediately threatened violation of such ordinances, orders, rules, or regulations and for such other relief as the court shall deem proper. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this Article for any violation of same.

5. In addition, each governing body is authorized to expend tax funds, non-tax funds, or any other funds available to it to finance an air pollution control program and such expenditures are hereby declared to be for a public purpose and a necessary expense.

6. Any final administrative decision rendered in an air pollution control program of such governing body shall be subject to judicial review as provided by Article 33 of Chapter 143, and 'administrative agency' or 'agency' as used therein shall mean and include for this purpose the governing body of any county or municipality, regional air pollution control governing board, and any agency created by them in connection with an air pollution control program.

f. Administration of County or Municipal Air Pollution Control Programs: Subject to the approval of the Board of Water and Air Resources as provided in this Article, the governing body of any county or municipality may establish, administer, and enforce an air pollution control program by either of the following methods:

(i) Establishing a program under the administration of the duly elected governing body of the county or municipality;

(ii) Appointing an air pollution control board consisting of not less than five nor more than seven members who shall serve for terms of six years each and until their successors are appointed and qualified. Two members shall be appointed for two year terms, two shall be appointed for four year terms, and the remaining member or members shall be appointed for six year terms. Where the term 'governing body' is referred to in this section, it shall include the air pollution control board. Such board shall have all the powers and authorities granted to any local air pollution control program. The Board shall elect a chairman and shall meet at least quarterly or upon the call of the chairman or any two members of the board.

(iii) Appointing an air pollution control board as provided in this section, and by appropriate written agreement designating the local health department or other department of county or municipal government as the administrative agent for the air pollution control board; and

(iv) Designating, by appropriate written agreement, the local board of health and the local health department as the air pollution control board and agency.

g. Creation and Administration of Regional Air Pollution Control Programs. In addition to any other powers provided by law and subject to the provisions of this section, each governing body of a county or municipality is hereby authorized and empowered to establish by contract, joint resolution, or other agreement with any
other governing body of a county or municipality, upon approval by the Board of
Water and Air Resources, an air pollution control region containing any part or
all of the geographical area within the jurisdiction of those boards or governing
bodies which are parties to such agreement, provided the counties involved in the
region are contiguous or lie in a continuous boundary and comprise the total area
contained in any region designated by the Board of Water and Air Resources for
an area-wide program. The participating parties are authorized to appoint a regional
air pollution control board which shall consist of at least five members who shall
serve for terms of six years and until their successors are appointed and qualified.
Two members shall be appointed for two year terms, two shall be appointed for
four year terms and the remaining member or members shall be appointed for six
year terms. A participant's representation on the board shall be in relation to its
population to the total population of the region based on the latest Official U. S.
Census with each participant in the region having at least one representative; pro-
vided, that where the region is comprised of less than five counties, each participant
will be entitled to appoint members in relation to its population to that of the region
so as to provide a board of at least five members. Where the term 'governing body'
is used, it shall include the governing board of a region. The regional board is hereby
authorized to exercise any and all of the powers provided in this section. The region-
al air pollution control board shall elect a chairman and shall meet at least quarter-
ly or upon the call of the chairman or any two members of the board. In lieu of
employing its own staff, the regional air pollution control board is authorized,
through appropriate written agreement, to designate a local health department as
its administrative agent."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of
May, 1969.

S. B. 320

CHAPTER 539

AN ACT TO AMEND THE PROVISIONS FOR THE ALLOTMENT OF TEACHERS
BY THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-59 is rewritten as follows:

"Sec. 115-59. School organization statement and allocation of instructional per-
sonnel. (a) Each year the superintendent of each school administrative unit shall
submit to the State Board of Education a statement, certified by the chairman of
the board of education, showing the organization of the schools in his unit and
any additional information the State Board may require. On the basis of this organi-
ization statement, and any other information considered relevant, the State Board
of Education shall determine for each administrative unit the number of teachers
and other instructional personnel to be included in the State Budget.

"(b) Under rules and regulations which it promulgates, the State Board of Educa-
tion shall allocate teachers and instructional personnel to the various administra-
tive units in not more than the following three categories: (1) general teachers;
(2) vocational teachers; and (3) special education teachers.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.
Sec. 3. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 539

CHAPTER 540

AN ACT TO AMEND GENERAL STATUTES 135-27, SUBSECTION (a).

The General Assembly of North Carolina do enact:

Section 1. General Statutes 135-27, Subsection (a) is hereby amended on line six by inserting after the word "colleges" the following:
"local professional associations of teachers and State employees as defined by the board of trustees."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective immediately upon ratification.
In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 78

CHAPTER 541

AN ACT TO CORRECT CERTAIN ERRORS IN THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 141-6(a), as the same appears in 1964 Replacement Volume 3C of the General Statutes, is hereby amended by striking out of the second line thereof the figures "31" and inserting in lieu thereof the figures "34".

Sec. 2. G.S. 143-132, as the same appears in 1964 Replacement Volume 3C of the General Statutes, is hereby amended by striking out of the second line thereof the figures, "Sec. 143-120" and inserting in lieu thereof the figures, "Sec. 143-129".

Sec. 3. G. S. 164-13(a)(2) is hereby amended by striking out of the third line thereof the symbols and figures "Sec. 114-9(b)" and inserting in lieu thereof the symbols and figures "Sec. 114-9(2)".

Sec. 4. G. S. 164-14(a)(5) and G. S. 164-14(c) are hereby amended by striking out the words "Wake Forest College" and inserting in lieu thereof the words "Wake Forest University".

Sec. 5. G.S. 50-16.7(b) is hereby amended by striking out of the last line thereof, immediately after the word "assignment" and before the word "wages", the word "or" and inserting in lieu thereof the word "of".

Sec. 6. G.S. 105-114 as amended by Session Laws 1967, Chapter 286, effective July 1, 1968, is hereby amended by striking out of the last sentence thereof the symbol and figures "Sec. 105-132." and inserting in lieu thereof the symbol and figures "Sec. 105-135(9)!

Sec. 7. G.S. 106-65.23 as the same appears in the 1967 Supplement to the General Statutes is hereby amended by deleting from the first sentence of the fourth paragraph thereof, immediately after the word "Committee" and before the phrase "in addition to conducting hearings", the words "in addition to the duties imposed by G. S. 106-65.36.".

Sec. 8. G.S. 53-43(1) is hereby amended by striking out the word "it" in the first line thereof and inserting in lieu thereof the word "its".

461
CHAPTER 541

SESSION LAWS—1969

Sec. 9. G.S. 90-108, as the same appears in the 1967 Cumulative Supplement to the General Statutes is hereby amended by striking out of the seventh line thereof, immediately after the word "prior", and immediately preceding the word "provided", the word "hereto" and inserting in lieu thereof the word "thereto".

Sec. 10. G.S. 105-232 as the same appears in the 1965 Replacement Volume 2D of the General Statutes is hereby amended by deleting from the fourteenth line thereof the words "clerk of superior court" and inserting in lieu thereof the words "register of deeds", and by deleting from the sixteenth line thereof the word "clerk", and inserting in lieu thereof the words "register of deeds".

Sec. 11. G.S. 113-206 as the same appears in the 1966 Replacement Volume 3A of the General Statutes is hereby amended by deleting the numeral "3" after the word "article" in line 5 of subsection (e) thereof and inserting in lieu thereof the number "31".

Sec. 12. G.S. 105-296(9) is hereby amended and rewritten to read as follows:

"(9) Real property falling within the provisions of G.S. 55A-16, appropriated exclusively for public parks and drives."

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 324  CHAPTER 542

AN ACT TO PROVIDE FOR THE CONFINEMENT OF PERSONS CONVICTED OF CRIMES IN THE STATE DEPARTMENT OF CORRECTION WHILE AWAITING JUDICIAL DETERMINATIONS OF APPEALS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 15-183 is hereby amended by adding at the end thereof a new paragraph as follows:

"Any person who shall appeal to the Appellate Divisions of the General Court of Justice, having been sentenced to a term of imprisonment for longer than thirty days, and is not released pursuant to this section pending appeal, such person may be placed in the custody of the Commissioner of Correction until such time as he may be released upon bail or by other lawful means and pending the action of the Appellate Division."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification and shall apply to all persons who have appeals pending from and after ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.
H. B. 475

CHAPTER 543

AN ACT TO CLARIFY THE LAWS RELATING TO BURGLARY AND RELATED OFFENSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-51 is amended by adding the following sentence at the end of the section: "For the purposes of defining the crime of burglary, larceny shall be deemed a felony without regard to the value of the property in question."

Sec. 2. G. S. 14-53 is rewritten to read as follows: "G. S. 14-53. Breaking out of dwelling house burglary. If any person shall enter the dwelling house of another with intent to commit any felony or larceny therein, or being in such dwelling house, shall commit any felony or larceny therein, and shall, in either case, break out of such dwelling house in the nighttime, such person shall be guilty of burglary."

Sec. 3. G. S. 14-54 is rewritten to read as follows: "G. S. 14-54. Breaking or entering buildings generally. (a) Any person who breaks or enters any building with intent to commit any felony or larceny therein is guilty of a felony and is punishable under G. S. 14-2.

(b) Any person who wrongfully breaks or enters any building is guilty of a misdemeanor and is punishable under G. S. 14-3(a).

(c) As used in this Section, 'building' shall be construed to include any dwelling, dwelling house, uninhabited house, building under construction, building within the curtilage of a dwelling house, and any other structure designed to house or secure within it any activity or property."

Sec. 4. G. S. 14-55 is rewritten to read as follows: "G. S. 14-55. Preparation to commit burglary or other housebreakings. If any person shall be found armed with any dangerous or offensive weapon, with the intent to break or enter a dwelling, or other building whatsoever, and to commit any felony or larceny therein; or shall be found having in his possession, without lawful excuse, any pick-lock, key, bit, or other implement of housebreaking; or shall be found in any such building, with intent to commit any felony or larceny therein, such person shall be guilty of a felony and punished by fine or imprisonment in the State's prison, or both, in the discretion of the court."

Sec. 5. G. S. 14-56 is rewritten to read as follows:

"G. S. 14-56. Breaking or entering into railroad cars, motor vehicles, or trailers: breaking out. If any person shall, with intent to commit any felony or larceny therein, break or enter any railroad car, motor vehicle, or trailer containing any goods, wares, freight, or other thing of value, or shall, after having committed any felony or larceny therein, break out of any railroad car, motor vehicle, or trailer containing any goods, wares, freight, or other thing of value, such person shall upon conviction be punished by confinement in the penitentiary in the discretion of the court for a term of years not exceeding five years. If any person is found unlawfully in such car, motor vehicle, or trailer, being so found shall be prima facie evidence that he entered in violation of this Section."

Sec. 6. G. S. 14-57 is rewritten to read as follows: "G. S. 14-57. Burglary with explosives. Any person who, with intent to commit any felony or larceny therein, breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe, or other secure place by use of nitroglycerine, dynamite, gunpowder, or any other explosive, or acetylene torch, shall be deemed guilty of burglary with explosives. Any person convicted under
this Section shall be punished as for burglary in the second degree, as provided in G. S. 14-52."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 8. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 917  
CHAPTER 544

AN ACT TO AMEND CHAPTER 1063 OF THE 1967 SESSION LAWS SO AS TO PROVIDE THAT G. S. 163-117 SHALL APPLY TO THE SEATS IN THE HOUSE OF REPRESENTATIVES FOR THE TWENTY-FIFTH DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1063 of the 1967 Session Laws is hereby amended by deleting from the second line thereof the number "25", so that the provisions of G. S. 163-117 as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3D of the General Statutes, shall apply to the Seats in the House of Representatives for the Twenty-fifth District.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective upon ratification.
In the General Assembly read three times and ratified, this the 19th day of May, 1969.

H. B. 953  
CHAPTER 545

AN ACT TO AMEND CHAPTER 1142 OF THE SESSION LAWS OF 1967 RELATING TO THE STATE ART MUSEUM BUILDING COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of Section 2 of Chapter 1142 of the Session Laws of 1967 is hereby amended by inserting a period after the word "Museum" in line 3 of said subsection, and striking out the remainder thereof.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 19th day of May, 1969.

S. B. 339  
CHAPTER 546

AN ACT TO RE-CODIFY AND CLARIFY CHAPTER 108 OF THE GENERAL STATUTES OF NORTH CAROLINA ENTITLED "BOARD OF PUBLIC WELFARE."

The General Assembly of North Carolina do enact:

Section 1. Chapter 108 of the General Statutes of North Carolina entitled "Board of Public Welfare" (G. S. 108-1 to 108-86) is hereby repealed, and Chapter 108 is rewritten as follows:
CHAPTER 108.
SOCIAL SERVICES

Article 1.
Administration

Part 1. The State Board of Social Services.

G. S. 108-1. Creation and change of name. The State Board of Social Services is hereby created as a policy board for the State Department of Social Services and for the county boards of social services as set out in this Chapter. Wherever any duty, power or authority is granted to the State Board of Public Welfare (or to the State Board of Charities and Public Welfare) by the General Statutes of North Carolina or by any act of the General Assembly, the same shall be construed as referring to the State Board of Social Services.

G. S. 108-2. Appointment, term of office, and compensation. (a) The State Board of Social Services shall have seven members who shall be appointed by the Governor to serve terms of six years. They shall serve staggered terms commencing in odd-numbered years, so that two shall be appointed to serve a term beginning on April 1, 1969, and every six years thereafter; two shall be appointed to serve a term beginning on April 1, 1971, and every six years thereafter, and three shall be appointed to serve a term beginning on April 1, 1973, and every six years thereafter. Members of the State Board of Public Welfare in office when this section shall become effective shall serve until the expiration of the term for which they were appointed.

(b) Any vacancy in the Board which may arise shall be filled for the remainder of the term by appointment of the Governor.

(c) Each Governor shall designate one member of the Board to serve as chairman of the Board for so long as the Governor may deem to be desirable. The chairman shall serve during his term until a new chairman is appointed.

(d) The Board shall elect one member to be vice-chairman who shall serve as chairman in the absence of the chairman or if the chairman's position is vacant.

(e) The members of the Board shall receive the per diem allowances, travel expenses and subsistence that is customary for members of State boards and commissions as provided by G. S. 138-5.

G. S. 108-3. Meetings of Board. The Board of Social Services shall meet at least quarterly and whenever called in session by the chairman, or when requested by four or more members. It shall make such rules for the regulation of its own proceedings as it may deem proper.

G. S. 108-4. Powers and duties. The Board of Social Services shall have the following powers and duties:

(1) To appoint, with the approval of the Governor, a qualified person to be the administrative head of the social service programs of the Board and who shall be known as the Commissioner of Social Services.

(2) To authorize the making of arrangements and contracts with other State agencies or private organizations or units of local governments, whereby such agencies, organizations or units provide services or act as the agents of the Board in providing any of the services authorized by this Chapter.
(3) To authorize investigations of social problems, with authority to subpoena witnesses, administer oaths, and compel the production of necessary documents.

(4) To adopt policies that may be necessary or desirable for the administration of the programs of public assistance established by federal legislation and by Article 2 of this Chapter.

(5) To ratify reciprocal agreements with agencies in other states that are responsible for the administration of public assistance and child welfare programs to provide assistance and services to residents and nonresidents of this State.

(6) To adopt policies to achieve maximum cooperation with other agencies of this State and with agencies of other states and of the federal government in rendering services to strengthen and maintain family life and to help recipients of public assistance attain self-support or self-care.

(7) To adopt policies for the placement and supervision of dependent and delinquent children, and the payment of the necessary costs of foster home care for needy and homeless children as provided by G. S. 108-66.

(8) To adopt standards for the inspection and licensing of foster homes for children and persons or organizations which receive and place children for adoption.

(9) To adopt standards for the inspection and licensing of maternity homes as provided by G. S. 108-76.

(10) To adopt standards for the inspection and licensing of all boarding homes, rest homes, and convalescent homes for aged or infirm persons as provided by G. S. 108-77.

(11) To adopt standards for the inspection and licensing of private child-care institutions as provided by G. S. 108-78.

(12) To approve standards for the inspection and operation of jails or local confinement facilities as provided by G. S. 153-51 and Part 3 of Article 3 of this Chapter.

(13) To adopt standards for the payment of the costs of necessary day care for minor children of needy families.

(14) To adopt standards for the inspection and licensing of non-medical, privately operated homes and institutions, as provided by G. S. 122-72.

(15) To adopt standards for the regulation and licensing of public solicitors as provided by Article 3 of this Chapter.

Part 2. The Department of Social Services

G. S. 108-5. Created. There is hereby created the State Department of Social Services which shall administer the programs and services created by this article according to federal and State law and under the policies established by the rules and regulations of the State Board of Social Services.

G. S. 108-6. Commissioner. (a) The position of the Commissioner of Social Services is hereby created. The Commissioner shall be appointed by the State Board of Social Services with the approval of the Governor. The Commissioner’s salary shall be fixed by the Governor, subject to the approval of the Advisory Budget Commission.

(b) The Commissioner of Social Services shall have the following duties and responsibilities:
(1) To be the executive officer of the State Board of Social Services.

(2) To act as chief administrator of the State Department of Social Services and provide for the proper and efficient organization and operation of the Department, including the employment of necessary personnel.

(3) To formulate for the approval of said Board the agreements, rules, regulations, provisions and standards which the Board is authorized to ratify or adopt by G. S. 108-4.

(4) To administer for said Board those programs for which the Board is authorized by G. S. 108-4 to ratify or adopt agreements, rules, regulations, provisions and standards.

(5) To study social problems and other matters affecting the well-being of the citizens of North Carolina and to report on such matters to the State Board, including recommendations for action by the Board.

(6) To prepare and submit, with the approval of the State Board, a biennial report to the Governor, containing a complete description of the activities of the State Department of Social Services during the preceding two years with recommendations for improving the programs administered or supervised by the Department.

(7) To keep informed concerning new federal programs and changes in existing ones which might benefit the citizens of the State, and to report on such developments to the Board with recommendations for appropriate action by the Board.

(8) To serve in such other capacities as he may be appointed to serve by virtue of his office.

(9) To execute contracts and agreements on behalf of the State Board pursuant to the authority of the Board under G. S. 108-4(2).


G. S. 108-7. Creation. Every county shall have a board of social services which shall establish county policies for the programs established by this Chapter in conformity with the rules and regulations of the State Board of Social Services and under the supervision of the State Department of Social Services.

G. S. 108-8. Size. The county board of social services in each county shall consist of three members, except that the board of commissioners of any county may increase such number to five members. The decision to increase the size to five members or to reduce a five-member board to three shall be reported immediately in writing by the chairman of the board of commissioners to the State Department of Social Services.

G. S. 108-9. Method of appointment. (a) Three-member board: The board of commissioners shall appoint one member who may be a county commissioner or a citizen selected by the board; the State Board of Social Services shall appoint one member; and the two members so appointed shall select the third member. In the event the two members so appointed are unable to agree upon selection of the third member, the senior regular resident Superior Court judge of the county shall make the selection.

(b) Five-member board: The procedure set forth in subsection (a) shall be followed, except that both the board of commissioners and the State Board of Social Services shall appoint two members each, and the four so appointed shall select the fifth member. If the four are unable to agree upon the fifth member, the senior
regular resident Superior Court judge of the county shall make the selection.

G. S. 108-10. Term of appointment. Each member of a county board of social services shall serve for a term of three years. No member may serve more than two consecutive terms.

G.S. 108-11. Order of appointment. (a) Three-member board: The term of the member appointed by the State Board of Social Services shall expire on June 30, 1969, and every three years thereafter; the term of the member appointed by the board of commissioners shall expire on June 30, 1971, and every three years thereafter; and the term of the third member shall expire on June 30, 1970, and every three years thereafter.

(b) Five-member board: Whenever a board of commissioners of any county decides to expand a three-member board to a five-member board of social services, the State Board of Social Services shall appoint an additional member for a term expiring at the same time as the term of the existing member appointed by the board of commissioners, and the board of commissioners shall appoint an additional member for a term expiring at the same time as the term of the existing member appointed by the State Board. Thereafter all appointments shall be for three-year terms.

(c) Change from five-member to three-member board: The change shall become effective on the first day of July following the decision to change by the board of commissioners. On that day, the following two seats on the board of social services shall cease to exist:

1. The seat held by the member appointed by the State Board whose term would have expired on June 30, 1971, or triennially thereafter; and

2. The seat held by the member appointed by the board of commissioners whose term would have expired on June 30, 1972, or triennially thereafter.

G. S. 108-12. Vacancies. Appointments to fill vacancies shall be made in the manner set out in G. S. 108-9. All such appointments shall be for the remainder of the former member's term of office and shall not constitute a term for the purposes of G. S. 108-10.

G. S. 108-13. Meetings. The board of social services of each county shall meet at least once per month or more often if a meeting is called by the chairman. Such board shall elect a chairman from its members at its July meeting each year, and the chairman shall serve a term of one year or until a new chairman is elected by the board.

G. S. 108-14. Compensation of members. Members of the county board of social services may receive a per diem not to exceed ten dollars ($10.00) and travel expenses not to exceed the amounts provided by G. S. 138-5 for attendance at official meetings and conferences, provided such per diem or travel is authorized by the board of commissioners.

G. S. 108-15. Duties and responsibilities. The county board of social services shall have the following duties and responsibilities:

1. To select the county director of social services according to the merit system rules of the State Personnel Board.
(2) To advise county and municipal authorities in developing policies and plans to improve the social conditions of the community.

(3) To consult with the director of social services about problems relating to his office, and to assist him in planning budgets for the county department of social services.

(4) To transmit or present the budgets of the county department of social services for public assistance and administration to the board of county commissioners.

(5) To have such other duties and responsibilities as the General Assembly or the State Board of Social Services or the board of county commissioners may assign to it.

G. S. 108-16. Inspection of records by members. Every member of the county board of social services may inspect and examine any record on file in the office of the director relating in any manner to applications for and payments of public assistance authorized by this Chapter. No member shall disclose or make public any information which he may acquire by examining such records.

Part 4. County Director of Social Services.

G. S. 108-17. Appointment. (a) The board of social services of every county shall appoint a director of social services in accordance with the merit system rules of the State Personnel Board. Any director dismissed by such board shall have the right of appeal under the same rules.

(b) Two or more boards of social services may jointly employ a director of social services to serve the appointing boards and such boards may also combine any other functions or activities as authorized by G. S. 153-246. The boards shall agree on the portion of the director's salary and the portion of expenses for other joint functions and activities that each participating county shall pay.

G. S. 108-18. Salary. The board of social services of every county shall determine the salary of the director in accordance with the classification plan of the State Personnel Board, and such salary shall be paid by the county from the federal, State and county funds available for this purpose.

G. S. 108-19. Duties and responsibilities. The director of social services shall have the following duties and responsibilities:

(1) To serve as executive officer of the board of social services and act as its secretary.

(2) To appoint necessary personnel of the county department of social services in accordance with the merit system rules of the State Personnel Board.

(3) To administer the programs of public assistance established by this Chapter.

(4) To administer funds provided by the board of commissioners for the care of indigent persons in the county under policies approved by the county board of social services.

(5) To act as agent of the State Board of Social Services in relation to work required by the State Board in the county.

(6) To investigate cases for adoption and to supervise adoptive placements.

(7) To issue employment certificates to children under the regulations of the State Department of Labor.
(8) To serve as chief probation officer for judges exercising juvenile jurisdiction in the county if the court does not have personnel available to provide juvenile probation services.

(9) To supervise children conditionally released from state institutions for juvenile delinquents where courts exercising juvenile jurisdiction do not have personnel for this purpose.

(10) To supervise boarding homes, rest homes and convalescent homes for aged or infirm persons, under the rules and regulations of the State Board.

(11) To investigate, prepare, and submit petitions for the sterilization of eligible county residents to the Eugenics Board of North Carolina and to arrange for operations authorized by said Board.

(12) To assist and cooperate with the Board of Paroles and the Probation Commission and their representatives.

(13) To keep informed of the condition of persons discharged from hospitals for the mentally ill.

(14) To investigate reports of child abuse, neglect, injury and illness as authorized by G. S. 14-318.3 and to take appropriate action to protect such children.

(15) To accept children for placement in foster homes and to supervise placements for so long as such children require foster home care.

Part 5. Special County Attorneys for Social Service Matters.

G. S. 108-20. Appointment. With the approval of the board of social services, the board of commissioners of any county may appoint a licensed attorney to serve as a special county attorney for social service matters, or designate the county attorney as special county attorney for social service matters.

G. S. 108-21. Compensation. The special county attorney for social service matters shall receive compensation for the performance of his duties and for his expenses in such amount as the board of commissioners may provide. His compensation shall be a proper item in the annual budget of the county department of social services.

G. S. 108-22. Duties and responsibilities. (a) The special county attorney shall have the following duties and responsibilities:

(1) To serve as legal advisor to the county director, the county board of social services, and the board of county commissioners on social service matters.

(2) To represent the county, the plaintiff, or the obligee in all proceedings brought under the Uniform Reciprocal Enforcement of Support Act and to exercise continuous supervision of compliance with any order entered in any proceeding under that Act.

(3) To represent the county board of social services in appeal proceedings and in any litigation relating to appeals.

(4) To discharge the duties of the county attorney in respect to the lien created by G. S. 108-29, if such duties be assigned to him by the board of county commissioners with the consent and approval of the county attorney.

(5) To assist the district court prosecutor or superior court solicitor with the preparation and prosecution of criminal cases under Article 40 of Chapter 14 of the General Statutes, entitled "Protection of the Family".

470
(6) To assist the district court prosecutor or superior court solicitor with the preparation and prosecution of proceedings authorized by Chapter 49 of the General Statutes, entitled "Bastardy".

(7) To perform such other duties as may be assigned to him by the board of county commissioners, the board of social services, or the director of social services.

(b) In performing any of the duties and responsibilities set out in this section, the special county attorney is authorized to call upon any director of social services or the State Department of Social Services for any information as he may require to perform his duties, and such director and Department are directed to assist him in performing such duties.

Article 2.

Programs of Public Assistance

G. S. 108-23. Creation of programs. The following programs of public assistance are hereby established, and shall be administered by the county departments of social services under policies adopted by the State Board of Social Services and under the supervision of the State Department of Social Services: (1) aid to the aged and disabled; (2) aid to families with dependent children; (3) general assistance; (4) medical assistance, and (5) foster home fund.

G. S. 108-24. Definitions. As used in Article 2:

(1) "Applicant" is any person who requests assistance or on whose behalf assistance is requested.

(2) "Assistance" is money payments, medical care, remedial care, and goods or services, to or for eligible persons.

(3) "Medical assistance" is any program of medical, dental, optometric or other health-related services approved by the State Board of Social Services.

(4) "Dependent child" is a person under twenty-one years of age who is living with a natural parent, adoptive parent, step-parent, or any other person related by blood, marriage, or legal adoption, in a place of residence maintained by one or more of such persons as his or their own home, and who is deprived of parental support; it shall also include a minor living in a foster-care facility or child-caring institution.

(5) "Permanently and totally disabled" is a person who has a physical or mental impairment which substantially precludes him from obtaining gainful employment, and such impairment appears reasonably certain to continue without substantial improvement throughout his lifetime.

(6) "Recipient" is a person to whom, or on whose behalf, assistance is granted under this Article.

(7) "Resident" is a person who has resided continuously within the State of North Carolina for at least one year prior to the date on which application for assistance to him is made with a county department of social services.

Part 1. Aid to the Aged and Disabled.

G. S. 108-25. Eligibility requirements. Assistance shall be granted to any person who:

(1) Is sixty-five (65) years of age and older, or is between the ages of eighteen and sixty-five and is permanently and totally disabled;
(2) Has insufficient income or other resources to provide a reasonable subsistence compatible with decency and health as determined by the rules and regulations of the State Board of Social Services;

(3) Is a resident of North Carolina;

(4) Shall agree in writing that the amount of assistance granted him under this Article shall constitute a lien against his real property or a claim against his estate.

G. S. 108-26. Determination of disability. (a) An applicant between the ages of 18 and 65 seeking assistance under this part must be found to be permanently and totally disabled as defined in G. S. 108-24 by a physician or by a medical review board in his county of residence; such physician or board must submit any findings of disability to the county department of social services for transmittal to the State Department of Social Services.

(b) All applications for assistance as a permanently and totally disabled person shall be reviewed by medical consultants employed by the State Department of Social Services. The final decision on the disability factor shall be made by such medical consultants under rules and regulations adopted by the State Board of Social Services.

G. S. 108-27. Direct payments for nursing and custodial care. (a) The State Department is authorized and empowered to make payments to duly licensed nursing homes or extended care facilities for persons eligible to receive assistance to the aged and disabled when nursing care is found to be essential for such persons by the State Department under the rules and regulations of the State Board of Social Services.

(b) The State Department is authorized and empowered to make payments to family care homes, homes for the aged and intermediate care homes for persons eligible to receive assistance to the aged and disabled when such facilities are found to be essential for such persons by a county department of social services under the rules and regulations of the State Board of Social Services.

G. S. 108-28. Limitations on payments. No payment of public assistance derived from federal, State or local sources shall be made for the care of any person in a nursing home, home for the aged, family care home, or intermediate care home which is owned or operated in whole or in part by any of the following:

(1) A member of the State Board of Social Services, of any county board of social services, or of any board of county commissioners;

(2) An official or employee of the State Department of Social Services or of any county department of social services;

(3) A spouse of a person designated in subsections (1) and (2).

G. S. 108-29. Creation of lien on property: A general lien shall be created against the real property of any person who receives assistance to the aged and disabled. The lien shall be to the extent of the total amount of assistance paid from and after (a) October 1, 1951, if the recipient receives assistance as an aged person, or (b) October 1, 1963, if the recipient receives assistance as a permanently and totally disabled person.

G. S. 108-30. Procedure for filing lien. After the approval of assistance to an applicant under this part, the county director of social services shall file a statement
showing the name of the applicant and the date he received his first payment of
public assistance in the office of the clerk of the Superior Court in the county of
the recipient's residence and in each county where he owns or subsequently owns
real property. Such statement shall be filed in the regular lien docket, showing
the name of the county filing the statement as claimant or lienor, and the name of
the recipient as owner or lienee, and it shall be indexed in the name of the
lienee in the defendant's, or reverse alphabetical, side of the cross index to civil
judgments. The county shall appear as plaintiff, or lienor, in such index. No cross
index in the name of the county, or lienor, shall be required.

G. S. 108-31. Effect of filing. From the date on which the statement required
by G. S. 108-30 is filed, the statement shall be and constitute due notice of a lien
against the real property owned by the recipient and lying in the county to the
extent of the total amount of assistance given the recipient after the proper date
shown in G. S. 108-29.

G. S. 108-32. Priority of lien. (a) The lien created on the real property of the
recipient shall have equal priority in order of payment with the sixth class under
G. S. 28-105 and shall be subordinate to the debts, expenses, taxes, dues and judgments of the first five classes as provided by G. S. 28-105.

(b) The board of county commissioners and the county board of social services
of the county in which the recipient resides may subordinate such lien to a mortgage
or lien created against the property of such recipient for necessary repairs or
improvements on the property, whether title to the property is held by the recipient
alone or by the entirety with the recipient's spouse.

G. S. 108-33. Statute of limitations on lien. The lien created by G. S. 108-29
shall continue from the date of filing until satisfied, except that no action to enforce
it may be brought more than ten years after the last day on which assistance was
paid nor more than three years after the date of the recipient's death. Failure to
bring action within such times shall be a complete bar against any recovery and
shall extinguish the lien.

G. S. 108-34. Limitations on enforcement. No action to enforce the lien created
by G. S. 108-29 may be brought upon any real property as long as the property
is being occupied as a homosite by the former recipient or, in the event of his death,
by the surviving spouse, by a dependent minor child of the recipient, or by a depen-
dent adult child of the recipient who is incapable of self-support because of a mental
or physical disability.

G. S. 108-35. Notification of lien on termination of assistance. (a) The county
department of social services shall, within one month after the termination of an
aid to the aged and disabled grant, notify the former recipient or, in the event of
his death, his personal representative of the lien against the former recipient's
real property and the amount of assistance provided to him since the appropriate
date specified by G. S. 108-29.

(b) The county department shall also inform the clerk of superior court of the
total amount of assistance and the clerk shall thereafter be authorized to accept
full or partial payment of such sum as may be tendered to him by the former recipi-
ent or on his behalf. When the total sum has been so collected, the lien of record
shall be cancelled. Upon receipt of the total sum, the clerk shall disburse the funds
as provided by G. S. 108-37.
CHAPTER 546  SESSION LAWS—1969

G. S. 108-36. Enforcement of lien after notification. When the former recipient or someone on his behalf fails to satisfy the lien of which he is notified under G. S. 108-35, the county director of social services shall examine the case records of the former recipient, the tax records of the county, and (if termination was caused by the recipient's death) the records relating to executors, administrators, or other personal representatives within six months after the termination of assistance. If it appears from such examinations or from any other information available to the director that (1) the former recipient does own or did own since the date on which the lien was filed any real property, or (2) that he owns or owned personal property of more than one hundred dollars ($100.00) in value, or (3) that a personal representative has been appointed over his estate, the director shall notify the county attorney or the special county attorney for social service matters of such findings and provide him with such information as may be required to obtain satisfaction of the lien.

G. S. 108-37. Distribution of collected funds. (a) The United States, the State of North Carolina, and the counties which provided assistance to a former recipient shall share in any sum collected under the lien created by G. S. 108-29, and their proportionate shares of such sum shall be determined in accordance with the matching formulas in use during the period in which assistance was provided the recipient. All sums collected shall be deposited with the clerk of superior court in the county enforcing the lien and, when such lien is satisfied, the clerk shall report to the State Department of Social Services, which shall inform the clerk of the correct distribution of the deposited funds. All sums to which the United States and North Carolina may become entitled under this Section shall be promptly paid or credited. All sums to which the State may be entitled shall be deposited in the State Fund for Aid to the Aged and Disabled and shall become a part of such fund.

(b) All necessary costs incurred in the collection of a lien shall be paid by the United States, the State of North Carolina, and the counties in proportion to the share of the sum collected to which each may be entitled. Neither the United States nor North Carolina shall be charged for costs in excess of the sum they would have received from the payment of the lien. Necessary costs of collecting any lien shall include all costs of services in the filing, processing, investigation and collection of such lien.

Part 2. Aid to Families with Dependent Children.

G. S. 108-38. Eligibility requirements. Assistance shall be granted to any dependent child, as defined in G. S. 108-24, who:

(1) Is a resident of the State or whose mother was a resident when the child was born;

(2) Has been deprived of parental support or care by reason of a parent's death, physical or mental incapacity, or continued absence from the home;

(3) Has no adequate means of support.

G. S. 108-39. Limitations on eligibility. (a) No assistance shall be granted to any dependent child who:

(1) Has passed his sixteenth birthday and has the ability and capacity for gainful employment, unless he is regularly enrolled and attending school or unless no gain-
ful employment is available, except that a dependent child over sixteen years of age and attending school is not eligible for assistance during the summer months unless no gainful employment is available;

(2) Has passed his eighteenth birthday unless he is regularly attending and successfully pursuing (i) a course of study leading to a high school diploma or its equivalent, (ii) a course of study at the college level, or (iii) a course of vocational or technical training designed to fit him for gainful employment.

(b) No parent shall be made the payee of assistance granted under this part who has the ability and capacity for gainful employment but who is not employed either on a part or full-time basis unless the parent is needed in the home to provide continuous care for or supervision over the child in the home or an incapacitated member in the household, or unless no gainful employment is available.

(c) Any child or parent required to engage in gainful employment but who cannot obtain such employment shall register with an employment service and make reasonable and continuous efforts to find gainful employment and provide such proof of his registration and efforts as the county department of social services may require.

Part 3. The Administration of AAD and AFDC.

G. S. 108-40. Application for assistance. Any person who believes that he or another person is eligible to receive aid to the aged and disabled or aid to families with dependent children may submit an application for assistance to the county department of social services. It shall be made in such form and shall contain such information as the State Board of Social Services may require.

G. S. 108-41. Investigation of applicant. Upon receipt of an application for public assistance, the county department shall make a prompt evaluation or investigation of the facts alleged in the application in order to determine the applicant's eligibility for assistance and to obtain such other information as the State Department of Social Services may require.

G. S. 108-42. The granting or denial of assistance. (a) The county director of social services shall submit his findings and recommendations on each application for aid to the aged and disabled and aid to families with dependent children to the county board of social services at its next meeting for its approval of assistance in each case, except that the disability factor of applications for aid to the disabled shall be finally determined by the State Department of Social Services as provided in G. S. 108-26.

(b) The county board of social services may delegate authority to the director to consider and process applications for assistance in all cases that require immediate action to prevent undue hardship; in such cases, the director shall report on his actions to the board at its next meeting, and the board shall approve, reject or modify such decisions.

(c) The board of county commissioners may review any grant approved by the county board of social services. The recipient of a disputed grant shall receive notice of the time and place of such review. If the board of commissioners deems that a grant was improperly allowed under the policies of the State Board of Social Services, it may order that proper action be taken. The board of commissioners shall notify the recipient, the county director of social services, and the State Department of Social Services of any changes it may make in reviewing assistance grants.
(d) All rules and regulations of the State Board of Social Services which govern eligibility for public assistance from state appropriations or the amount of public assistance grants shall be subject to the approval of the Director of the Budget and the Advisory Budget Commission.

G. S. 108-43. Reconsideration of grants. All grants of public assistance shall be reconsidered as frequently as required by the rules of the State Board. Whenever the condition of any recipient has changed to the extent that his award must be modified or terminated, the county director may make the appropriate termination or change in payment and submit it to the county board of social services for approval at its next meeting. Prompt notice of all changes shall be given to the recipient, to the State Board, and to the board of county commissioners.

G. S. 108-44. Appeals. (a) A public assistance applicant or recipient shall have a right to appeal the decision of the county board of social services or the board of county commissioners granting or denying assistance, or modifying the amount of assistance, or the failure of the county board of social services to act within a reasonable time under the rules and regulations of the State Board of Social Services, to the Commissioner of Social Services. Each applicant or recipient shall be notified of this right to appeal when applying for assistance and upon any subsequent action of the county board on his case. An applicant or recipient may give notice of appeal by written notice to the county department of social services or through verbal notice to personnel employed by said county department.

(b) If there is such an appeal, the county director shall notify the State Department of Social Services according to the rules and regulations of the State Board of Social Services, and the State Department shall designate a hearing officer who shall promptly hold an appeal hearing in the county after giving reasonable notice of the time and place of such hearing to the appellant and the county department of social services.

(c) At the appeal hearing before the hearing officer, the appellant and personnel of the county department of social services shall present such facts as may bear upon the case. After such hearing, the hearing officer shall forward a transcript of the hearing to the State Department of Social Services, to the county department of social services, and to the appellant or his attorney, which transcript or other documents considered at the appeal hearing shall serve as the basis for the Commissioner's decision on such appeal.

(d) The Commissioner of Social Services shall make a decision on such appeal in conformity with federal and state law and the rules and regulations of the State Board of Social Services. The Commissioner shall notify the appellant and the county board of social services of his decision in writing by mail. The decision of the Commissioner on such an appeal shall be binding upon the county board of social services and the board of county commissioners unless there is a petition for court review as provided in (e) herein.

(e) Any appellant or county board of social services who is dissatisfied with the decision of the Commissioner may file a petition within thirty days after receipt of written notice of such decision for a hearing in the superior court of Wake County or of the county from which the case arose. Such court shall set the matter for a hearing within thirty days after receipt of such petition and after reasonable written notice to the State Department of Social Services, the county board of social services, the board of county commissioners, and the appellant. The court may take
testimony and examine into the facts of the case to determine whether the appellant
is entitled to public assistance under federal and state law, and under the rules
and regulations of the State Board of Social Services. The court may affirm, reverse
or modify the order of the Commissioner.

G. S. 108-45. Confidentiality of records. (a) Except as provided in (b) below, it
shall be unlawful for any person to obtain, disclose or use, or to authorize, permit,
or acquiesce in the use of any list of names or other information concerning persons
applying for or receiving public assistance that may be directly or indirectly derived
from the records, files or communications of the State Board or the county boards
of social services, or acquired in the course of performing official duties except for
purposes directly connected with the administration of the programs of public assis-
tance in accordance with the rules and regulations of the State Board.

(b) The Department of Social Services shall furnish a complete list of names,
addresses, and amounts of monthly grants of all persons receiving payments under
all programs of public assistance administered under the supervision of the Depart-
ment to the auditor of each county at least semi-annually. This list shall be a public
record open to public inspection during the regular office hours of the county aud-
tor. The list, or any part of it, may not be published in any newspaper or periodical
nor used for any commercial or political purpose. Any person so using it or using
it for any other purpose not directly connected with the administration of public
assistance shall be guilty of a misdemeanor.

G. S. 108-46. Removal to another county. Any recipient who moves from one
county to another county of this State shall continue to receive public assistance
if eligible. The county director in the county from which he has moved shall transfer
all necessary records relating to the recipient to the county director of the county
to which the recipient has moved. The county from which the recipient moves shall
pay the amount of assistance to which the recipient is entitled for a period of three
months following his move, and thereafter the county to which the recipient has
moved shall pay such assistance.

G. S. 108-47. Assistance not assignable. The assistance granted by this Article
shall not be transferable or assignable at law or in equity; and none of the money
paid or payable as assistance shall be subject to execution, levy, attachment, gari-
nishment, or other legal processes, or to the operation of any bankruptcy or insolu-
cy law.

G. S. 108-48. Fraudulent misrepresentation. Any person who wilfully and know-
ingly, with the intent to deceive, makes a false statement or representation or fails
to disclose a material fact in order to enable himself or another person to obtain
or to continue to receive assistance to which he is not entitled, is guilty of a misdeme-
anor, and upon conviction or plea of guilty shall be fined or imprisoned or both
at the discretion of the court.

G. S. 108-49. Personal representative for mismanaged grants. (a) Whenever a
county director of social services shall determine that a recipient of assistance is
unwilling or unable to manage assistance grants to the extent that deprivation or
hazard to himself or others results, the director shall file a petition before a district
court or the clerk of superior court in the county alleging such facts and requesting
the appointment of a personal representative to be responsible for receiving such
grants and to use them for the benefit of the recipient.
(b) Upon receipt of such petition, the court shall promptly hold a hearing, provided the recipient shall receive five days notice in writing of the time and place of such hearing. If the court, sitting without a jury, shall find at the hearing that the facts alleged in the petition are true, it may appoint some responsible person as personal representative. The personal representative shall serve without compensation and be responsible to the court for the faithful performance of his duties. He shall serve until the director of social services or the recipient shows to the court that the personal representative is no longer required or is unsuitable. All costs of court relating to proceedings under this Section shall be waived.

(c) Any recipient for whom a personal representative is appointed may appeal such appointment to Superior Court for a hearing de novo without a jury.

(d) All findings of fact made under the proceedings authorized by this Section shall not be competent as evidence in any case or proceeding which concerns any subject matter other than that of appointing a personal representative.

G. S. 108-50. Protective payments. The State Board of Social Services shall adopt rules and regulations providing for the use of protective payments to the extent authorized by the federal Social Security Act to be available in cases where payees or recipients of public assistance grants fail to use such grants for the purposes for which they are intended.

Part 4. Financing AAD and AFDC.

G. S. 108-51. Acceptance of grants-in-aid. The State Department of Social Services is hereby authorized to accept all grants-in-aid for the programs of public assistance established under this Article which may be available to the State by the federal government under the Social Security Act. The provisions of this Article shall be liberally construed in order that the State and its citizens may benefit fully from such grants-in-aid.

G. S. 108-52. Transfer of funds to counties. (a) A State fund for each program of public assistance established under this Article is hereby created from the federal and state appropriations to such program. Each state fund shall be drawn out on the warrant of the State Treasurer and issued upon order of the Commissioner of Social Services. Quarterly, or more often if the State Board directs, the Commissioner shall transfer to each county that part of the county's allotment from each state fund that the county is required to disburse for its public assistance programs during the appropriate period. Before transferring such funds, the Commissioner may require that the county certify, through its auditor or fiscal agent, that sufficient county funds are available to pay the county's share of the public assistance expenditures corresponding to the amount of state money to be transferred.

(b) The Commissioner may transfer to any county an amount sufficient to pay in full the grants approved in that county for the first quarter in any fiscal year. One-fourth of this amount shall be advanced in anticipation of the collection of taxes and shall be deducted from future allotments within the same fiscal year to that county.

(c) When the Commissioner finds that the disbursement of funds by a county to qualified recipients is being unduly delayed, or that payments to recipients are jeopardized, he may require that grants be promptly paid as a condition for the allotment or transmission of state monies to the county. State monies may be withheld until the Commissioner is satisfied that the county is paying the grants promptly.
(d) When the State Board of Social Services finds it to be in the public interest to require more adequate protection of funds collected in the county for disbursement to recipients, or the more prompt, efficient and certain payment of grants to recipients, the Commissioner may demand and require that the funds raised by taxation in any county be transmitted to the State Treasurer. The Commissioner shall, in such cases, give notice to the board of county commissioners and to the county officials having such funds in their custody. The board of county commissioners and responsible officials shall immediately transfer all such funds to the State Treasurer for disbursement under rules and regulations established by the State Board of Social Services.

G. S. 108-53. Allocation of non-federal shares. (a) The non-federal share of the annual cost of each public assistance program may be divided between the State and the counties in a manner consistent with the provisions of the federal Social Security Act, except that the share required from the counties may not exceed the share required from the State.

(b) The non-federal share of the annual cost of public assistance provided to Indians living on federal reservations held in trust by the United States on their behalf shall be borne entirely by the State. The Commissioner shall reserve from state appropriations for public assistance an amount sufficient to pay the county's share of the cost of public assistance to eligible Indian residents of federal reservations, plus related administrative costs incidental to providing such assistance, and shall pay same to counties containing such a federal reservation.

G. S. 108-54. Determination of county expenditures. Before March 15 of each year, the director of social services of every county shall compile and submit to the county board of social services an estimate of total funds required to finance each program of public assistance within the county in the next fiscal year on forms furnished by the State Department of Social Services. The county board shall review, modify, and approve such estimate and transmit it before April 1 to the board of county commissioners, which shall review, modify and approve it before April 15 for transmittal to the Commissioner of Social Services. The Commissioner, as agent of the State Board, shall review the estimate submitted by each county and notify the board of county commissioners by June 1 of the adequacy of the county's estimate and of the amount of county funds necessary to support an adequate public assistance budget in the next fiscal year. Upon receipt of such notice, the board of county commissioners shall levy taxes sufficient to provide for the payment of the county's part of such budget. If the board of commissioners disputes the budget recommended by the Commissioner, the State Board of Social Services shall make a final determination that shall be binding upon the county.

G. S. 108-55. Determination of administrative expenses. The director of social services of each county shall annually compile and submit to the county board of social services an estimate of total funds required to finance the administrative expenses of the social service programs in the next fiscal year. This estimate shall be prepared before March 15 on forms furnished by the State Department of Social Services. The county board of social services shall review, modify and approve the estimate and transmit it to the board of county commissioners before April 1 for its review, modification and approval. The estimate shall then be forwarded to the Commissioner of Social Services on or before April 15. The Commissioner, as agent
of the State Board, shall review the estimate submitted by the county and notify the board of commissioners by June 1 of the adequacy of its estimate and of the amount of county funds necessary to support the social service administrative budget in the subsequent fiscal year. Upon receipt of such notice, the board of commissioners shall levy taxes sufficient to provide for the payment of the county's part of the budget. If the board of commissioners disputes the budget recommended by the Commissioner, the State Board of Social Services shall make a final determination that shall be binding upon the county.

G. S. 108-56. Counties to levy taxes. (a) Whenever the Commissioner assigns a portion of the non-federal share of public assistance expenses to the counties under the rules and regulations of the State Board, the board of commissioners of each county shall levy and collect the taxes required to meet the county's share of such expenses.

(b) The board of county commissioners may combine any or all of the separate special taxes for each program of public assistance and for the administrative expenses of such programs in place of levying separate special taxes for each item. This consolidated public assistance tax shall be sufficient, when combined with other funds available for use for public assistance expenses from any other source of county income and revenue (including borrowing in anticipation of collection of taxes), to meet the financial requirements of public assistance. The appropriations and expenditures for each of the several programs and for administrative expenses shall be separately stated and accounted for.

G. S. 108-57. Appropriations not to revert. County appropriations for public assistance expenses or administration shall not lapse or revert, and the unexpended balances may be considered in making further public assistance or administrative appropriations. At any time during the fiscal year, any county may transfer county funds from one public assistance program to another if such action appears to be both necessary and feasible, provided the county secures the approval of the Commissioner of Social Services.

G. S. 108-58. Equalizing Fund. The Commissioner of Social Services is authorized and directed to reserve from State appropriations for the programs of public assistance an amount that he finds to be necessary to equalize the burden of taxation in the counties of the State, and to equalize the benefits received by the recipients of public assistance. This amount shall be expended and disbursed solely for the use and benefit of persons eligible for assistance. The amount reserved, to be known as the Equalizing Fund, shall be distributed among the counties according to their needs under a formula approved by the State Board of Social Services so as to produce a fair and just distribution.

Part 5. Medical Assistance.

G. S. 108-59. State Fund created. To provide for an effective medical assistance program and its administration in North Carolina, the State Board of Social Services is authorized and empowered to establish from federal, State and county appropriations a fund to be known as the State Fund for Medical Assistance, and to adopt rules and regulations under which payments are to be made out of such Fund in accordance with the provisions of this part. The non-federal share may be divided between the State and the counties, in a manner consistent with the provisions of the federal Social Security Act, except that the share required from the counties
may not exceed the share required from the State. If a portion of the non-federal share is required from the counties, the boards of county commissioners of the several counties shall levy, impose and collect the taxes required for the special purpose of medical assistance as provided in this part, in an amount sufficient to cover each county's share of such assistance.

G. S. 108-60. Payments from Fund. From the Fund established in G. S. 108-59, the State Board of Social Services may authorize, within appropriations made for this purpose, payments of all or part of the cost of medical and other remedial care for any eligible person, when it is essential to the health and welfare of such person that such care be provided, and when the total resources of such person are not sufficient to provide the necessary care. Payments from the Fund shall be made only to hospitals licensed and approved under the laws of the State of North Carolina or under the laws of another state, or to pharmacies, physicians, dentists, optometrists or other personnel authorized by the State Board of Social Services.

G. S. 108-61. Acceptance of federal grants. All of the provisions of the federal Social Security Act providing grants to the states for medical assistance are accepted and adopted, and the provisions of this part shall be liberally construed in relation to such Act so that the intent to comply with it shall be made effectual. Nothing in this part or the regulations made under its authority shall be construed to deprive a recipient of assistance of the right to choose the licensed provider of the care or service made available under this part within the provisions of the federal Social Security Act.


G. S. 108-62. Eligibility. Assistance may be granted under this part to any person who is unable to earn a sufficient income and is without sufficient resources to provide a subsistence compatible with decency and health.

G. S. 108-63. Application procedure. (a) Applications under this part shall be made to the county director of social services who, with the approval of the county board of social services and in conformity with the rules and regulations of the State Board of Social Services, shall determine whether assistance shall be granted and the amount of such assistance.

(b) The amount of assistance which any eligible person may receive shall be determined with regard to the resources and necessary expenditures of the applicant, in accordance with the appropriate rules and regulations of the State Board.

(c) Insofar as available funds permit, assistance under this part shall be sufficient, when added to all other income and resources of the applicant, to provide him a reasonable subsistence compatible with health and decency, in conformity with the principle of equitable treatment among counties set forth in the rules and regulations of the State Board.

G. S. 108-64. State funds to counties. (a) A fund, to be known as the "State General Assistance Fund", shall be created from appropriations made by the General Assembly and from grants of the federal government (when such grants are made available to the State). This fund shall be used exclusively for assistance to needy persons eligible under this part.

(b) Allotments shall be made annually by the Commissioner of Social Services, as prescribed by G. S. 108-52, to the counties participating in the program established by this part.
(c) The allotments provided by this Section shall be used by the counties entitled to them solely as supplementary funds to increase the general assistance being granted. No allotment shall be used, either directly or indirectly, to replace county appropriations or expenditures.

G. S. 108-65. Participation permissive. The general assistance program established by this part shall be administered as required by the rules and regulations of the State Board of Social Services, except that no county shall be granted any allotment from the State General Assistance Fund nor be subject to the provisions of this part unless its consent be given in the manner prescribed by the rules and regulations of the State Board. In the event that federal general assistance grants be made available to the State on the condition that all counties participate in such program, however, all of the provisions of this part shall become mandatory upon every county.

Part 7. Foster Home Fund.

G. S. 108-66. State Foster Home Fund. (a) The General Assembly shall appropriate funds to the State Department of Social Services for the purpose of providing assistance to needy children who are placed in foster homes by county departments of social services in accordance with the rules and regulations of the State Board. Such appropriations shall be known and designated as the State Foster Home Fund and, together with county contributions for this purpose, shall be expended to provide for the costs of keeping needy children in foster homes.

(b) No needy child shall be eligible for the benefits provided by this Section if he be eligible for foster home care benefits provided by Part 2 of this Article entitled "Aid to Families with Dependent Children".

Article 3.

Inspection and Licensing Authority
Part 1. Licensing of Public Solicitation.

G. S. 108-67. Definitions. As used in this part, certain words and phrases shall be defined as follows:

(1) "Charitable organization" is any person, organization, corporation, institution, association, agency or co-partnership which is or purports to be a charitable, benevolent, health, educational, religious, patriotic or other similar public cause or an organization to alleviate cruelty toward animals.

(2) "Solicitation" is any act of seeking or obtaining, whether by mail, through solicitors, or other means, any of the following benefits: a grant of money or property, including a promise to give any such grant; a gift of goods, wares, merchandise or other items of value; the sale or distribution, or offer for sale or distribution to the public of any item to raise money; the sale of memberships, periodicals, books or advertising space; and the promotion of any public bazaar, sale, entertainment, exhibition or other event to secure money, goods, or property.

(3) "Solicitor" is any person, organization, corporation, institution, association, agency or co-partnership that agrees, for whatever reason, to solicit or collect contributions or other benefits for any charitable organization.

(4) "Verified financial report" is a report of an audit conducted in accordance with generally accepted auditing standards and containing the expression of an unqualified opinion by an independent certified public accountant.
G. S. 108-68. Licenses required. No charitable organization, nor any other organization nor person on its behalf, intra-state or foreign, unless exempted by G. S. 108-73, shall solicit benefits from residents of North Carolina unless it has filed a request with the Commissioner of Social Services for a license and is so licensed as provided by this part.

G. S. 108-69. Licensing procedure. (a) Every charitable organization required under this part to secure a license in order to solicit benefits or to authorize solicitations in its behalf shall file a written application with the Commissioner on a form furnished by him. The application shall require proof of the following subjects: the worthiness of the charitable organization's cause or causes; its chartered responsibility; the existence of an adequate, responsible and functioning governing board; its need for public solicitation, and the proposed uses of solicited funds. The applicant shall also file a report summarizing its accomplishments during the preceding fiscal period; a verified financial report for the preceding fiscal period; and a report of the proposed program and objectives, including a budget, for the fiscal period for which the application is filed.

(b) Newly created charitable organizations with no financial history may be granted a non-renewable license for one year if, in the judgment of the Commissioner, all requirements for licensing except that of the verified financial report are satisfied.

(c) The State Board of Social Services may adopt standards for the regulation and licensing of certain charitable organizations whose solicitation goals and total contributions received are below specified limits to provide for simplified financial reporting as a prerequisite for licensing.

(d) In considering applications for licensing, the Commissioner shall seek the counsel of any State agency in any cause in which an agency may have an interest or responsibility.

(e) A license shall not be issued to any applicant that pays or agrees to pay an unreasonable or exorbitant amount of the funds collected, as determined by regulations of the State Board of Social Services, for the compensation of solicitors and for expenses incurred in promoting and conducting its fund raising activities and solicitation campaign.

(f) The Commissioner shall issue a license to solicit for a period not to exceed one year, subject to annual renewal, if he finds after full investigation and consideration of the completed application that the causes of the applicant are not harmful to the public interest and that the proposed solicitations are truly for the causes set forth in the application.

(g) The Commissioner may revoke any license before its expiration date if such action would be in the public interest.

G. S. 108-70. Appeal procedure. An applicant who is refused a license or whose license has been revoked by the Commissioner shall be entitled to a hearing before the Commissioner if a written request for such hearing be made to the Commissioner within fifteen days after notice of refusal or revocation is delivered or mailed to the applicant or licensee. All hearings shall be open to the public. The final decision of the Commissioner on the matter appealed from shall be mailed to the interested parties within ten days after such hearing.
G. S. 108-71. Annual financial reports. (a) Every licensee under this part shall file a verified financial report with the State Department of Social Services within one hundred and twenty (120) days after the end of each fiscal year. Such verified financial report shall show the licensee's receipts and expenditures on an itemized basis so as to disclose the various purposes for which the licensee solicited and expended funds. Such report shall contain, but not be limited to, details on the costs of raising or securing contributions; the costs of administration, including the organization and operation of new member groups and affiliates within the State; the costs of research pursued by the licensee; and the portion of funds raised in the State and expended inside and outside the State.

(b) No license shall be renewed for any licensee that fails to comply with the provisions of this section.

G. S. 108-72. Authorization of individual solicitors. Every person who shall solicit or collect any contribution in money or other property or who shall sell any item for which the proceeds are reserved for and given to a licensee under this part shall have in his possession a written authorization, pledge card, receipt form, or other evidence of authority provided to him by the licensee, and he shall show such authorization upon request.

G. S. 108-73. Exemptions from licensing requirement. (a) The provisions of this part shall not apply to any solicitation or appeal made by the following organizations:

1. Any civic, religious, educational, fraternal, or patriotic organization which confines its solicitation or appeal to its own membership and which does not grant membership to persons who make a contribution as a result of a solicitation or appeal;

2. Any church that seeks funds for the construction, upkeep, or maintenance of the church building, clergy's residence or for the support of its clergy;

3. Any college holding membership in the North Carolina College Conference and whose governing board makes the solicitation and receives the contributions;

4. Any non-public high school which is accredited by the State Department of Public Instruction and which offers at least the minimum course of study prescribed by the State Board of Education;

5. Any locally indigenous charitable organization which confines its solicitations and operations to the county in which its executive office is located and its governing board resides.

(b) Any charitable organization or other organization that desires to solicit or does solicit the public and claims exemption from the licensing requirements of this part shall file a statement with the Commissioner on forms prescribed by him which shall show proof of its exempted status under this section. The exemption shall be authorized by the Commissioner before such organization may begin or continue to solicit from the public. The claimed exemption shall be subject to annual renewal on forms prescribed by the Commissioner.

G. S. 108-74. Solicitation for individual livelihood. (a) It shall be unlawful for any person to engage in the business of soliciting contributions for his own or another person's livelihood, either upon the streets and highways of this State, through door to door solicitation, or through the mails unless he obtains a license for this purpose from the Commissioner of Social Services.
(b) Any person who desires to engage in the business of soliciting contributions under this section shall file a written application for a license on a form furnished by the Commissioner which shall contain his name, his addresses for the past five years, his purpose in seeking to solicit contributions, his reasons for not pursuing another means of livelihood or for not seeking public assistance grants, and such other information as the Commissioner may require. Before issuing a license, the Commissioner shall seek counsel from other interested State agencies. Persons soliciting contributions while carrying merchandise for sale shall not be exempted from the provisions of this section.

(c) A licensee under this section shall carry a copy of his license with him while soliciting contributions and shall show it on request.

G. S. 108-75. Penalties for violations. (a) Any solicitor or charitable organization that violates any of the provisions of this part shall be guilty of a misdemeanor. Upon conviction, the court shall commit an individual violator to prison for a term not to exceed six months; corporate violators shall be fined not more than five hundred dollars ($500).

(b) Any licensee under this part that, after conducting a solicitation campaign and obtaining funds from such solicitation, shall wilfully convert or misapply any of such funds in a manner contrary to the purposes set forth in its application for licensing shall be guilty of a felony and be punished in the discretion of the court.


G. S. 108-76. Licensing of maternity homes. (a) The State Department of Social Services shall inspect and license all maternity homes established in the State under such rules and regulations as the State Board of Social Services may adopt.

(b) Facilities subject to the provisions of this section shall include:

1. Institutions or homes maintained for the purpose of receiving pregnant women for care before, during, and after delivery, and

2. Institutions or lying-in homes maintained for the purpose of receiving pregnant women for care before and after delivery, when delivery takes place in a licensed hospital.

G. S. 108-77. Licensing of homes for the aged and infirm. (a) The State Department of Social Services shall inspect and license, under the rules and regulations adopted by the State Board of Social Services, all boarding homes, rest homes, and convalescent homes for persons who are aged or are mentally or physically infirm, except those exempted in subsection (c) below. Licenses issued under the authority of this section shall be valid for one year from the date of issuance unless revoked for cause earlier by the Commissioner.

(b) Any individual or corporation that shall operate a facility subject to license under this section without such license shall be guilty of a misdemeanor.

(c) Facilities which are exempt from the provisions of this section are as follows:

1. Those which care for one person only;

2. Those which care for two or more persons, all of whom are related or connected by blood or marriage to the operator of the facility;

3. Those which make no charges for care, either directly or indirectly;
CHAPTER 546  SESSION LAWS—1969

(4) Those which care for no more than four persons, all of whom are under the supervision of the United States Veterans Administration.

(d) This section shall not apply to any institution which is established, maintained or operated by any unit of government; any commercial inn or hotel; or any facility licensed by the State Board of Health under the provisions of G. S. 130-9(e), entitled "Nursing Homes".

G. S. 108-78. Licensing of private child-caring institutions. (a) The State Department of Social Services shall inspect and license private child-caring institutions in the State under rules and regulations adopted by the State Board of Social Services, except those child-caring institutions which are exempt under (c) herein.

(b) Licenses granted to private child-caring institutions under this section shall be valid for one year after the date of issuance and may be revoked sooner if the Commissioner finds that the public good or the welfare of the children within any institution is not being properly served.

(c) This section shall not apply to any child-caring institution chartered by the laws of the State of North Carolina (or operating under charters of other states which have complied with the corporation laws of North Carolina) which has a plant and assets worth sixty thousand dollars ($60,000.00) or more and which is owned or operated by a religious denomination or fraternal order.

Part 3. Local Confinement Facilities.

G. S. 108-79. Inspection. The State Department of Social Services shall, as authorized by G. S. 153-51, inspect regularly all local confinement facilities as defined by G. S. 153-50(4) to determine compliance with the minimum standards for local confinement facilities adopted by the State Board of Social Services.

G. S. 108-80. Approval of new facilities. The State Department of Social Services shall, as authorized by G. S. 153-51, approve the plans for the construction or major modification of any local confinement facility.

G. S. 108-81. Failure to provide information. If the board of commissioners of any county, the chief of police of any municipality, or any officer or employee of any local confinement facility shall fail or refuse to furnish to the State Department of Social Services any information about any local confinement facility which is required by law to be furnished, or shall fail to allow the inspection of any such facility, such board or individual shall be guilty of a misdemeanor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Sec. 3. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

S. B. 185  CHAPTER 547

AN ACT TO ACCORD CERTAIN SCHOOL CREDITS TO GRADUATES OF HOSPITAL SCHOOLS OF NURSING.

The General Assembly of North Carolina do enact:

Section 1. Every graduate of a diploma school of nursing in this State who has passed the Registered Nurse Examination shall, upon admission to any State supported institution of higher learning offering baccalaureate education in nursing, be granted credit for previous experience in the diploma school of nursing on an
individual basis by the utilization of the most effective method of evaluation to
the end that the applicant shall receive optimum credit and that upon graduation
the applicant will have earned the baccalaureate degree in nursing.

Sec. 2. Every State supported institution of higher learning offering the bacc-
alaureate degree in nursing shall submit its plans and procedures to the State Board
of Higher Education for implementing the provisions of this Act on or before the
1st day of September 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of May,
1969.

S. B. 393

CHAPTER 548

AN ACT TO AMEND THE PROVISIONS OF G. S. 153-9(58) OF THE GENERAL
STATUTES OF NORTH CAROLINA RELATING TO AMBULANCE FRAN-
CHISES IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-9(58)a.1 be amended by changing the semicolon
at the end thereof to a comma and adding the following:
"and anyone violating such ordinance shall be guilty of a misdemeanor and pun-
ishable by a fine not to exceed fifty dollars ($50.00) or imprisonment not to exceed
thirty (30) days in the discretion of the court;".

Sec. 2. This Act shall apply to Forsyth County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 21st day of May,
1969.

S. B. 440

CHAPTER 549

AN ACT TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE
BOARD OF EDUCATION OF SURRY COUNTY AS SET FORTH IN CHAPTER
972 OF THE SESSION LAWS OF 1967 ON A NON-PARTISAN BASIS AND
FROM DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. The members of the Board of Education of Surry County shall be
elected on a non-partisan basis according to the provisions of Chapter 972 of the
Session Laws of 1967. There shall be elected one member from each of the Districts
hereinafter set forth, as follows:

(1) One member who shall be a resident of District No. 1, consisting of so much
of Mount Airy Township as does not lie within the boundaries of the Mount Airy
City School Administrative Unit.

(2) One member who shall be a resident of District No. 2, consisting of Westfield,
Pilot Mountain, Long Hill and Eldora Townships.

(3) One member who shall be a resident of District No. 3, consisting of Shoals,
Siloam and Rockford Townships.

487
CHAPTER 549  SESSION LAWS—1969

(4) One member who shall be a resident of District No. 4, consisting of Dobson, Marsh and Stewart's Creek Townships.

(5) One member who shall be a resident of District No. 5, consisting of Franklin and Bryan Townships.

Elkin Township and that portion of Mount Airy Township lying within the boundaries of Mount Airy City School Administrative Unit are excluded from the above described districts because they are contained in city administrative units with their own separate boards of education.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification except that present members shall complete their present terms.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

S. B. 435  CHAPTER 550

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY TO APPROPRIATE $1200 TO THE NORTH CAROLINA RHODODENDRON FESTIVAL ON ROAN MOUNTAIN IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Mitchell County is hereby authorized and empowered to appropriate from any available funds an amount not exceeding twelve hundred dollars ($1200.00) to the Board of Directors of the North Carolina Rhododendron Festival on Roan Mountain in Mitchell County; said funds to be paid in equal annual installments of six hundred dollars ($600.00) during the years 1969 and 1970. The funds so appropriated shall be utilized by the Board of Directors of the Rhododendron Festival in promoting the Festival generally and for the special purpose of attracting visitors from other parts of North Carolina and from outside the State to the Festival itself and to the mountain areas of North Carolina, and for any other useful and necessary purpose and expense of the annual Rhododendron Festival.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

S. B. 455  CHAPTER 551

AN ACT AUTHORIZING CITIES AND TOWNS TO PROVIDE FOR FINANCIAL ASSISTANCE TO THOSE REQUIRED TO BE RELOCATED BY MUNICIPAL OR GOVERNMENTAL ACTION.

The General Assembly of North Carolina do enact:

Section 1. Cities and towns are hereby authorized and empowered to appropriate and expend public funds derived from sources other than taxes for the purpose of assisting in the relocation of those whose relocation is made necessary because of actions of the municipality or other governmental agency.

Sec. 2. This Act shall apply only to cities and towns within the counties of Durham, Buncombe, Wake, Alamance, Cleveland, and Rockingham.
Sec. 3. All laws in conflict herewith are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification. In the General Assembly read three times and ratified, this the 21st day of May, 1969.

S. B. 456

CHAPTER 552

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF SHELBY AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, AND G. S. 118-7 TO THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Shelby shall as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this Act.

Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time fireman of the City who retires with twenty (20) years' service or more as a City fireman, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00);

(b) Each retired volunteer fireman of the City who retires with twenty (20) years' service or more as a volunteer fireman of the City, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual benefit equal to one quarter (1/4) of one share for each full year of service as a volunteer fireman of the City; provided, in no event shall any retired volunteer fireman be entitled to or receive in any year an annual benefit in excess of one hundred dollars ($100.00);

(c) Any former fireman of the City who is not otherwise entitled to supplemental retirement benefits under this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

489
(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Local Firemen's Relief Fund.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more investments named in or authorized by G. S. 159-28.1.

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

S. B. 460

CHAPTER 553

AN ACT PERTAINING TO ARTICLE 3, CHAPTER 139 OF THE GENERAL STATUTES AS THE SAME RELATES TO A WATERSHED IMPROVEMENT PROGRAM IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Caswell County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the General Statutes of North Carolina, and for that purpose to levy, collect and expend funds derived from a special watershed improvement tax, not to exceed seven cents (7¢) on each one hundred dollars ($100.00) valuation of property in said county, by appropriate resolution of the Board and without holding an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose, and for a necessary expense, for which the special approval of the General Assembly is hereby given.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.
CHAPTER 554

AN ACT TO FIX THE COMPENSATION FOR MEMBERS OF THE BERTIE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The chairman and other members of the Bertie County Board of Commissioners shall receive the following compensation: The chairman's salary shall be seven hundred dollars ($700.00) per year, and the other member's salaries shall be six hundred dollars ($600.00) per year. The chairman and each member shall receive, in addition to the above salary, twenty dollars ($20.00) for attending each special meeting of the board, and shall be paid eight cents (8¢) per mile while on official county business.

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Bertie County to fix their own compensation and allowances in accordance with G. S. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

CHAPTER 555

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF JOHNSTON COUNTY TO COMPENSATE CERTAIN OFFICERS FOR THE SERVICE OF CIVIL AND CRIMINAL PROCESS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Johnston County is hereby authorized to compensate the constables of Johnston County and special deputies employed by the Sheriff of Johnston County for service by them of all lawful civil and criminal process. Compensation shall be made from the general fund of the county, and shall not exceed the schedule of fees set forth in Chapter 7A of the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

CHAPTER 556

AN ACT TO REVISE THE PHYSICAL THERAPY PRACTICE ACT.

The General Assembly of North Carolina do enact:

Section 1. Article 18 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"G.S. 90-256. Definitions. In this Article, unless the context otherwise requires, the following definitions shall apply:

(a) 'Examining committee' means the North Carolina State Examining Committee of Physical Therapy.

(b) 'Physical therapy' means the evaluation or treatment of any person by the employment of the effective properties of physical measures and the use of therapeu-
tic exercises and rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental disability. Physical therapy includes the performance of specialized tests of neuromuscular function, administration of specialized therapeutic procedures, interpretation of referrals from medical doctors and dentists, and establishment and modification of physical therapy programs for patients.

(c) 'Physical therapist' means any person who practices physical therapy.

(d) 'Physical therapy assistant' means any person who assists and works under the supervision of a physical therapist by performing such patient-related activities as assigned to him by a physical therapist which are commensurate with his education and training, including simple physical therapy procedures, but not the interpretation of physicians' or dentists' referrals, performance of evaluation procedures, or determination and modification of patients' programs.

G.S. 90-257. Examining committee. The North Carolina State Examining Committee of Physical Therapy is hereby created. The examining committee shall consist of seven members, including at least one licensed medical doctor, four physical therapists and two physical therapy assistants, who shall be appointed by the Governor from a list submitted to him by the North Carolina Physical Therapy Association, Inc., for terms as provided in this Article. Each physical therapy member of the examining committee shall be licensed and a resident of this State; he shall have not less than three years' experience in the practice of physical therapy immediately preceding his appointment and shall be actively engaged in the practice of physical therapy during his incumbency. Each physical therapy assistant member shall be licensed and a resident of this State, provided that the members first appointed on January 1, 1970, shall be deemed to be eligible and shall be licensed immediately upon their appointment to the examining committee.

Members shall be appointed to serve three-year terms, or until their successors are appointed, to commence on January 1 in respective years, provided that members of the examining committee on the effective date of this Act shall continue to serve for the remainder of their terms, respectively, or until their successors are appointed. The physical therapy assistant members shall be first appointed on January 1, 1970; one such member shall serve a two-year term and the other a three-year term, but thereafter, all appointments shall be for three years. In the event that a member of the examining committee for any reason cannot complete his term of office, another appointment shall be made by the Governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive three-year terms.

The examining committee each year shall designate one of its members as chairman and one as secretary-treasurer. The examining committee shall have the power to make such rules and regulations not inconsistent with law which may be necessary for the performance of its duties and shall employ such clerical and other assistance as it may require. It is authorized to prescribe reasonable fees for applications for examination and for certificates of licensure but not to exceed seventy-five dollars ($75.00), and for renewals of licensure but not to exceed twenty-five dollars ($25.00). It shall be the duty of the examining committee to pass upon the qualifications of applicants for licensure, approve and be responsible for administering the examination to be given, and determine the applicants who successfully
pass the examination. The two physical therapy assistants shall exercise this duty with the other members only as to applicants for licensure as physical therapy assistants.

Each member of the examining committee shall receive such per diem compensation and reimbursement for travel and subsistence as shall be set for State boards generally.

"G.S. 90-258. Records to be kept; copies of record. The examining committee shall keep a record of proceedings under this Article and a record of all persons licensed under it. The record shall show the name of every living licensee, his last known place of business and last known place of residence and the date and number of his licensure certificate as a physical therapist or physical therapy assistant. Any interested person in the State is entitled to obtain a copy of that record on application to the examining committee and payment of such reasonable charge as may be fixed by them based on the costs involved.

"G.S. 90-259. Disposition of funds. All fees and other moneys collected and received by the examining committee shall be used for the purposes of implementing this Article. The financial records of the examining committee shall be subjected to an annual audit and paid for out of the funds of the examining committee.

"G.S. 90-260. Qualifications of applicants for examination; application; subjects of examination; fee. Any person who desires to be licensed under this Article and who

(1) is of good moral character;
(2) has obtained a high school education or its equivalent as determined by the examining committee;
(3) if an applicant for physical therapy licensure, has been graduated by a school of physical therapy approved by the American Medical Association and the American Physical Therapy Association at the time of his graduation; and
(4) if an applicant for physical therapy assistant licensure, has been graduated from a program for physical therapy assistants which has been approved by the examining committee, or has had training or experience deemed equivalent to such program by the examining committee; may make application on a form furnished by the examining committee for examination for licensure as a physical therapist or physical therapy assistant by the examining committee. The physical therapy examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy as applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in the practice of physical therapy as defined in this Article. The physical therapy assistant examination shall embrace the following subjects: the applied sciences of anatomy, kinesiology, physics, pathology, physiology; medical ethics; simple physical therapy procedures which include massage, electrotherapy, hydrotherapy, thermotherapy, therapeutic exercise and rehabilitative procedures.

At the time of making such application, the applicant shall pay to the secretary-treasurer of the committee the fee prescribed by the committee, no portion of which shall be returned.

"G.S. 90-261. Certificates of licensure for successful examinees. The examining committee shall furnish a certificate of licensure to each applicant who successfully
CHAPTER 556  SESSION LAWS—1969

passes the examination for licensure as a physical therapist or physical therapy assistant, respectively.

"G.S. 90-262. Certificates of licensure for persons registered in other states or territories. The examining committee shall furnish a certificate of licensure to any person who is a physical therapist or physical therapy assistant registered or licensed under the laws of another state or territory, if the applicable requirements were at the date of his registration or licensure substantially equal to the requirements under this Article. At the time of making such application, the applicant shall pay to the secretary-treasurer of the committee the fee prescribed by the committee.

"G.S. 90-263. Graduate students exempt from licensure; licensure of foreign-trained physical therapists. (a) Physical therapists, including foreign-trained physical therapists, who are graduate students in special physical therapy courses receiving a small stipend rather than the usual staff salary for practicing their profession as part of their training, shall not be required to be licensed as physical therapists in North Carolina. Any such physical therapist shall furnish sufficient information to the examining committee for it to determine such person's status. At the end of one year, should the student wish to continue his education in this State, he must apply to the examining committee for evaluation of this status as of that time.

(b) A temporary certificate of licensure, limited to six months, may be issued to a foreign-trained physical therapist who

(1) makes the usual application for licensure and pays the required fee,

(2) holds a diploma from an approved school of physical therapy in his own country, and

(3) is a member of a professional association belonging to the World Confederation of Physical Therapists whose credentials are acceptable to the American Physical Therapy Association and to the North Carolina State Examining Committee of Physical Therapy.

(c) A regular certificate of licensure may be issued to a foreign-trained physical therapist who fulfills the above requirements in subsection (b) of this Section and who passes the next North Carolina State examination for licensure or who has passed the American Physical Therapy Association's examination for foreign-trained physical therapists.

"G. S. 90-264. Renewal of license: lapse; revival. Every licensed physical therapist or physical therapy assistant shall, during the month of January, 1970, and during the month of January every year thereafter, apply to the examining committee for a renewal of licensure and pay to the secretary-treasurer the prescribed fee. Licenses that are not so renewed shall automatically lapse, provided that any licenses in effect on the effective date of this Act shall remain in effect until February 1, 1970, unless revoked or suspended in accordance with the provisions of this Article. The examining committee shall revive and extend a lapsed license on the payment of current fees provided the requirements for securing an original certificate have not been changed so as to have become more stringent that the requirements at the time the certificate lapsed, but the examining committee may refuse to grant any such extension on the same grounds as are set forth in this Article for refusing
to grant or for revoking the license of a physical therapist or physical therapy assistant.

"G.S. 90-265. Grounds for refusing licensure; revocation. The examining committee shall refuse to grant licensure to any person or shall revoke or suspend the license of any physical therapist or physical therapy assistant if he

(1) is habitually drunk or is addicted to the use of narcotic drugs;
(2) has been convicted of violating any State or Federal narcotic law;
(3) has obtained or attempted to obtain licensure by fraud or material misrepresentation;
(4) is guilty of any act derogatory to the standing and morals of the profession of physical therapy, including the treatment or undertaking to treat ailments of human beings otherwise than by physical therapy and undertaking to practice independent of the referral or prescription from a licensed medical doctor or dentist.

The procedure for revocation shall be that set forth in Chapter 150 of the General Statutes relating to uniform revocation of licenses.

"G.S. 90-266. Unlawful practice. (a) No person shall practice or hold himself out as being able to practice physical therapy in this State, unless he is licensed in accordance with this Article.

(b) No person shall consult, teach or supervise, or hold himself out as being able to do so, in physical therapy in this State, unless he is licensed in accordance with this Article.

(c) No person shall represent himself as being a licensed or registered physical therapist or physical therapy assistant, or use in connection with his name any letters, words, or insignia indicating or implying that he is a licensed or registered physical therapist or a physical therapy assistant, unless he is licensed in accordance with this Article.

(d) No person shall practice physical therapy except by referral, prescription or orders of a licensed medical doctor or dentist.

(e) Nothing in this Article shall be construed in any way to prohibit the following acts or practices:

(1) any act in the practice of his profession by a person duly licensed in this State;
(2) the practice of physical therapy in the discharge of their official duties by physical therapists in the United States Armed services, Public Health Service, Veterans' Administration or other federal agency;
(3) the rendering of physical therapy by any person in a medical emergency under the direct supervision of a licensed medical doctor;
(4) participation in special physical therapy education projects, demonstrations or courses by physical therapists qualified in other jurisdictions;
(5) the administration of simple massages and the operation of health clubs so long as not intended to constitute or represent the practice of physical therapy;
(6) the performance by any person of simple mechanical or machine-assisted acts in the physical care of a patient, not requiring the knowledge and skill of a physical therapist, under orders or directions of a licensed medical doctor or dentist.

495
(f) Nothing in this Article shall be construed to authorize persons licensed under this Article to use radiology for diagnostic and therapeutic purposes, or to use electricity for surgical or cauterization purposes, or to make diagnoses of human conditions, or to prescribe therapeutic measures.

"G.S. 90-267. Fraudulently obtaining, etc., licensure a misdemeanor. No person shall obtain or attempt to obtain licensure as a physical therapist or physical therapy assistant by a willful misrepresentation or any fraudulent representation.

"G.S. 90-268. Violation a misdemeanor. Any person who violates any of the provisions of this Article shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned at the discretion of the court.

"G.S. 90-269. Title. This Article may be cited as the 'Physical Therapy Practice Act'."

"G. S. 90-270. Osteopaths, chiropractors and podiatrists not restricted. Nothing in this Article shall restrict the practice of physical therapy by licensed osteopaths, chiropractors, or podiatrists."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

S. B. 511

CHAPTER 557

AN ACT RELATING TO ELECTIONS AND ELECTION PROCEDURES OF THE RURAL HALL SANITARY DISTRICT IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That a new registration of voters qualified to vote in elections held to elect the Board of Commissioners of the Rural Hall Sanitary District in Forsyth County and to vote on any other matters involving the Rural Hall Sanitary District is hereby called, with the present Board of Commissioners of the Rural Hall Sanitary District in Forsyth County to specify the time or period for the new registration, to be held at least 60 days before the next general election at which time new members of the Board of Commissioners of the Rural Hall Sanitary District are elected as specified in G.S. 130-126.

Sec. 2. That a separate registration book and separate registration cards of different form and color from cards used for voting in general elections shall be utilized with the voter's signature to appear on said registration cards along with an oath to be printed on said cards as to the voter's qualifications for voting in the Rural Hall Sanitary District.

Sec. 3. The qualifications for voting in the Rural Hall Sanitary District elections shall be: that the voter is a citizen of the United States; that he or she is a resident of North Carolina and has been for a continuous period of one year preceding the oath; that he or she is a resident of the Rural Hall Sanitary District and has been

496
for at least 30 days preceding the taking of the oath; that he or she is at least 21 years of age and is able to read and write.

Sec. 4. Registration as herein provided for is to be accomplished either at the Board of Elections Office of Forsyth County or in the voter's precinct with the precinct registrar.

Sec. 5. The Board of Elections Office of Forsyth County is to perform the recording of information on the registration books for the Rural Hall Sanitary District, and to keep such records in a safe place in the Board of Elections Office; and the registration books of the Rural Hall Sanitary District are to be given to the precinct registrar 3 days before the election, with said registration books to be returned to the Board of Elections by the precinct registrar immediately after the election and on the night of the election when other supplies and materials are returned to the Board of Elections Office after a general election.

Sec. 6. Return sheets for the results of the election which are to be returned to the Board of Elections for certification are to be furnished by the Board of Elections.

Sec. 7. The registration books for the Rural Hall Sanitary District are to be revised every four years for the purpose of ascertaining inactive registered voters. A notice is to be mailed to each inactive voter, meaning those who have not voted in a Rural Hall Sanitary District election in four preceding Rural Hall Sanitary District elections, at the address shown by the registration book, advising said inactive voter to show cause within 30 days from the date of the letter as to why his or her name should not be removed from the registration book. If no reply is received within 30 days from the date of the letter, the inactive voter is to be removed from the registration books 10 days after the 30 day waiting period for a reply expires. Deceased persons registered are to be removed periodically from the registration books by the Board of Elections.

Sec. 8. It is hereby provided that registration in the voter's precinct for a general election or general voting shall not operate as registration automatically for voting on Rural Hall Sanitary District matters and that no absentee ballots shall be allowed for voting on Rural Hall Sanitary District matters.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

Sec. 10. All laws and clauses of laws in conflict herewith are hereby repealed.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

S. B. 524

CHAPTER 558

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Polk County is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration to be given by persons, firms and corporations listing property for taxation in Polk County, and the manner of administering the same, and to prescribe regulations relating to the listing of property for taxation by agents and relating to the listing of property for taxation by mail and tax lists submitted by mail.
Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the property listing statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G. S. 105-308 or G. S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G. S. 105-308 and G. S. 105-310.

Sec. 3. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Polk County except insofar as they are inconsistent with regulations prescribed by the Board of County Commissioners of Polk County relating to the oath or affirmation of the taxpayer, the listing of taxes by agents, and the listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 4. This Act shall apply only to Polk County.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

S. B. 543

CHAPTER 559

AN ACT AMENDING CHAPTER 1063 OF THE SESSION LAWS OF 1967 RELATING TO NUMBERED SEATS IN CERTAIN SENATORIAL AND REPRESENTATIVE DISTRICTS SO AS TO PROVIDE FOR NUMBERED SEATS IN THE FOURTH SENATORIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 1063 of the Session Laws of 1967 is amended by striking the figure "4" in the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

H. B. 235

CHAPTER 560

AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ACQUIRE AN ENTIRE STRUCTURE OR PARCEL OF LAND WHEN IT IS SEVERED BY STREET RIGHT OF WAY.

The General Assembly of North Carolina do enact:

Section 1. Whenever the proposed right of way of a street or highway necessitates the taking of a portion of a parcel of land leaving a remainder of such shape, size or condition so as to be of little value, the City of Fayetteville may acquire, by condemnation or purchase, the entire parcel of land. Provided, the City must make a determination either:

(1) That a partial taking would substantially destroy the economic value or utility of the remainder; or

(2) That an economy in the expenditure of public funds will be promoted thereby; or

498
(3) That the interest of the public will be best served by the acquisition of the entire parcel.

Sec. 2. Residues acquired under this Act may be disposed of in the manner provided for the disposition of municipal property or may be exchanged for other property required by the municipality.

Sec. 3. Where the proposed right of way of a street or highway necessitates the taking of a portion of a building or structure, the City of Fayetteville may acquire, by condemnation or purchase, the entire building or structure, together with the right to enter upon the surrounding land for the purpose of removing the building or structure. Provided, the City must make a determination that the partial taking will substantially destroy the economic value or utility of the building or structure and a determination either:

(1) That an economy in the expenditure of public funds will be promoted thereby; or
(2) That it is not feasible to cut off a portion of the building without destroying the entire building; or
(3) That the convenience, safety or improvement of the street or highway will be promoted thereby;

Provided, further, nothing herein contained shall be deemed to compel the City authority to condemn the underlying fee of the portion of any building or structure which lies outside the right of way of any existing or proposed public road, street or highway.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.

H. B. 348

CHAPTER 561

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES BY PLACING THEREIN A NEW DEFINITION OF RESIDENT.

The General Assembly of North Carolina do enact:

Section 1. G.S. 20-6 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by inserting therein between the definition of "Cancelled" and the definition of "Revocation", the following definition of "Resident":

"Resident - Any individual who resides within this State for other than a temporary or transitory purpose for more than six months shall be presumed to be a resident of this State; but absence from the State for more than six months shall raise no presumption that the individual is not a resident of the State."

Sec. 2. G.S. 20-38 (26) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by rewriting same to read as follows:

"Resident - Any individual who resides within this State for other than a temporary or transitory purpose for more than six months shall be presumed to be a resident of this State; but absence from the State for more than six months shall raise no presumption that the individual is not a resident of the State."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

H. B. 359

CHAPTER 562

AN ACT TO AMEND ARTICLE 1 OF CHAPTER 115A OF THE GENERAL STATUTES FOR THE PURPOSES OF DESCRIBING IN SOME PARTICULARITY THE PURPOSES OF COMMUNITY COLLEGES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 115A-1, as the same appears in Article 1 of Chapter 115A of the General Statutes, by adding at the end of said section the following:

"The major purpose of each and every institution operating under the provisions of this Chapter, shall be and shall continue to be the offering of vocational and technical education and training, and of basic, high school level, academic education needed in order to profit from vocational and technical education, for students who are high school graduates or who are beyond the compulsory age limit of the public school system and who have left the public schools."

Sec. 2. Amend G. S. 115A-2, as the same appears in Article 1 of Chapter 115A of the General Statutes, by striking out the word "may" wherever the same appears in said section and by inserting in lieu thereof the word "shall".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

H. B. 459

CHAPTER 563

AN ACT AMENDING G. S. 10-1 AND G. S. 147-1 RELATING TO NOTARIES PUBLIC AND FEES PAID BY NOTARIES PUBLIC, SO AS TO PROVIDE FOR TERMS OF FIVE YEARS INSTEAD OF TWO YEARS AND TO INCREASE THE FEES FROM $7.50 TO $10.00.

The General Assembly of North Carolina do enact:

Section 1. G.S. 10-1 as the same appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes is amended by striking the word "two" appearing in lines four and seven thereof and substituting in lieu thereof the word "five."

Sec. 2. G. S. 147-15.1 is amended by striking out in lines three and four the words and figures "seven dollars and fifty cents ($7.50)" and inserting in lieu thereof the words and figures "ten dollars ($10.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on September 1, 1969.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.
H. B. 553  

CHAPTER 564

AN ACT TO AUTHORIZE SETTLEMENT OF TAXES BY THE CITY OF WILMINGTON AND THE COUNTY OF NEW HANOVER ON PROPERTY OWNED BY THE WILMINGTON PONY LEAGUE, INC., WILMINGTON, NORTH CAROLINA.

WHEREAS, the Wilmington Pony League, Inc., of Wilmington, North Carolina, did on the 29th day of April, 1959, acquire real property in New Hanover County, and it owns and operates the real property acquired by it in the Sunset Park area referred to as Memorial Baseball Park; and

WHEREAS, the Wilmington Pony League, Inc. is using said property solely for a public purpose and in the public interest and providing services to the public, and in no sense using said property or any part thereof for business or private gain; and

WHEREAS, certain ad valorem taxes have been levied upon and are now chargeable against said property and constitute a lien thereon, and the accumulation of such taxes may interfere with the continued and future uses of the property for the aforesaid public purposes;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. That the Council of the City of Wilmington and the Commissioners of New Hanover County, separately and/or jointly, are hereby fully authorized and empowered to release and discharge all taxes which have been assessed against the property hereinbefore referred to, to cancel and discharge the same, and relieve and release the said lands and premises from the lien and obligation of said taxes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

H. B. 615  

CHAPTER 565

AN ACT AUTHORIZING THE POSITION OF TAX COLLECTOR, TAX SUPERVISOR AND TREASURER OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Alleghany County is authorized and empowered to establish the office of Tax Collector, Tax Supervisor and Treasurer of Alleghany County and to fill such office by appointment. The officer so appointed to fill the position of Tax Collector, Tax Supervisor and Treasurer shall serve at the will of the Board of Commissioners and shall have all the powers and obligations as are set out in the general law governing the powers and duties of such positions.

Sec. 2. The salary to be paid the person appointed as Tax Collector, Tax Supervisor and Treasurer of Alleghany County shall be fixed by the Board of Commissioners, in its discretion, in an amount not less than four thousand dollars ($4,000.00) per year and not exceeding five thousand five hundred dollars ($5,500.00) per year. The person so appointed to such position shall give such bond as shall be determined by the Board of Commissioners in its discretion.
CHAPTER 565  SESSION LAWS—1969

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on the first Monday in December, 1970.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

H. B. 655  CHAPTER 566

AN ACT TO AMEND G.S. 105-345 RELATING TO DISCOUNTS FOR PREPAYMENT OF TAXES AND PENALTIES FOR NONPAYMENT OF TAXES AS APPLIED TO CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 105-345 is amended by adding a new subsection to be designated as subsection (9) and to read as follows:

"(9) However, subsection (1), (2), and (6) hereof, shall not apply to taxes levied by Catawba County, and should any taxpayer of Catawba County make payment of his taxes within fifteen (15) days from the date the tax notice is mailed to the taxpayer or at any time prior thereto he shall be entitled to a discount of two percent (2%) provided, however, that such two percent (2%) discount shall not be allowed after the 31st day of October next after due and payable. For the purpose of determining the date when the tax notice is mailed to the taxpayer, the date which said notice is postmarked shall be the determining date. Should any taxpayer of Catawba County make payment of his taxes prior to January 1 next after the same are due and payable, he shall be entitled to a discount of one percent (1%).

"Taxes levied by Catawba County shall be payable at par or face value during the month of January next after same have become due and payable."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall apply only to Catawba County.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

H. B. 805  CHAPTER 567

AN ACT TO AMEND G. S. 143-138 TO ALLOW THE STATE BUILDING CODE TO REGULATE MEANS OF INGRESS IN BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 143-138 is amended by adding on line 14 after the word "buildings;" and before the word "regulations" the following: "requirements concerning means of ingress in buildings;".

Sec. 2. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

502
CHAPTER 568

AN ACT RELATING TO THE ISSUANCE OF BONDS BY CABARRUS COUNTY FOR SCHOOL PURPOSES AND RE-ENACTING AND AMENDING CHAPTER 602 OF THE SESSION LAWS OF 1963 LIMITING THE AMOUNT OF BONDS CABARRUS COUNTY IS AUTHORIZED TO ISSUE FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of Cabarrus is hereby authorized and empowered to pass a bond order or orders authorizing the issuance of bonds of said County for school purposes pursuant to the provisions of The County Finance Act (Article IX of Chapter 153 of the General Statutes of North Carolina) notwithstanding any limitation contained in Section 153-87 of The County Finance Act, or any limitation contained in any other provisions of law as to the maximum which may be issued, if it appears from the sworn statements filed pursuant to Section 153-83 of The County Finance Act that the net school indebtedness does not exceed eight percent (8%) of the assessed valuation of said County, unless the bonds to be issued are funding or refunding bonds, in which event such limitation shall not apply.

Sec. 2. Chapter 602 of the Session Laws of 1969 is hereby re-enacted and amended by renumbering Sections 2 and 3 as Sections 3 and 4, respectively, and inserting in said Chapter a new Section 2 to read as follows:

"Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said County."

Sec. 3. Chapter 137, Session Laws of 1969, and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

CHAPTER 569

AN ACT TRANSFERRING CERTAIN LANDS FROM THE FAIRMONT CITY ADMINISTRATIVE SCHOOL UNIT TO THE ROBESON COUNTY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 256 of the Public-Local Laws of 1939 is amended by transferring the following described area from the Fairmont Administrative School Unit to the Robeson County Administrative School Unit:

Beginning at the mouth of Horn Camp Swamp, where said swamp empties into Horse Swamp; thence following the run of Horn Camp Swamp eastward to where said swamp crosses rural secondary road 2470; thence running westward following the right-of-way of rural secondary road 2470 to a point where rural secondary road 2470 enters into rural secondary road 2469, just north of the Fairgrove Union School property; thence running directly westward for approximately 3/4 of a mile to Horse Swamp; thence following the run of Horse Swamp southward until said swamp joins the beginning point at the mouth of Horn Camp Swamp.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.
CHAPTER 569  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

S. B. 65  CHAPTER 570

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES SO AS TO PERMIT VOTING PRECINCTS TO INCLUDE VOTERS FROM ONE OR MORE TOWNSHIPS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-128 is amended by deleting it in its entirety and inserting in lieu thereof the following:

"G. S. 163-128. Election precincts and voting places established or altered. - Each County shall be divided into a convenient number of precincts for purpose of registration and voting, and there shall be at least one precinct encompassed within the territory of each township: Provided, however, that upon a resolution adopted by the County Board of Elections a precinct may encompass territory from more than one township. When such a resolution has been adopted by the County Board of Elections to assign voters from more than one township to the same precinct, then the County Board of Elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the township in which such voters reside.

The County Board of Elections may adopt the present election precincts and voting places, or by resolution it may establish new ones, but the precincts and voting places fixed in each county shall remain as they now are until altered.

The County Board of Elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts and voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, or discontinuing a precinct or voting place the County Board of Elections shall give twenty (20) days' notice thereof prior to the beginning of the registration period at which it is to take effect, by advertising in some newspaper having general circulation in the county or, in lieu thereof, at the courthouse door and at three other public places in the county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

S. B. 458  CHAPTER 571

AN ACT TO INCREASE THE SALARY OF CERTAIN ELECTED OFFICIALS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salary of the following elected officials of Rowan County shall be as follows:

Sheriff ................................................................. $9,650.00
Auditor ................................................................. $9,250.00
Clerk of Superior Court ............................................. $8,725.00
Judge of County Court ............................................. $9,200.00
Solicitor of County Court .......................................................... $8,000.00
Register of Deeds ........................................................................ $9,250.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 358, Session Laws of 1969.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.
In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

S. B. 470  
CHAPTER 572
AN ACT TO VALIDATE TAX LEVIES AND TAX SALES IN BERTIE COUNTY.
The General Assembly of North Carolina do enact:

Section 1. All acts and things done by or under the direction of the Board of Commissioners of Bertie County in listing property for taxes and in levying taxes for the years 1967 and 1968 are hereby in all respects ratified and validated.

Sec. 2. The advertisements and sales of lands for failure to pay taxes to Bertie County and all acts and things done by the Board of County Commissioners of Bertie County or by the Tax Collector of Bertie County relating to the advertisement and sales of lands for failure to pay taxes to Bertie County for the years 1966 and 1967 are hereby in all respects ratified and validated.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

S. B. 478  
CHAPTER 573
AN ACT TO AMEND CHAPTER 115, SESSION LAWS OF 1963, THE CHARTER OF THE CITY OF LUMBERTON, WITH REFERENCE TO LOCAL IMPROVEMENTS.
The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 115, Session Laws of 1963, is hereby amended by rewriting subsection (c) of Section 7 of Article XIII to read as follows:
"(c) Except as otherwise provided in subsection (d) the petition shall be signed by at least thirty-five per cent (35%) of the owners, which owners must own at least thirty-five per cent (35%) of the lineal feet of frontage of the lands abutting the street or streets or part of a street or streets proposed to be improved, excluding street intersections."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 22nd day of May, 1969.
H. B. 248

CHAPTER 574

AN ACT RELATING TO THE TERMS OF OFFICE OF MEMBERS OF THE
SCHOOL BOARD OF THE REIDSVILLE GRADED SCHOOL DISTRICT IN
ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subject to the provisions of Section 2 of this Act, Chapter II, Subchapter A, Section 2.02(a) of Chapter 831 of the Session Laws of 1961, is rewritten in its entirety as follows:

"(a) The school board shall consist of six (6) members who shall be elected in nonpartisan elections at large by and from the qualified voters of the Reidsville Graded School District for staggered terms of four (4) years each, three members to be elected at each biennial election to succeed those whose terms are expiring.

"At the election held in 1970, there shall be elected one member of the board for a term of two years and one member of the board for a term of four years. At the time of filing for the 1970 election, each candidate shall specify whether he is filing for a term of two years or four years and the ballots for the 1970 election shall be printed to indicate which term each candidate has filed for.

"At the 1972 election and biennially thereafter, there shall be elected three members of the board for terms of four (4) years each."

Sec. 2. The City Council of the City of Reidsville is hereby authorized and directed to submit this Act to a vote of the qualified voters of the Reidsville Graded School District at any regular or special municipal election, or at a special election called for that sole purpose, but not later than the regular municipal election to be held in 1971. The proposition shall be printed on the ballot in substantially the following form: ☑ FOR reducing the term of office of the School Board members from six to four years; ☐ AGAINST reducing the term of office of the School Board members from six to four years. If a majority of the ballots cast shall favor the proposition, this Act shall take effect according to its terms, but if a majority of the ballots cast shall be against the proposition, this Act shall be null and void.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.
H. B. 414

CHAPTER 575

AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, KNOWN AS THE EMPLOYMENT SECURITY LAW TO PROVIDE: TO MAKE GENERAL STATUTES 96-4(e) CONFORM TO GENERAL STATUTES 138-5 WITH RESPECT TO PER DIEM PAY FOR MEMBERS OF STATE BOARDS, ETC.; TO MODIFY LAW WITH RESPECT TO APPEALS FROM THE SUPERIOR COURT TO HIGHER COURTS TO CONFORM WITH THE JUDICIAL DEPARTMENT ACT OF 1965 (CHAPTER 7A OF THE GENERAL STATUTES); STATE TREASURER'S BOND TO COVER UNEMPLOYMENT INSURANCE FUND; TO CLARIFY CERTAIN PROVISIONS OF SAID CHAPTER BY DEFINING THE WORDS "WEEK," "AVERAGE WEEKLY INSURED WAGE," "VACATION WEEK," AND "PARTIALLY UNEMPLOYED WEEK"; TO MODIFY CONTRIBUTIONS RATE TABLES; TO CHANGE ELIGIBILITY REQUIREMENTS OF CLAIMANTS WITH RESPECT TO VOCATIONAL SCHOOL AND TRAINING PROGRAMS AND TO PROVIDE DISQUALIFICATIONS FOR FAILURE TO ACCEPT TRAINING WITHOUT GOOD CAUSE, AND FURTHER, TO PROVIDE DISQUALIFICATIONS FOR SEPARATION FROM SUCH TRAINING COURSES WITHOUT GOOD CAUSE OR MISCONDUCT, AND TO PROVIDE NO CHARGE TO THE ACCOUNT OF THE EMPLOYERS OF ANY BENEFITS PAID TO ANY CLAIMANT WHILE ATTENDING TRAINING PROGRAMS OR VOCATIONAL SCHOOLS; TO MODIFY BENEFIT TABLES; CERTAIN PRIVILEGED COMMUNICATIONS WITH RESPECT TO INFORMATION GIVEN BY CLAIMANTS, AND TO FURTHER CLARIFY CERTAIN PROVISIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. That Article 1, Chapter 96, Section 96-4 (e), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by striking out the last sentence in said paragraph and inserting the following:

"Each member of the State Advisory Council attending actual meetings of such council shall be paid the same amount per diem for his services as is provided for the members of other State boards, commissions and committees, who receive compensation for their services, including necessary time spent in traveling to and from his place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office, and his actual mileage and subsistence as allowed to State officials."

Sec. 2. That Article 1, Chapter 96, Section 96-4 (m), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by striking out the last sentence therein and inserting in lieu thereof the following:

"Either party may appeal to the appellate division from the judgment of the Superior Court under the same rules and regulations as are prescribed by law for appeals, except that if an appeal shall be taken on behalf of the Employment Security Commission of North Carolina it shall not be required to give any undertaking or make any deposit to secure the cost of such appeal and such court may advance the cause on its docket so as to give the same a speedy hearing."

Sec. 3. That Article 1, Chapter 96, Section 96-6 (b), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same
CHAPTER 575  SESSION LAWS—1969

is hereby amended by striking out the last two sentences thereof and inserting in lieu thereof the following:

"The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Unemployment Insurance Fund provided for under this Chapter. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the Unemployment Insurance Fund shall be deposited in said fund."

Sec. 4. That Article 2, Chapter 96, Section 96-8 (10) b, General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by adding after the word "than" in the third line and before the word "three" the following:

"the equivalent of"

Sec. 5. That Article 2, Chapter 96, Section 96-8 (14), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by striking out such subsection (14) and inserting in lieu thereof the following:

"(14) 'Week' means such period of seven consecutive calendar days as the Commission may by regulations prescribe."

Sec. 6. That Article 2, Chapter 96, Section 96-8, General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by adding thereto a new subdivision numbered (22) to read as follows:

"(22) Average weekly insured wage. 'Average Weekly Insured Wage' is the quotient obtained by dividing the total of the wages, as defined in Section 96-8 (12) and (13), reported by all insured employers by the monthly average in insured employment under this Chapter during the immediately preceding calendar year and further dividing the quotient obtained by 52 to obtain a weekly rate. (For this computation the data as released annually in the Employment Security Commission's publication 'North Carolina Insured Employment and Wage Payment' shall be used). The quotient thus obtained shall be deemed to be the average weekly wage for such year."

Sec. 7. That Article 2, Chapter 96, Section 96-9 (b) (3), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by striking out the entire subsection (3) and inserting in lieu thereof the following:

"(3a) The applicable schedule of rates for a calendar year prior to January 1, 1970, shall be determined by the fund ratio resulting when the total amount available for benefits in the unemployment insurance fund, as of the computation date, is divided by the total amount of the taxable payroll of all subject employers for the twelve month period ending June 30, preceding such computation date. Schedule A,B,C,D,E,F,G, or H appearing on the line opposite such fund ratio in the table below shall be applicable in determining and assigning each eligible employer's contribution rate for the calendar year immediately following the computation date:
FUND RATIO SCHEDULES

<table>
<thead>
<tr>
<th>When Fund Ratio is:</th>
<th>As Much As</th>
<th>But Less Than</th>
<th>Applicable Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4.5%</td>
<td>5.5%</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>5.5%</td>
<td>6.5%</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>6.5%</td>
<td>7.5%</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>7.5%</td>
<td>8.5%</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>8.5%</td>
<td>9.5%</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>9.5%</td>
<td>10.5%</td>
<td>G</td>
</tr>
<tr>
<td>10.5% and in excess thereof</td>
<td>H</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Variations from the standard rate of contributions shall be determined and assigned with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefor according to each such employer's credit reserve ratio, and each such employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, D, E, F, G, or H on the line opposite his credit reserve ratio as set forth in the Experience Rating Formula below:

**EXPERIENCE RATING FORMULA**

<table>
<thead>
<tr>
<th>When the Credit Reserve Ratio is:</th>
<th>As Much As</th>
<th>But Less Than</th>
<th>Schedules (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4%</td>
<td>2.7</td>
<td>2.7</td>
<td>A</td>
</tr>
<tr>
<td>1.6%</td>
<td>2.7</td>
<td>2.7</td>
<td>B</td>
</tr>
<tr>
<td>1.8%</td>
<td>2.7</td>
<td>2.7</td>
<td>C</td>
</tr>
<tr>
<td>2.0%</td>
<td>2.7</td>
<td>2.7</td>
<td>D</td>
</tr>
<tr>
<td>2.2%</td>
<td>2.7</td>
<td>2.7</td>
<td>E</td>
</tr>
<tr>
<td>2.4%</td>
<td>2.7</td>
<td>2.7</td>
<td>F</td>
</tr>
<tr>
<td>2.6%</td>
<td>2.7</td>
<td>2.7</td>
<td>G</td>
</tr>
<tr>
<td>2.8%</td>
<td>2.7</td>
<td>2.7</td>
<td>H</td>
</tr>
<tr>
<td>3.0%</td>
<td>2.7</td>
<td>2.7</td>
<td>A</td>
</tr>
<tr>
<td>3.2%</td>
<td>2.7</td>
<td>2.7</td>
<td>B</td>
</tr>
<tr>
<td>3.4%</td>
<td>2.7</td>
<td>2.7</td>
<td>C</td>
</tr>
<tr>
<td>3.6%</td>
<td>2.7</td>
<td>2.7</td>
<td>D</td>
</tr>
<tr>
<td>3.8%</td>
<td>2.7</td>
<td>2.7</td>
<td>E</td>
</tr>
<tr>
<td>4.0%</td>
<td>2.7</td>
<td>2.7</td>
<td>F</td>
</tr>
<tr>
<td>4.2%</td>
<td>2.7</td>
<td>2.7</td>
<td>G</td>
</tr>
<tr>
<td>4.4% and in excess thereof</td>
<td>2.7</td>
<td>2.7</td>
<td>H</td>
</tr>
</tbody>
</table>

*b. The foregoing rates shall be assigned to eligible employers with respect to insured taxable wages applicable to all periods prior to January 1, 1970, in accordance with the foregoing Fund Ratio Schedule and Experience Rating Formula.

c. The applicable schedule of rates for the calendar year 1970 and thereafter shall be determined by the fund ratio resulting when the total amount available for benefits in the unemployment insurance fund, as of the computation date, August 1, is divided by the total amount of the taxable payroll of all
subject employers for the twelve-month period ending June 30 preceding such computation date. Schedule A,B,C,D,E,F,G,H, or I appearing on the line opposite such fund ratio in the table below shall be applicable in determining and assigning each eligible employer's contribution rate for the calendar year immediately following the computation date:

**FUND RATIO SCHEDULES**

<table>
<thead>
<tr>
<th>When the Fund Ratio is:</th>
<th>Applicable Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>As Much As</td>
<td>But Less Than</td>
</tr>
<tr>
<td>—</td>
<td>3.5%</td>
</tr>
<tr>
<td>3.5%</td>
<td>4.5%</td>
</tr>
<tr>
<td>4.5%</td>
<td>5.5%</td>
</tr>
<tr>
<td>5.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>6.5%</td>
<td>7.5%</td>
</tr>
<tr>
<td>7.5%</td>
<td>8.5%</td>
</tr>
<tr>
<td>8.5%</td>
<td>9.5%</td>
</tr>
<tr>
<td>9.5%</td>
<td>10.5%</td>
</tr>
<tr>
<td>10.5% and in excess thereof</td>
<td>I</td>
</tr>
</tbody>
</table>

"Variations from the standard rate of contributions shall be determined and assigned with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefor according to each such employer's credit reserve ratio, and each such employer shall be assigned the contribution rate appearing in the applicable schedule A,B,C,D,E,F,G,H, or I on the line opposite his credit reserve ratio as set forth in the Experience Rating Formula below:

**EXPERIENCE RATING FORMULA**

<table>
<thead>
<tr>
<th>When the Credit Reserve Ratio is:</th>
<th>Rate Schedules (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>As Much As</td>
<td>But Less Than</td>
</tr>
<tr>
<td>—</td>
<td>1.4%</td>
</tr>
<tr>
<td>1.4%</td>
<td>1.6%</td>
</tr>
<tr>
<td>1.6%</td>
<td>1.8%</td>
</tr>
<tr>
<td>1.8%</td>
<td>2.0%</td>
</tr>
<tr>
<td>2.0%</td>
<td>2.2%</td>
</tr>
<tr>
<td>2.2%</td>
<td>2.4%</td>
</tr>
<tr>
<td>2.4%</td>
<td>2.6%</td>
</tr>
<tr>
<td>2.6%</td>
<td>2.8%</td>
</tr>
<tr>
<td>2.8%</td>
<td>3.0%</td>
</tr>
<tr>
<td>3.0%</td>
<td>3.2%</td>
</tr>
<tr>
<td>3.2%</td>
<td>3.4%</td>
</tr>
<tr>
<td>3.4%</td>
<td>3.6%</td>
</tr>
<tr>
<td>3.6%</td>
<td>3.8%</td>
</tr>
<tr>
<td>3.8%</td>
<td>4.0%</td>
</tr>
<tr>
<td>4.0%</td>
<td>4.2%</td>
</tr>
<tr>
<td>4.2%</td>
<td>4.4%</td>
</tr>
<tr>
<td>4.4% and in excess thereof</td>
<td>0.9</td>
</tr>
</tbody>
</table>
d. New rates shall be assigned to eligible employers effective January 1, 1970, and each January 1 thereafter in accordance with the foregoing Fund Ratio Schedule and Experience Rating Formula.

e. Each employer whose account as of any computation date occurring after August 1, 1964, shows a debit balance shall be assigned the rate of contributions appearing on the line opposite his debit ratio as set forth in the following Rate Schedule for Overdrawn Accounts:

**RATE SCHEDULE FOR OVERDRAWN ACCOUNTS BEGINNING WITH THE CALENDAR YEAR 1966**

<table>
<thead>
<tr>
<th>When the Debit Ratio is:</th>
<th>Assigned Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>As Much As But Less Than</td>
<td></td>
</tr>
<tr>
<td>0.0%</td>
<td>2.9%</td>
</tr>
<tr>
<td>0.3%</td>
<td>3.1%</td>
</tr>
<tr>
<td>0.6%</td>
<td>3.3%</td>
</tr>
<tr>
<td>0.9%</td>
<td>3.5%</td>
</tr>
<tr>
<td>1.2%</td>
<td>3.7%</td>
</tr>
<tr>
<td>1.5%</td>
<td>3.9%</td>
</tr>
<tr>
<td>1.8%</td>
<td>4.1%</td>
</tr>
<tr>
<td>2.1%</td>
<td>4.3%</td>
</tr>
<tr>
<td>2.4%</td>
<td>4.5%</td>
</tr>
<tr>
<td>2.7% and over</td>
<td>4.7%</td>
</tr>
</tbody>
</table>

f. The computation date for all contribution rates shall be August 1 of the calendar year preceding the calendar year with respect to which such rates are effective.

g. Any employer may at any time make a voluntary contribution, additional to the contributions required under this Chapter, to the fund to be credited to his account, and such voluntary contributions when made shall for all intents and purposes be deemed "contributions required" as said term is used in G. S. 96-8 (8). Any voluntary contributions so made by an employer within thirty days after the date of mailing by the Commission pursuant to G. S. 96-9 (c) (3) herein, of notification of contribution rate contained in cumulative account statement and computation of rate, shall be credited to his account as of the previous July 31. Provided, however, any voluntary contribution made as provided herein after July 31 of any year shall not be considered a part of the balance of the unemployment insurance fund for the purposes of G. S. 96-9 (b) (3) until the following July 31. The Commission in accepting a voluntary contribution shall not be bound by any condition stipulated in or made a part of such voluntary contribution by any employer.

h. If, within the calendar month in which the computation date occurs, the Commission finds that any employing unit has failed to file any report
required in connection therewith or has filed a report which the Commission finds incorrect or insufficient, the Commission shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to it at the time and shall notify the employing unit thereof by registered mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report, as the case may be, within fifteen days after the mailing of such notice, the Commission shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increases but not to reduction, on the basis of subsequently ascertained information."

Sec. 8. That Article 2, Chapter 96, Section 96-9 (c) (2), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by adding thereto a new subdivision (c) to read as follows:
"c. Any benefits paid to any claimant who is attending a vocational school or training program as provided in 96-13 (3) shall not be charged to the account of the base period employer(s)."

Sec. 9. That Article 2, Chapter 96, Section 96-12 (b), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out the entire subsection (b) and inserting in lieu thereof the following:
"(b)(1) Each eligible individual whose benefit year begins on and after the first day of July, 1965, and prior to the first day of August, 1969, and who is totally unemployed during any week as defined by General Statutes 96-8 (10) a, shall be paid benefits with respect to such week or weeks at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to employment, provided he has been paid qualifying wages in other than the high quarter of his base period in at least an amount equal to that appearing in Column III opposite his assigned weekly benefit amount which appears in Column II:

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
<th>Column III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages Paid During Base Period</td>
<td>Assigned Weekly Benefit Amount</td>
<td>Non-High Quarter Wages Required</td>
</tr>
<tr>
<td>Less than $550.00</td>
<td>$550.00</td>
<td>$110.00</td>
</tr>
<tr>
<td>As much as $550.00 but not more than $649.99</td>
<td>$649.99</td>
<td>$12.00</td>
</tr>
<tr>
<td>As much as $650.00 but not more than $749.99</td>
<td>$749.99</td>
<td>14.00</td>
</tr>
<tr>
<td>As much as $750.00 but not more than $949.99</td>
<td>$949.99</td>
<td>16.00</td>
</tr>
<tr>
<td>As much as $950.00 but not more than $1,149.99</td>
<td>$1,149.99</td>
<td>18.00</td>
</tr>
<tr>
<td>As much as $1,150.00 but not more than $1,349.99</td>
<td>$1,349.99</td>
<td>20.00</td>
</tr>
<tr>
<td>More than $1,349.99</td>
<td>Ineligible</td>
<td>23.00</td>
</tr>
</tbody>
</table>
As much as $1,350.00 but not more than

$1,549.99 .......................... $22.00  $270.00

As much as 1,550.00 but not more than

$1,749.99 .......................... 24.00  310.00

As much as 1,750.00 but not more than

$1,949.99 .......................... 26.00  350.00

As much as 1,950.00 but not more than

$2,149.99 .......................... 28.00  390.00

As much as 2,150.00 but not more than

$2,349.99 .......................... 30.00  430.00

As much as 2,350.00 but not more than

$2,599.99 .......................... 32.00  470.00

As much as 2,600.00 but not more than

$2,999.99 .......................... 34.00  520.00

As much as 3,000.00 but not more than

$3,399.99 .......................... 36.00  600.00

As much as 3,400.00 but not more than

$3,799.99 .......................... 38.00  680.00

As much as 3,800.00 but not more than

$4,199.99 .......................... 40.00  760.00

As much as 4,200.00 and over ................................ 42.00  840.00

*(2) Each eligible individual whose benefit year begins on and after the first day of August, 1969, and who is totally unemployed as defined by Section 96-8 (10a), shall be paid benefits with respect to such week or weeks at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to employment; provided he has been paid qualifying wages in other than the high quarter of his base period in at least an amount equal to that appearing in Column III opposite his assigned weekly benefit amount which appears in Column II:

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
<th>Column III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages Paid During Base Period:</td>
<td>Weekly Benefit Amount</td>
<td>Non-High Quarter Wages Required</td>
</tr>
<tr>
<td>As Much As</td>
<td>But Less Than</td>
<td>Ineligible</td>
</tr>
<tr>
<td>$ 550</td>
<td>$ 650</td>
<td>$12</td>
</tr>
<tr>
<td>650</td>
<td>750</td>
<td>14</td>
</tr>
<tr>
<td>750</td>
<td>850</td>
<td>16</td>
</tr>
<tr>
<td>850</td>
<td>950</td>
<td>18</td>
</tr>
<tr>
<td>950</td>
<td>1,050</td>
<td>20</td>
</tr>
<tr>
<td>1,050</td>
<td>1,150</td>
<td>22</td>
</tr>
<tr>
<td>1,150</td>
<td>1,300</td>
<td>24</td>
</tr>
<tr>
<td>1,300</td>
<td>1,450</td>
<td>26</td>
</tr>
<tr>
<td>1,450</td>
<td>1,600</td>
<td>28</td>
</tr>
<tr>
<td>1,600</td>
<td>1,800</td>
<td>30</td>
</tr>
<tr>
<td>1,800</td>
<td>2,000</td>
<td>32</td>
</tr>
<tr>
<td>2,000</td>
<td>2,200</td>
<td>34</td>
</tr>
<tr>
<td>2,200</td>
<td>2,500</td>
<td>36</td>
</tr>
</tbody>
</table>
"(3) Notwithstanding any of the foregoing provisions of this Section, beginning August 1, 1969, and at each August 1 thereafter, a maximum weekly benefit amount shall be computed. It is derived by multiplying the average weekly insured wage obtained in accordance with Section 96-8 (22) by fifty percentum (50%), rounded to the nearest multiple of two dollars. After determining the maximum weekly benefit amount available the Commission shall extend the benefit schedule, if required, by an appropriate modification of the pattern of base period wages required in Column I, the Assigned Weekly Benefit in Column II and Non-Higher Quarter Earnings Required in Column III. The new maximum rate determined in the aforesaid manner shall be effective only to each eligible individual whose benefit year begins on or after such August 1 of the year the computation is made.

"(4) Qualifying Wages for Exhaustees.—An individual who has exhausted his maximum benefit entitlement in his last previous benefit year who files a claim for benefits on or after July 1, 1961, shall not be entitled to benefits unless he has been paid qualifying wages required in Section 96-12 (b) (2) and since the beginning date of his last established previous benefit year and before the date upon which he files his new benefit claim has been paid wages equal to at least ten times the weekly benefit amount of the new benefit year claim. Such wages must have been earned with an employer subject to the provisions of this Chapter or some other state employment security law or in federal service as defined in Title XV of the Social Security Act."

Sec. 10. That Article 2, Chapter 96, Section 96-13 (3), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out the sentence on Line 26 which reads as follows:

"A week of unemployment due to a vacation as provided herein means any pay-roll week within which as much as sixty percent of the full time working hours consist of a vacation period."

and inserting the following:

"A week of unemployment due to a vacation as provided herein means any pay-roll week within which the equivalent of three customary full-time working days consist of a vacation period."

Sec. 11. That Article 2, Chapter 96, Section 96-13 (3), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out the period (.) following the last word in the last sentence of such subsection and adding thereto the following:

": Provided further, however, effective July 1, 1969, an unemployed individual who is attending a vocational school or training program which has been approved by the Commission for such individual shall be deemed available for work if such individual is not receiving a training allowance pursuant to the provisions of a Federal or State Law. The Commission may approve such training course for an individual only if: (a) Reasonable employment opportunities for

<table>
<thead>
<tr>
<th>Salary Range</th>
<th>$2,500</th>
<th>$2,800</th>
<th>$38</th>
<th>$750</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,800</td>
<td>3,100</td>
<td>40</td>
<td>840</td>
<td></td>
</tr>
<tr>
<td>$3,100</td>
<td>3,400</td>
<td>42</td>
<td>930</td>
<td></td>
</tr>
<tr>
<td>$3,400</td>
<td>3,800</td>
<td>44</td>
<td>1,020</td>
<td></td>
</tr>
<tr>
<td>$3,800</td>
<td>4,200</td>
<td>46</td>
<td>1,140</td>
<td></td>
</tr>
<tr>
<td>$4,200</td>
<td>4,600</td>
<td>48</td>
<td>1,260</td>
<td></td>
</tr>
<tr>
<td>$4,600 and over</td>
<td></td>
<td>50</td>
<td>1,380</td>
<td></td>
</tr>
</tbody>
</table>
which the individual is fitted by training and experience do not exist in the locality or are severely curtailed; (b) The training course relates to an occupation or skill for which there are expected to be reasonable opportunities for employment; and (c) The individual, within the judgment of the Commission, has the required qualifications and the aptitude to complete the course successfully.

Sec. 12. That Article 2, Chapter 96, Sections 96-14 (3), (4), (5), (6), and (7), General Statutes of North Carolina, as such appear in the 1965 Replacement Volume 2C be and the same are hereby amended by striking out said subsections (3), (4), (5), (6), and (7) and inserting in lieu thereof the following:

"(3)"For not less than four, nor more than twelve consecutive weeks of unemployment, which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits if it is determined by the Commission that such individual has failed without good cause (i) to apply for available suitable work when so directed by the employment office of the Commission; or (ii) to accept suitable work when offered him; or (iii) to return to his customary self-employment (if any) when so directed by the Commission; and the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

"In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

"Notwithstanding any other provisions of this Chapter, no work shall be deemed suitable and benefits shall not be denied under this Chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

"a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

"b. If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

"c. If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

"(4)"For not less than four nor more than twelve consecutive weeks of unemployment which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits if it is determined by the Commission that: (a) Such individual has failed without good cause to attend a vocational school or training program when so directed by the Commission; (b) Such individual has discontinued his training course without good cause; or (c) If the individual is separated from his training course or vocational school due to misconduct; and the maximum amount of benefits due said individual during his current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

Provided, however, that in any case where any week or weeks of disqualifica-
tion as provided in subdivisions (1), (2), (3), and (4) of this Section have not elapsed on account of the termination of an individual's benefit year, such remaining week or weeks of disqualification shall be applicable in the next benefit year at the then current benefit amount of such individual; provided such new benefit year is established by the individual within twelve months from the date of the ending of the preceding benefit year. When any individual who has been disqualified as provided in subdivisions (1), (2), (3), and (4) of this Section returns to employment or training before the disqualifying period has elapsed, the remaining week or weeks of disqualification shall be cancelled and no deduction based on such weeks shall be made from the maximum amount of benefits of such individual; provided such individual shows the fact of employment or training to the satisfaction of the Commission.

"(5) For any week with respect to which the Commission finds that his total or partial unemployment is caused by a labor dispute in active progress on or after July 1, 1961, at the factory, establishment, or other premises at which he is or was last employed or caused after such date by a labor dispute at another place, either within or without this State, which is owned or operated by the same employing unit which owns or operates the factory, establishment, or other premises at which he is or was last employed and which supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed. Provided, that an individual disqualified under the provisions of this subdivision shall continue to be disqualified thereunder after the labor dispute has ceased to be in active progress for such period of time as is reasonably necessary and required to physically resume operations in the method of operating in use at the plant, factory, or establishment of the employing unit.

"(6) If the Commission finds he is customarily self-employed and can reasonably return to self-employment.

"(7) For any week after June 30, 1939, with respect to which he shall have and assert any right to unemployment benefits under an employment security law of either the federal or a state government, other than the State of North Carolina.

"(8) For any week with respect to which he has received any sum from the employer pursuant to an order of the National Labor Relations Board or by private agreement, consent or arbitration for loss of pay by reason of discharge. When the amount so paid by the employer is in a lump sum and covers a period of more than one week, such amount shall be allocated to the weeks in the period on a pro rata basis; provided further that if the amount so prorated to a particular week is less than the benefits which would otherwise be due under this Chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits as provided under Section 96-12 of this Chapter.

Sec. 13. That Article 2, Chapter 96, Section 96-15 (i), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out the two sentences beginning on line 23 and ending on line 27, which read as follows:

"An appeal may be taken from the decision of the superior court as provided in civil cases. The Commission shall have the right of appeal to the Supreme Court from a decision or judgment of the superior court and for such purpose shall be deemed to be an aggrieved party."

and inserting in lieu thereof the following:

516
"An appeal may be taken from the judgment of the superior court, as provided in civil cases. The Commission shall have the right of appeal to the appellate division from a decision or judgment of the superior court and for such purpose shall be deemed to be an aggrieved party."

Sec. 14. That Article 2, Chapter 96, Section 96-15, General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by adding thereto a new subdivision lettered "(j)" to read as follows:

"(j) Information obtained by any employee of the Commission from an employer or the claimant with respect to a claim for benefits shall not be published or opened to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the claimant's identity or his rights to potential benefits or the amount of benefits paid except as provided below. Any individual, as well as any interested employer(s) may be supplied with information as to his potential benefit rights from such claim records. Any claimant at a hearing before a Claims Deputy or an Appeals Tribunal or the Commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claims. All reports, statements, information, and communications of every character with respect to a claim for benefits so made or given to the Commission, its deputies, agents, examiners and employees, whether same be written, oral or in the form of testimony at any hearing, or whether obtained by the Commission from the claimant or the employer or the employer's books and records, shall be absolute privileged communications in any civil or criminal proceedings except proceedings involving the administration of this Chapter: Provided, nothing herein contained shall operate to relieve any claimant or employing unit from disclosing any information required by this Chapter or as prescribed by the Commission involving the administration of this Chapter. Any employee or member of the Commission who violates any provision of this Section shall be fined not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00), or imprisoned for not longer than ninety days, or both."

Sec. 15. That Article 2, Chapter 96, Section 96-8 (17), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out said subsection (17) and inserting in lieu thereof the following:

"(17) a. As to claims filed on or after July 1, 1965 and prior to August 1, 1969, by individuals who do not have benefit years in progress, 'benefit year' with respect to any such individual means the one-year period beginning with the first day of the first week with respect to which the individual first registers for work and files a valid claim for benefits. A valid claim shall be deemed to have been filed if such individual, at the time the claim is filed, is unemployed and has been paid wages in his base period amounting to at least the minimum qualifying wages as set forth in the applicable table in General Statutes 96-12 and, in addition, must have been paid wages in other than the high quarter of his base period equal to at least twenty per cent (20%) of the minimum required base period earnings for his assigned weekly benefit amount as shown in the applicable table in General Statutes 96-12. When such individual has in his last established benefit year exhausted his maximum benefit entitlement,
CHAPTER 575

SESSION LAWS—1969

he must also have met the provisions of General Statutes 96-12 (b) (4). After the termination of such benefit year, the next benefit year shall be the next one-year period beginning with the first day of the first week with respect to which such individual registers for work and files a valid claim.

"b. As to claims filed on and after August 1, 1969, by individuals who do not have benefit years in progress, 'benefit year' with respect to any such individual means the one-year period beginning with the first day of the first week with respect to which the individual first registers for work and files a valid claim for benefits. A valid claim shall be deemed to have been filed if such individual, at the time the claim is filed, is unemployed and has been paid wages in his base period amounting to at least the minimum qualifying wages as set forth in the applicable table in General Statutes 96-12 and, in addition, must have been paid wages in other than the high quarter of his base period equal to at least thirty per cent (30%) of the minimum required base period earnings for his assigned weekly benefit amount as shown in the applicable table in General Statutes 96-12. When such individual has in his last established benefit year exhausted his maximum benefit entitlement, he must also have met the provisions of General Statutes 96-12 (b) (4). After the termination of such benefit year, the next benefit year shall be the next one-year period beginning with the first day of the first week with respect to which such individual registers for work and files a valid claim."

Sec. 16. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 17. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

H. B. 488

CHAPTER 576

AN ACT TO REMOVE THE LOCAL MODIFICATION TO G. S. 163-69 AS APPLICABLE TO WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 1/2 of the Chapter 1116 of the Session Laws of 1967, ratified the 16th day of June, 1965, is amended by striking out the word "Wake" in line 3 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.

H. B. 508

CHAPTER 577

AN ACT TO IDENTIFY AND PROTECT HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT NORTH CAROLINA BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 121 of the General Statutes of North Carolina is amended by inserting immediately after the present Section 121-7 and immediately before Section 121-8, a new section to be designated as Section 121-7.1, and reading as follows:
"Sec. 121-7.1. Designation of privately owned buildings as worthy of preservation. (a) In order to identify and designate privately owned buildings worthy of preservation, and in order to provide protection to the people of the State from the danger of loss or damage to significant privately owned buildings consistent with the rights of the owners thereof, the Department of Archives and History is authorized to establish a registry of historically or architecturally significant structures which have been determined by the Historic Sites Advisory Committee to possess such significant historic or architectural value as to deserve preservation. Said registry shall be known as the "State Register of Historically Significant Buildings." The individual structure will be known as a "Registered Building."

(b) The Department is further authorized to enter into a voluntary agreement with owners of Registered Buildings under the terms of which the Department of Archives and History shall permanently attach a seal to the buildings sought to be preserved, which seal shall incorporate the seal of the Department adopted in accordance with G. S. 121-21) and the following legend:

This structure is registered as an historically or architecturally significant building. It may not be altered, moved, or destroyed under penalty of law until sixty days after written notice is received at the North Carolina Department of Archives and History."

In the event the owner agrees as aforesaid to the placing of the seal on the building, he shall enter into an agreement, satisfactory in form to the Attorney General, encumbering the realty upon which the registered building is situate in the form of a covenant running with the land, the substance of which covenant shall be that the building may not be altered, moved, or destroyed until after sixty days written notice of intent is received at the North Carolina Department of Archives and History, but that after the expiration of said sixty days, the encumbrance shall become void and the owner of the registered building or his successors shall be remitted to such estate as he or his predecessor in title had prior to entering into the covenant. Such encumbrance shall be recorded as provided by law.

At any time prior to the expiration of sixty days after receipt of notice of intent to alter, move, or destroy a registered building the Director of the Department of Archives and History shall be empowered to bring an action to enjoin any substantial structural alteration, move, or destruction of a registered building or any threat thereof until sixty days after receipt of the aforesaid notice, and at the end of said sixty day period, the injunction shall be dissolved upon motion of the party enjoined.

Any person who shall intentionally alter, move, destroy, or otherwise damage a registered building upon which the above described seal is displayed without prior written approval of the Department of Archives and History shall be guilty of a misdemeanor.

Sec. 2. All laws and clauses of laws in conflict to this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 22nd day of May, 1969.
CHAPTER 578  

H. B. 639  

CHAPTER 578  

AN ACT TO IMPROVE AND PROVIDE PUBLIC SCHOOLS OF A HIGHER STANDARD FOR THE RESIDENTS OF WARRENTON IN WARREN COUNTY, TO ESTABLISH THE WARRENTON CITY ADMINISTRATIVE UNIT, TO PROVIDE FOR THE ADMINISTRATION OF THE PUBLIC SCHOOLS IN SAID ADMINISTRATIVE UNIT, TO LEVY A SPECIAL TAX FOR THE PUBLIC SCHOOLS OF SAID ADMINISTRATIVE UNIT, ALL OF WHICH SHALL BE SUBJECT TO THE APPROVAL OF THE VOTERS IN A REFERENDUM OR SPECIAL ELECTION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby classified and established a public school administrative unit to be known and designated as the Warrenton City Administrative Unit which shall consist of the territory or area lying and being within the boundaries or corporate limits of the Town of Warrenton in Warren County, and the boundaries of said Warrenton City Administrative Unit shall be coterminous with the present corporate limits or boundaries of the Town of Warrenton. The governing board of said Warrenton City Administrative Unit shall be known and designated as the Warrenton City Board of Education, and said Warrenton City Board of Education (hereinafter referred to as: Board) shall have and exercise all of the powers, duties, privileges and authority granted and applicable to city administrative units and city boards of education as set forth in Chapter 115 of the General Statutes, as amended.

Sec. 2. The Board shall consist of five (5) members appointed by the governing authority of the Town of Warrenton, and said five (5) members shall hold office until the next regular municipal election of the Town of Warrenton to be held in May, 1971. At the regular election for Mayor and Commissioners of the Town of Warrenton to be held in May, 1971, there shall be elected five (5) members of the Board, and three (3) persons so elected who receive the highest number of votes shall hold office for four (4) years and the two (2) persons elected who receive the next highest number of votes shall hold office for two (2) years, and thereafter all members of the Board so elected, as successors, shall hold office for four (4) years. All members of the Board shall hold their offices until their successors are elected and qualified. All members of the Board shall be eligible to hold public office as required by the Constitution and laws of the State.

Sec. 3. All members of the Board shall be elected by the qualified voters of the Town of Warrenton and said election shall be held and conducted by the governing authority of the Town of Warrenton and by its election officials and pursuant to the same laws, rules and regulations as are applicable to the election of the municipal officials of the Town of Warrenton, and the results shall be certified in the same manner. The election of members of the Board shall be held at the same time and place as applicable to the election of the Mayor and Board of Commissioners of the Town of Warrenton and in accordance with the expiration of terms and office of members of the Board. The members of the Board so elected shall be inducted into office on the first Monday following the date of election, and the expense of the election of the members of the Board shall be paid by the Board.

Sec. 4. At the first meeting of the Board appointed as above set forth and of a new Board elected as herein provided, the Board shall organize by electing one (1) of its members as chairman for a period of one (1) year, or until his successor is elected and qualified. The chairman shall preside at the meetings of the Board,
and in the event of his absence or sickness, the Board may appoint one (1) of its members as temporary chairman. The Warrenton City Superintendent of Schools shall be ex officio secretary to his Board and shall keep the minutes of the Board but shall have no vote. If there exists a vacancy in the office of Superintendent, then the Board may appoint one (1) of its members to serve temporarily as secretary to the Board. All vacancies in the membership of the Board by death, resignation, removal, change of residence or otherwise shall be filled by appointment by the governing authority of the Town of Warrenton of a person to serve for the unexpired term and until the next regular election for members of the Board when a successor shall be elected.

Sec. 5. All public school property, both real and personal, and all buildings, facilities, and equipment used for public school purposes, located within the corporate limits of Warrenton and within the boundaries set forth in Section 1 of this Act, and all records, books, monies budgeted for said facilities, accounts, papers, documents and property of any description, shall become the property of Warrenton City Administrative Unit or the Board; all real estate belonging to the public schools located within the above-described boundaries is hereby granted, made over to, and automatically by force of this Act conveyed to the Board from the county public school authorities. The Board of Education of Warren County is authorized and directed to execute any and all deeds, bills of sale, assignments or other documents that may be necessary to completely vest title to all such property in the Board.

Sec. 6. Subject to the approval of the voters residing within the boundaries set forth in Section 1 of this Act, or within the corporate limits of the Town of Warrenton, as hereinafter provided, the governing authority of the Town of Warrenton, in addition to all other taxes, is authorized and directed to levy annually a supplemental tax not less than fifty cents (50¢) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in said Town of Warrenton. The amount or rate of said tax shall be determined by the Board and said tax shall be collected by the Tax Collector of the Town of Warrenton and paid to the Treasurer of the Board. The Board may use the proceeds of the Tax so collected to supplement any object or item in the school budget as fixed by law or to supplement any object or item in the Current Expense Fund or Capital Outlay Fund as fixed by law.

Sec. 7. Within ten (10) days from the date of the ratification of this Act, it shall be the duty of the governing authority of the Town of Warrenton to call a referendum or special election upon the question of whether or not said Warrenton City Administrative Unit and its administrative board shall be established and whether or not the special tax herein provided shall be levied and collected for the purposes herein provided. The notice of this special election shall be published once a week for two (2) successive weeks in some newspaper published in the Town of Warrenton or having a general circulation in the Town of Warrenton. The notice shall contain a brief statement of the purpose of the special election, the area in which it shall be held, and that a vote by a majority of those voting in favor of this Act will establish the Warrenton City Administrative Unit and its Administrative Board as herein set forth, and that an annual tax not less than fifty cents (50¢) on the assessed valuation of real and personal property, according to each one hundred dollars ($100.00) valuation, the rate to be fixed by the Board, will be levied as a supplemental tax in the Town of Warrenton, for the purpose of supplementing any lawful public school budgetary item. A new registration of voters shall not be required and in all respects the laws and regulations under which the munici-
pal elections of the Town of Warrenton are held shall apply to said special election. The governing authority of the Town of Warrenton shall have the authority to enact reasonable rules and regulations for the necessary election books, records and other documents for such special election and to fix the necessary details of said special election.

Sec. 8. In said referendum or special election, a ballot in form substantially as follows shall be used:

VOTE FOR ONE:

☐ FOR creating and establishing Warrenton City Administrative Unit with Administrative Board to operate public schools of said unit and for supplemental tax not less than fifty cents (50¢) on the assessed valuation of real and personal property according to each one hundred dollars ($100.00) valuation for objects of school budget.

☐ AGAINST creating the establishing Warrenton City Administrative Unit with Administrative Board to operate public schools of said unit and against supplemental tax not less than fifty cents (50¢) on the assessed valuation of real and personal property according to each one hundred dollars ($100.00) valuation for objects of school budget.

If a majority of the qualified voters voting at such referendum or special election vote in favor of establishing Warrenton City Administrative Unit, for creation of administrative Board to operate public schools of said unit and for special supplemental tax as herein set forth, then this Act shall become effective and operative as to all its provisions upon the date said special election results are canvassed and the result judicially determined, otherwise to be null and void. The expense of said referendum or special election shall be paid by the governing authority of the Town of Warrenton, but if said unit and Board are established, then said Town of Warrenton shall be reimbursed by the Board for said expense as soon as possible.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect according to its provisions from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 689

CHAPTER 579

AN ACT TO AMEND CHAPTER 79 OF THE SESSION LAWS OF 1965 TO CHANGE THE CORPORATE BOUNDARIES OF THE TOWN OF AYDEN.

The General Assembly of North Carolina do enact:

Section 1. Section 2.1 of the Charter of the Town of Ayden as enacted by Chapter 79 of the Session Laws of 1965 and subsequently amended, is hereby amended so that the total corporate boundaries of the Town of Ayden shall be as follows:

Beginning at a point 150 feet East of the eastern property line of East College Street and 150 feet North of the northern property line of Second Street; thence easterly, along a line 150 feet North of the northern property line of Second Street and parallel thereto 212 feet more or less to a corner in Mrs. J. F. Dixon's line; thence South 01 degrees 45 minutes West 600 feet more or less to the southern property line of Third Street; thence in an easterly direction with the southern property line of Third Street 40 feet to a corner in the eastern property

522
line of New Road (Edge Road); thence with the eastern property line of said New Road (Edge Road) in a southerly direction 1,210 feet more or less to the northern property line of Bonnie B. Basden property; thence with Bonnie B. Basden's northern property line in a westerly direction 801 feet more or less to a canal; thence with said canal in a northwesterly direction to the northeast corner of Mrs. Bertha I. Hardee property and the northwest corner of the development of the Sunrise Park as shown on Map of W. B. Duke in April, 1961; thence in a westerly direction with the southern property line of Sunrise Park Subdivision (Map Book 1, Page 109) to a corner 150 feet east of the eastern property line of Blount Street; thence in a southerly direction and 150 feet East of the eastern property line of Blount Street to the eastern property line of Bonnie B. Basden; thence in a southeasterly direction with Bonnie B. Basden's eastern property line to Bonnie B. Basden's southeastern corner, also the corner of the Hardee and the Town of Ayden Cemetery division line; thence with the Town of Ayden and Hardee division line in an eastern direction to a corner; thence continuing with their line in a southerly direction 300 feet to another corner; thence continuing with their line in a westerly direction 200 feet, more or less, to the Town of Ayden Cemetery property and the Bertha I. Hardee property corner; thence in a southerly direction with the eastern property line of the Town of Ayden property 345 feet, more or less to the Southeast corner of the Town of Ayden property and the southwest corner of the Bonnie B. Basden property in the northern property line of Roosevelt Street; thence with the northern property line of Roosevelt Street in a westerly direction 340 feet more or less, to the extension of the western line of Lot 14, Block B of Washington Heights Subdivision (Map Book 3, Page 204); thence with the western line extended of Lots 8 through 14, Block B to the southwest corner of Lot 8, Block B in the northern property line of Turnage Street; thence across Turnage Street in a southerly direction to the northwest corner of Lot 1, Block C of said Washington Heights Subdivision; thence continuing with the western lines of the said Washington Heights Subdivision in a southerly direction 425 feet, more or less, to the southern line of the Cannon-Tyson Subdivision (Map Book 1, Page 77); thence in a northwesterly direction with the southern line of said Cannon-Tyson Subdivision 340 feet, more or less to the southwest corner of Lot 23 of said Subdivision, said point being on the eastern line of Lot 25 in said Subdivision; thence in a southerly direction along the eastern property line of said Lot 25, 20 feet more or less to the southeast corner of said Lot 25, said point being the northeast corner of Lot 34 in said Subdivision; thence in a southwesterly direction with the northern property line of Lots 34, 33, and 32, 540 feet, more or less, to a point, said point being 150 feet East of eastern property line of East Avenue; thence in a southerly direction and 150 feet East of the eastern property line of East Avenue (Gum Swamp Road) to a point, said point being 150 feet East of the intersection of the northern property line extended of the Doris C. Gooding property with the eastern property line of East Avenue; thence in a westerly direction with Doris C. Gooding's northern property line extended 500 feet, more or less, to the Western right-of-way line of the Seaboard Coast Line Railroad; thence South 14 degrees - 38 minutes West 2600 feet, more or less, to a corner between Kenneth Branch and Celia Garris; thence North 63 degrees - 37 minutes West 1950 feet, more or less, to the southeast corner of the Ayden Building and Supply Company Incorporated lot; thence along the southern line of said Ayden Building and Supply Company in a westerly direction 300 feet, more or
less, to the eastern property line of North Carolina Highway number 11; thence with the eastern property line of North Carolina Highway number 11 in a northerly direction 1550 feet, more or less, to a point where a line 150 feet South of the southern property line of Jackson Street and parallel thereto intersects the eastern property line of North Carolina Highway number 11; thence in a westerly direction with said line 150 feet south of the southern property line of Jackson Street, 550 feet, more or less, to a point 150 feet West of the western property line of Joyner Street; thence in a northerly direction with said line 150 feet West of the western property line of Joyner Street 100 feet, more or less, to Robert Johnson's southern property line; thence in a westerly direction with Robert Johnson's southern property line 1350 feet, more or less, to the corner of Robert Johnson and W. B. Jones; thence with Robert Johnson and W. B. Jones line in a southerly direction 150 feet, more or less, to the corner of Robert Johnson and E. F. Dennis; thence with the Robert Johnson and E. F. Dennis Line in a northwesterly direction 400 feet, more or less, to a corner of said line; thence continuing in a northerly direction with Robert Johnson and E. F. Dennis line 600 feet, more or less, to a point 150 feet South of the southern property line of Snow Hill Road; thence in a westerly direction 150 feet from the southern property line of Snow Hill Road and parallel thereto 100 feet, more or less to a point 150 feet South of the intersection of the southern line of Snow Hill Road with a line 150 feet West of and parallel to the western property line of Juanita Street; thence northerly 150 feet to a point in the southern property line of Snow Hill Road, said point being said intersection of the southern property line of Snow Hill Road and a line 150 feet West of and parallel to the western line of Juanita Street; thence westerly with the southern property line of Snow Hill Road 1700 feet, more or less, to the eastern property line of North Carolina By-Pass Highway number 11; thence with the eastern property line of North Carolina By-Pass Highway number 11 in a northerly direction 3350 feet, more or less, to the northern property line of Third Street; thence with the northern property line of Third Street, in an easterly direction, 550 feet, more or less to the eastern property line of County Road number 1120; thence with the eastern property line of County Road number 1120 in a northerly direction 1000 feet, more or less, to the southern property line of Second Street; thence with the southern property line of Second Street in an easterly direction 1300 feet, more or less to a point where the W. E. Gibson and Claude Dennis property line extended intersects the southern property line of Second Street; thence North 61 degrees - 45 minutes West 200 feet, more or less, to the corner of the W. E. Gibson and Claude Dennis property; thence with the W. E. Gibson and Claude Dennis property line in an easterly direction 500 feet, more or less, to the western property line of Juanita Street (County Road number 1122); thence with the western and northern property line of Juanita Street (County Road number 1122) in a northerly and easterly direction 1800 feet, more or less, to the eastern property line of the Stroud, Edwards, and Talton property; thence in a southerly direction with the Stroud, Edwards, and Talton eastern property line 700 feet, more or less, to a point in Mrs. Agnes E. Moore's northern property line; then in an easterly direction with Mrs. Agnes E. Moore's northern property line 100 feet, more or less, to the northeast corner of Mrs. Agnes E. Moore; thence in a southerly direction with Mrs. Agnes E. Moore's eastern property line 50 feet, more or less, to the northwest corner of the Venters property; thence in an easterly direction 1150 feet, more or less, with Venters northern
property line to the A.W. Ange Heirs southwest property corner; thence in a northerly direction 650 feet, more or less, with the A. W. Ange Heirs western property line to the northern property line of County Road number 1122, thence in an easterly direction with the northern property line of County Road number 1122 to the corner of Jasper Harrington and Vonnie Ruth Hart; thence with the line of Jasper Harrington and Vonnie Ruth Hart, in a northwesterly direction 1040 feet, more or less, to a corner; thence in a northerly direction 670 feet, more or less, to a monument, said monument being the northwest corner of the Free Will Baptist Press lot; thence south 74 degrees - 18 minutes East 1241.12 feet with the Free Will Baptist Press northern line extended to a monument in the western right of way line of the Seaboard Coast Line Railroad; thence with the western line of said right of way South 06 degrees - 23 minutes West 980 feet, more or less, to the northern property line of County Road number 1122, thence in an easterly direction with the northern property line of County Road number 1122, 1350 feet, more or less, to the eastern property line extended of East College Street; thence with the eastern property line of East College Street in a southerly direction 2650 feet, more or less, to where the eastern extension of the southern property line of J. D. Cannon intersects the eastern property line of East College Street; thence in an easterly direction with the eastern extension of the southern property line of J. D. Cannon 150 feet to a corner in the property of Mrs. Lucy Worthington; thence southerly along a line 150 feet East of the eastern property line of East College Street and parallel thereto, 600 feet, more or less, to the point of Beginning.

Sec. 2. Section 2.1 of Chapter 79 of the Session Laws of 1965 is hereby repealed and Section 1 as enacted by Chapter 51 of the Session Laws of 1967 are hereby repealed and all other laws and clauses of laws in conflict with provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 718

CHAPTER 580

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BATTLEBORO.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Battleboro, as established by Chapter 99 of the Private Laws of 1872 and Chapter 68 of the Private Laws of 1873-74, are hereby increased and extended to include the following described territory:

Beginning at a point at the southwest corner of the present corporate limits at a stake in Cathrine Frazier land; then east 726.3 feet to center line of northbound track of S.C.L. Railroad; then down center line of northbound track S 24 degrees-13 minutes W 1561.0 feet; then N 45 degrees-37 minutes W 659.2 feet to a point on north edge of Odom's canal; then along Odom's canal N 6 degrees-10 minutes W 147.2 feet; then N 18 degrees-26 minutes W 118.2 feet; then N 47 degrees-18 minutes W 79.5 feet; then N 35 degrees-48 minutes W 126.3 feet; then N 53 degrees-29 minutes W 168.4 feet; then N 31 degrees-51 minutes W 144.4 feet; then N 52 degrees-42 minutes W 172.7 feet; then N 12 degrees-55 minutes W, 331.5 feet to center of east end of culvert at 301 Hwy.;
then along culvert N 64 degrees-09 minutes W, 123.3 feet on west side of 301 Hwy.; then N 0 degrees-34 minutes E, 1776.5 to iron stake the southwest corner of J.M. Smith property; then N 21 degrees-18 minutes E, 749.5 feet to center line at State Road #1522; then N 21 degrees-18 minutes E, 632.9 feet to stake in field in W.V.isher Estate, thence N 89 degrees-40 minutes E, 1686.4 feet to center of Hwy. 301; then along center of Hwy. 301, S 11 degrees-39 minutes W, 100.0 feet; then S 16 degrees-24 minutes W, 100.0 feet; then S 21 degrees-09 minutes W, 100.0 feet; then S 25 degrees-29 minutes W, 100.0 feet; then S 27 degrees-19 minutes W, 175.0 feet to the present corporate limits; then west 1046 feet to the northwest corner of the present corporate limits; then south 2640 feet to point of beginning, containing 218 acres more or less.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 747

CHAPTER 581

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF CHERRYVILLE AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Cherryville is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF CHERRYVILLE

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The City of Cherryville, as originally incorporated by Chapter 101 of the Private Laws of 1832-33, shall continue to be a body politic and corporate under the name of the 'City of Cherryville', and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; and may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Cherryville shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate."
Section 1.4. Form of Government: Certain General Laws Not Applicable. The form of government of the City of Cherryville shall be the Council-Manager form, as specified in this Charter. None of the provisions of Part 4 of Article 22 of Chapter 160 of the General Statutes shall be applicable to the City of Cherryville.

ARTICLE II. CORPORATE BOUNDARIES AND WARDS

Section 2.1. Existing Corporate Boundaries. The Corporate boundaries of the City of Cherryville shall be as follows until changed in accordance with law:

BEGINNING at a concrete marker, common corner of Luther Sisk and Carolina Subdivision (C. G. Beam) and runs thence the following calls and distances: S 63 deg. 04 min. E 280.0 feet; N 34 deg. E 377.0 feet; N 82 deg. 50 min. E 512.0 feet; N 64 deg. 20 min. E 559.0 feet crossing Tot Dellinger Road; S 8 deg. E 347.0 feet to a point in the northern margin of Roy Eaker Road; thence with the northern margin of Roy Eaker Road N 54 deg. E 350.0 feet to a stake; thence continuing with the northern margin of Roy Eaker Road N 50 deg. 55 min. E 947.0 feet to a stake; thence crossing Roy Eaker Road S 65 deg. E 3,086.0 feet to an old iron stake; thence crossing Highway # 150 S 27 deg. 54 min. W 811.0 feet to an iron pin in the center of the Seaboard Airline Railway track; thence with the center of said track S 70 deg. W 84.0 feet to an iron pin; thence S 9 deg. 43 min. E 230.0 feet to a point in the center of N. C. Highway # 277; thence with the center of said highway N 70 deg. E 8.7 feet; thence S 25 deg. E 230.0 feet; thence the following calls and distances: S 70 deg. W 1,340.0 feet; S 9 deg. 30 min. E 595.0 feet; N 85 deg. 30 min. W 250.0 feet; S 3 deg. W 271.0 feet; S 14 deg. E 937.0 feet; N 73 deg. 45 min. W 294.0 feet; S 3 deg. 30 min. W 576.0 feet; N 86 deg. 30 min. W 530.0 feet; N 74 deg. 50 min. W 143.0 feet; S 3 deg. 25 min. W 199.0 feet; S 2 deg. 15 min. E 1,372.0 feet; N 74 deg. W 152.0 feet; N 37 deg. W 850.0 feet; S 78 deg. 45 min. W 683.0 feet; S 38 deg. 44 min. E 589.0 feet; N 86 deg. 45 min. W 622.0 feet; S 3 deg. 02 min. W 900.0 feet, more or less, to an iron stake in Beaver Dam Creek; thence with Beaver Dam Creek the following calls and distances: N 66 deg. 56 min. W 263.0 feet; N 84 deg. 35 min. W 200.0 feet; S 84 deg. 30 min. W 476.0 feet to an iron stake in the point of intersection of the center of Beaver Dam Creek with a small branch; thence with said branch in a generally northwestern direction 935.0 feet, more or less, to an iron stake in the old corporate limits line; thence with the old corporate limits line S 26 deg. 15 min. W 2,118.0 feet crossing Highway # 274 to an iron stake; thence the following calls and distances: N 70 deg. 45 min. W 1,228.0 feet; S 77 deg. 35 min. W 322.0 feet; N 40 deg. W 150.0 feet; N 15 deg. 30 min. W 24.2 feet; S 60 deg. 10 min. W 124.0 feet; S 25 deg. 30 min. E 190.0 feet; S 38 deg. 23 min. W 1,800.0 feet; N 83 deg. W 1,364.0 feet crossing Old Post Road to an iron stake; thence the following calls and distances: N 5 deg. 15 min. E 660.0 feet; S 86 deg. 45 min. W 476.0 feet; N 85 deg. W 515.0 feet; N 3 deg. 55 min. E 28.0 feet; N 84 deg. 35 min. W 1,461.0 feet; N 1 deg. 30 min. E 204.6 feet; S 85 deg. 30 min. W 720.5 feet; S 77 deg. W 2,008.0 feet to an old corner with Harry Carroll, control corner; thence N 10 deg. W 1,452.0 feet to an iron pin in the center of the Seaboard Airline Railway track; thence with the center of said track in a generally eastern direction 1,250.0 feet to an iron pin; thence N 20 deg. 12. min. W 466.0 feet to a point in the center of the pavement of N. C. Highway # 150; thence with the center of said highway in a generally eastern direction 516.0 feet to a point in the center of said highway; thence S 16 deg. 15 min. E 218.4 feet; N 72 deg. 01 min. E 200.0 feet;
CHAPTER 581  SESSION LAWS—1969

S 10 deg. 58 min. E 465.2 feet to an iron pin in the center of the Seaboard Airline Railway track; thence with the center of said track in a generally eastern direction 2,400.0 feet, more or less, to an iron pin; thence crossing N. C. Highway #150 N 27 deg. 09 min. W 1,750.0 feet to an iron stake; thence the following calls and distances: N 55 deg. E 206.0 feet; N 69 deg. 30 min. E 1,693.0 feet; thence N 19 deg. 09 min. E 522.0 feet, crossing Delview Road to an iron stake; thence the following calls and distances: N 27 deg. 39 min. E 1,138.0 feet; S 82 deg. W 723.0 feet; due N 285.0 feet; N 84 deg. E 207.0 feet; N 6 deg. 30 min. W 247.0 feet; N 84 deg. 45 min. E 417.0 feet; N 6 deg. 30 min. W 625.0 feet; N 1 deg. E 196.0 feet; N 42 deg. E 249.0 feet to a point in N. C. Highway #274; thence with said highway the following calls and distances: N 45 deg. 45 min. W 100.0 feet; N 43 deg. W 100.0 feet; N 40 deg. W 340.0 feet; thence leaving said highway S 81 deg. 30 min. E 600.0 feet; N 2 deg. 30 min. E 600.0 feet; S 86 deg. 24 min. E 307.0 feet; N 4 deg. 15 min. W 508.0 feet; S 76 deg. 50 min. E 675.0 feet; S 85 deg. 45 min. E 722.0 feet; N 13 deg. 10 min. E 1,036.0 feet; thence S 80 deg. 15 min. E 632.0 feet crossing Requa Road to an iron stake; thence the following calls and distances: S 8 deg. W 240.0 feet; S 74 deg. 47 min. E 170.0 feet; N 18 deg. 39 min. E 943.0 feet; N 4 deg. 30 min. E 256.0 feet; S 86 deg. 30 min. E 374.0 feet to an iron stake in the center of a small branch; thence with said branch in a generally southern direction 1,552.0 feet to an iron stake, corner of W. T. Robinson; thence N 75 deg. W 801.0 feet; N 82 deg. W 313.0 feet; N 74 deg. 47 min. W 165.0 feet; S 8 deg. W 1,090.0 feet; N 87 deg. 50 min. E 142.0 feet; S 5 deg. W 265.0 feet; S 85 deg. E 2,284.0 feet; and S 4 deg. 43 min. W 150.0 feet to the Beginning, containing 1,841.0 acres, or less.

Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

Section 2.3. Ward Boundaries. The City shall be divided into four wards, bounded as follows:

First Ward: First Ward shall be comprised of the territory within that section of the City which lies on the south side of the Seaboard Air Line Railway track and on the east side of Mountain Street.

Second Ward: Second Ward shall be comprised of the territory within that section of the City which lies on the south side of the Seaboard Air Line Railway track and on the west side of Mountain Street.

Third Ward: Third Ward shall be comprised of the territory within that section of the City which lies on the north side of the Seaboard Air Line Railway Track and on the west side of Mountain Street.

Fourth Ward: Fourth Ward shall be comprised of the territory within that section of the City which lies on the north side of the Seaboard Air Line Railway track and on the east side of Mountain Street.

Section 2.4. Alteration of Ward Boundaries. In addition to the power granted by G. S. 160-2(11), the City Council shall have the power at any time to adjust or alter the boundaries of the several wards for the purpose of maintaining substantial equality of population among the wards. In the event any member of the City Council shall become domiciled in a different ward as a result of adjustment or alteration of ward boundaries, he shall continue as a member from the ward which he was elected to represent until the expiration of the term for which he was elected. In the event any member of the City Council shall move out of the limits of the
ward from which he was elected, his office shall then become vacant and the same shall be filled as provided herein.

ARTICLE III. MAYOR AND CITY COUNCIL

Section 3.1. Composition of City Council. The City Council shall consist of four members, one from each ward, to be elected by and from the qualified voters of the City voting at large in the manner provided in Article IV.

Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the City voting at large in the manner provided in Article IV. The Mayor shall be the official head of the City government and shall preside at all meetings of the City Council. The Mayor shall not have the power to vote on questions coming before the Council except in case of a tie. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

Section 3.3. Terms; Qualifications; Vacancies. (a) The members of the City Council shall serve for terms of four years, and the Mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the City Council or to serve in such capacity, unless he is a resident and a qualified voter of the City, having resided within the City and in the ward from which he is elected for a period of twelve (12) months next preceding his election.

(c) In the event a vacancy occurs in the office of Mayor, the Council shall by majority vote appoint some qualified person to fill the same until the next election. Any vacancy in the office of Councilman shall be filled by majority vote of the remaining members of the Council until the next election.

Section 3.4. Organization of Council; Oaths of Office. The City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, ___________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ___________, on which I am about to enter, according to my best skill and ability, so help me, God."

Section 3.5. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.
(b) All meetings of the Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

Section 3.6. Quorum; Votes. (a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Three affirmative votes shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Section 3.7. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Cherryville". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE

Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held on Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the City voting at large a Mayor to serve for a term of two years and two Councilmen to serve for terms of four years, or until their successors are elected and qualified; provided, however, that if one or more vacancies shall have occurred during the first two years of a term, then a Councilman shall be elected to fill the remaining two years of such term or terms.

Section 4.2. Voting. Each voter shall be entitled to vote for one candidate for Mayor and for as many candidates for Councilman as there are offices to be filled. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected. The two candidates for Councilman who receive the largest number of votes cast for Councilman shall be declared elected for terms of four years. If, by reason one or more vacancies to be filled at any election, more than two Councilmen are elected, then all those elected except the two receiving the largest numbers of votes shall be declared elected for terms of two years.

Section 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Councilman shall file with the City Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty (60) days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee in an amount determined by the City Council, and shall be substantially in the following form: 'I, ________________, do hereby give notice that I am a candidate for election to the office of ________________, to be voted on at the election to be held on ________________, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the City of Cherryville, residing at ________________.

Witness: ________________ (Signature) ________________ (Date)

Section 4.4. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.
Section 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with the General Laws of North Carolina relating to municipal elections, except as otherwise herein provided.

ARTICLE V. CITY MANAGER

Section 5.1. Appointment: Compensation. The City Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer of the City and the head of the administrative branch of the City government. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the City, but shall reside therein during his tenure of office. No person elected as Mayor or as a member of the City Council shall be eligible for appointment as City Manager until one year shall have elapsed following the expiration of the term for which he was elected. The City Manager shall serve at the pleasure of the Council and shall receive such salary as the Council shall fix. In case of absence or disability of the City Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such absence or disability.

Section 5.2. Chief Administrator. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the City. As chief administrator, the City Manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the City, except the City Attorney, who shall be appointed as provided in Article VI. Neither the Mayor nor the City Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Mayor and the City Council and its members shall deal with officers and employees in the administrative service only through the City Manager, and neither the Mayor nor the City Council nor any of its members shall give orders or directions to any subordinate of the City Manager, either publicly or privately.

Section 5.3. Duties of City Manager. It shall be the duty of the City Manager to supervise the administration of the affairs of the City; to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the City Council concerning the affairs of the City as he shall deem expedient; to keep the City Council advised of the financial condition and the future financial needs of the City; to attend all meetings of the City Council and to prepare and submit to it such reports as he may deem expedient or as may be required of him by the Council, and to perform all other duties as may be required of him by the City Council.

ARTICLE VI. CITY ATTORNEY

Section 6.1. Appointment; Qualifications; Term; Compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the Council and shall receive such compensation as the Council shall determine.

Section 6.2. Duties of City Attorney: It shall be duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, City Council, City Manager, and other City officials with respect to the affairs of the City;
to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the City Council, and to perform such other duties as may be required of him by virtue of his position as City Attorney.

ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Section 7.1. City Clerk. The City Manager may appoint a City Clerk to keep a journal of the proceedings of the City Council and to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City Manager may direct.

Section 7.2. City Treasurer. The City Manager may appoint a City Treasurer who shall be the custodian of all moneys of the City and shall keep and preserve the same in such place or places as shall be determined by the City Council. He shall countersign all vouchers issued by the City Accountant and shall pay out money only on such vouchers. In addition, he shall perform all other duties as may be prescribed by law or assigned to him by the City Manager.

Section 7.3. City Tax Collector. The City Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the City, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Section 7.4. City Accountant. The City Manager may appoint a City Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Section 7.5. Consolidation of Functions. The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, City Treasurer, City Tax Collector, and City Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The City Manager may also, with the approval of the City Council, himself perform all or any part of the functions of any of the named officers, in lieu of appointment other persons to perform the same.

ARTICLE VIII. FINANCE AND TAXATION

Section 8.1. Custody of City Money. All moneys received by the City for or in connection with the business of the City government shall be paid promptly into the City depository. Such institution shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Section 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the City government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the City or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the City Council.
ARTICLE IX. DISPOSAL OF PROPERTY

Section 9.1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the Mayor and City Council shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the Council has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars ($2,000.00); or at public auction, if so determined by the City Council.

(b) without bids or advertisement, by exchange for real property of like or greater market value.

(c) no sale or exchange of real property authorized by this Section shall be ordered by the Mayor and City Council unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the City a notice of their intention to consider such sale or exchange.

9.2. Disposal of Surplus Personal Property. The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the Council has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less; or at public auction, if so determined by the City Council;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Council may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Council; or at public auction, if so determined by the City Council;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Council; or at public auction, if so determined by the City Council.

ARTICLE X. POLICE

Section 10.1. Jurisdiction Extended.

(a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all City owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Section 10.2. Service of Process. Every police officer of the City shall have power to execute, anywhere within Gaston County, any writ, precept, or process, either civil or criminal, which shall be directed to him or to the Chief of Police by any court of the State.
Section 10.3. *Residence.* No person shall be eligible to be a candidate for employment as a police officer, or to continue as such, unless he is a resident of the City or unless he agrees to become a resident of the City upon his employment.

Section 10.4. *Effect of Ordinance on City Property.* All applicable ordinances of the City shall have full force and effect upon and within all property and facilities owned by the City, whether located within or outside the corporate limits.

**ARTICLE XI. REGULATORY POWERS**

Section 11.1. *Subdivision Regulations.* Notwithstanding the provisions of G. S. 160-227.1, the City Council is hereby authorized to adopt an ordinance regulating the subdivision of land in accordance with the provisions of G. S. 160-226 through 160-227, inclusive. Such ordinance may also provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing, and guttering; and street and storm drainage facilities in accordance with City standards and specifications and to assure compliance with such requirement, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

Section 11.2. *Regulatory Codes.* The City Council is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the City regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200(28) relating to unsafe buildings. In addition, the City Council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the City; provided, that the City Council may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

**ARTICLE XII. CLAIMS AGAINST THE CITY**

Section 12.1. *Presentation of Claims; Suit Upon Claims.*

(a) All claims or demands against the City of Cherryville arising in tort or in contract shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any public purpose, or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next of friend, shall have given notice in writing to
the City Council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity.

Section 12.2. Settlement of Claims by City Manager. The City Manager may with the approval of the City Council, settle claims against the City for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this Section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements, and all such releases, shall be approved in advance by the City Attorney."

Sec. 2. The purpose of this Act is to revise the Charter of the City of Cherryville and to consolidate herein certain acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the City of Cherryville;

(b) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. (a) The following acts or portions of acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed: Private Laws of 1881, Ch. 26; 1889, Ch. 214; 1913,Ch. 210; 1915, Ch. 155-156; 1921, Ch. 135; 1923, Ch. 38.

(b) The following acts, which have been superseded by full application of the Judicial Department Act of 1965 to the County of Gaston, are hereby repealed:
CHAPTER 581  

Private Laws of 1951, Ch. 660; 1923, Ch. 105; 1925, Ch. 27; 1913, Ch. 210; 1915, Ch. 9.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provisions of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revised by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Cherryville, and all existing rules or regulations of departments or agencies of the City of Cherryville, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Cherryville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 799  

CHAPTER 582  

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE THE PROPERTY COMPRISING THE FAYETTEVILLE MUNICIPAL AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the City of Fayetteville, as established by Section 1 of Chapter 80 of the Public-Local Laws of 1941 and as extended from time to time pursuant to law, are hereby further extended to include the area comprising the Fayetteville Municipal Airport, being a tract of land containing 946.19 acres in Pearce's Mill and Rockfish townships, Cumberland County, North Carolina, adjoining the lands of F. R. Keith, M. D. Bennett, L. E. Lee, West-Hankins Realty, W. Z. Gibson, J. M. Wilson, Sr., C. B. Watson, E. G. Brisson and others, and more particularly described as follows:
Beginning at F. R. Keith’s SW corner of the property described in DB 489-229 running thence with his southern line N 75-25E-3,630.0' to a stake on the NE corner of a 112.5 acre tract acquired by the airport from T. W. Rankin. thence with the Rankin eastern line S 07-25W-1,449.4' to a concrete monument on the northern line of a 119.8 acre tract acquired from H. J. Pate, thence with said line N 75-25E-1,202.2' to Pate’s NE corner, thence S 09-20W-1,187.6' to his SE corner, thence with his southern line S 75-25W-3,199.1' to a concrete monument on the NE corner of a 39-acre tract acquired from T. I. Hall; thence around said tract S 11-45E-1,371.4' to a stake, thence S 52-30E-1,008.5' to a stake near the northern margin of the Doc Bennett Road, thence S 78-15W-2,309' to a concrete monument, thence N 11-45W-1,939.1' to a concrete monument, thence N 16-15E-135.3' to a concrete monument T. I. Hall’s NW corner on Floyd Young’s line; thence around the the various tracts acquired from Floyd Young’s estate S 57-25W-680' to a stake, thence N 39-30W-202.6' to a stake, thence N 50-30E-795.17' to a stake, thence N 16-10W-201.96' to a stake, thence S 50-30W-876.07' to a stake, thence N 39-30W-170.28' to a stake, thence N 50-30E-949.58' to a stake, thence N 16-10W-529.04' to an iron pin on Young’s NE corner, thence with his northern line S 84-25W-558.52' to a concrete monument, thence S 39-30E-244.86' to a concrete monument, thence S 50-30W-694.48' to a concrete monument on Young’s western line, thence with said line S 39-30E-154.04' to a concrete monument, M.D. Bennett’s corner; said corner being the easternmost point of a 18.84 acre tract acquired from Lena B. Corbin; thence with the Corbin line S 71-38W-911.31' to a stake near the western margin of the Doc Bennett Road, said stake being the NE corner of a 13- acre tract acquired from L. E. Smith; thence with the Smith eastern line S 22-37W-1,305.22' to a stake, thence N 58-51W-552.28' to a concrete monument, thence S 21-33W-492.12' to a concrete monument in Sandy Run Creek, a common corner between L. E. Smith, L. E. Lee and the 24.62 acre tract acquired by the airport from West-Hankins Realty; thence S 83-15W-126.15' to a stake in L. E. Lee’s line; thence with said line which is 200 feet West of the center line of the main airport runway and runs parallel to it S 31-09W-1,255.37' to a concrete monument, thence N 58-51W-400' to a concrete monument, thence a line which is 200 feet East of and parallel with the center line of said runway N 31-09E-943.97' to a concrete monument, thence S 83-15W-2.33' to a concrete monument; thence N 31-13E-576.81' to a concrete monument in Davidson Drive in Lake Lynn Subdivision, Plat 21-45, thence N 14-11E-150.48' to a stake, the NE corner of Lot 16, Block D, said subdivision; thence N 12-06E-140' to a corner of Lot 14, thence N 55-25W-147.84' to the NE corner of Lot 3, thence N 28-58E-64.95' to a stake on the eastern margin of Tulane Drive, thence across said street N 66-49W-60.14' to a concrete monument on the SE corner of Lot 16, Block E; thence N 32-33W-205.78' to a stake, thence N 23-10E-547.33' to the NE corner of Lot 12, thence S 51-08E-29.35' to the NW corner of Lot 11, thence N 58-51E-171.86' to the western margin of Auburn Drive, thence with said margin N31-04W-46.36' to a concrete monument, thence across said street and along the northern line of Lot 6, Block K, N 58-51E-139.57' to a stake, thence N 39-41E-127.43' to a stake, thence N 31-09W-317.2' to the SW corner of Lot 1, thence with the southern line of Lot 1 and continuing across and beyond Doc Bennett Road N 51-34E-380.26' to a stake, thence N 31-09E-380.45' to a stake, thence N 44-20W-1,016.32', thence N 02-53W-318.97' to a stake, thence N 16-15E-55.32' to a concrete monument on the eastern
CHAPTER 582  SESSION LAWS—1969

margin of Doc Bennett Road, thence N 08-35W-2,686.2' to a stake near the intersection of said road and the Airport Road, thence N 76-15E-30' to a point on the center line of Airport Road, thence with said line S 58-10E-200' to the bend of said road, thence S 54-E-872' to W. Z. Gibson's corner in said road, thence with Gibson's eastern line N 35-55E-200' to a concrete monument, thence S 81-14 E-1,692.81' to J. M. Wilson's corner, thence N 31-09E-3,216.62' to a stake on Wilson's Lot No. 1, thence with said lot line N 87-58E-198.1' to his corner in Mt. Haven Road, thence with said road N 6-48W-274.2' to a corner, thence N 21-39W-234.44' to an iron stake; thence N 73-29E-616.7' to the SW corner of Lot 3, Mt. Haven subdivision, thence N 16-31W-200' to the margin of a 20 foot road, thence with said margin N 73-29E-305.1' to the East line of a 2.7 acre tract acquired from E. G. Brisson, thence with said line N 26-16W-231.7' to the NW corner of said 2.7 acre tract, thence N 26-38E-283.1' to a corner of a 14.56 acre tract acquired from R. B. Minges, thence N 36-13E-625' to a stake, thence N 66-29E-321.7' to a concrete monument, thence N 18-36E-50.2' to a concrete monument near a ditch, thence along the bank of said ditch S 58-51E-1,358.6' to a concrete monument on the NE corner of the 33.62 acre tract acquired from E. G. Brisson, thence S 39-41W-842.65' to an iron stake, thence S 31-09W-773.1' to a point in the middle of a pond, thence N 77-01E-246.45' to a concrete monument on Brisson's line, thence S 13-09E-276.5' to a concrete monument on F. R. Keith's line, thence with said line S 75-32W-237.67' to a stake, thence S 31-09W-1,662.61' to a stake, thence S 15-43E-123.84' to an iron stake, thence S 73-46W-133.02' to a stake, thence S 31-09W-2,099.82' to F. R. Keith's original western line, thence with said line S 07-25W-839.68' to the beginning.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 829  CHAPTER 583

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS OF Sampson County.

The General Assembly of North Carolina do enact:

Section 1. The compensation of the Chairman of the Board of County Commissioners of Sampson County is hereby increased from one hundred-fifty dollars ($150.00) per month to two hundred dollars ($200.00) per month, and the compensation of each other member of the Board of County Commissioners of Sampson County is hereby increased from seventy-five dollars ($75.00) per month to one hundred dollars ($100.00) per month.

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Sampson County to fix their own compensation as provided by G. S. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

538
AN ACT CONCERNING THE OATH OF MEMBERS OF THE STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS, THE DATE OF THE ANNUAL MEETING OF THE BOARD AND TO PROVIDE FOR APPRENTICESHIP IN FUNERAL DIRECTING.

The General Assembly of North Carolina do enact:

Section 1. G.S. 90-205 and its caption are rewritten to read as follows:

Oath of members. The Board shall furnish each person elected to serve on the Board a certificate of appointment, except the president of the State Board of Health. The persons elected to the Board shall qualify by taking and subscribing to the usual oath of office, to perform faithfully their duties, before some person authorized to administer oaths, on the day of the annual meeting of the Board, which oath shall be filed with the Board.

Sec. 2. G.S. 90-207 is amended by striking from line three the word "July" and by substituting in lieu thereof the word "January."

Sec. 3. G.S. 90-210.10 is amended by inserting the following in line eight, after the semicolon following the word "discretion:"

"has completed a minimum of twelve months of service as an apprentice under the supervision of a licensed and practicing funeral director, who shall make affidavit that the applicant for a license has had such experience under him;"

"Sec. 3a. G.S. 90-210.10 is further amended by adding the following sentence, following the period in line 10.

"Provided, however, in computing the apprenticeship service required by this Section the Board shall give full credit for time served in other jurisdictions, either as an apprentice funeral director or as a licensed and practicing funeral director, if in the opinion of the Board such apprenticeship or practice is equivalent to the funeral directors apprenticeship otherwise required by this Article."

Sec. 4. G.S. Chapter 90, Article 13 is amended by adding a new section, to be designated as G.S. 90-210.13a, to provide as follows:

G.S. 90-210.13a. Apprentices (a) Each apprentice in funeral directing, upon commencing his apprenticeship as a funeral director, shall register as an apprentice with the secretary and pay such fee as may be fixed by the Board. He shall notify the Board immediately upon completion of his apprenticeship and as evidence thereof submit to the Board a sworn affidavit to that effect, signed by the licensed funeral director under whom such apprenticeship was served or in case of his death, arbitrary refusal, or incapacity, then by some reputable person having knowledge of the facts.

(b) Whenever any person applying for a license under this Article as a funeral director has served the whole or any part of the apprenticeship of practical experience required by this Article, and his apprenticeship has been interrupted by service in any branch of the armed services of the United States, then in all such cases, the applicant shall be given credit for the time served in such apprenticeship as fully in all respects as if such service in the armed forces had not caused an interruption in the period of practical experience required under this Section."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

539
CHAPTER 585  

AN ACT TO AMEND CHAPTER 185 OF THE PRIVATE LAWS OF 1929, RELATING TO THE TOWN OF VANCEBORO, TO INCREASE FROM $7 TO $15 PER DAY THE SALARIES OF ELECTION OFFICIALS, TO REMOVE THE RESIDENCE REQUIREMENT FOR POLICEMEN, AND TO INCREASE FROM $200 TO $2,000 THE VALUE OF CONTRACTS REQUIRED TO BE LET UPON RECEIPT OF PUBLIC BIDS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 185 of the Private Laws of 1929 is hereby amended as follows:

(a) by rewriting the last sentence of Section 10, as amended by Section 1 of Chapter 722 of the Session Laws of 1957, to read as follows: “The Registrar and poll holders shall receive fifteen dollars ($15.00) per day for the time they are engaged in registering voters and holding elections and hearing challenges or such other sum as the Board of Commissioners may fix in accordance with G. S. 160-9”.

(b) by rewriting Section 33 to read as follows: “Sec. 33. That the Board of Commissioners may appoint a chief of police and such policemen as they may deem proper and necessary, not to exceed eight in number, and the said chief of police so appointed shall give a bond with approved sureties in a penal sum to be fixed by the Board, payable to the Town of Vanceboro, conditioned that he will diligently perform all duties imposed upon him by virtue of his office and faithfully pay the Treasurer of said Town all sums of money collected or recovered by him for the use of the Town. The said officers shall hold office for two years subject to removal by the Board of Commissioners at any time for a cause.”;

(c) by rewriting Section 51 thereof to read as follows: “Sec. 51. All work to be done for the Town wherein the total amount for material and labor exceeds the sum of two thousand dollars ($2,000.00) shall be let out on contract to the lowest bidder, after advertising for not less than ten days in a newspaper published in Craven County, or notices published in four public places in the Town. That no work or contract shall be subdivided so as to defeat the operation of this section.”

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 856  

CHAPTER 586  

AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF WOODLAND

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Woodland, as established by Chapter 136 of the Private Laws of 1883 and Chapter 595 of the Session Laws of 1945, are hereby extended and redefined to read as follows:

Beginning at the center line intersection of Main St. and Linden St. thence the centerline of Linden St. N 32° 54W-1235', N31-45W-1405' to the point of
beginning of aforesaid mentioned corporate limit line. Thence leaving center line of said Linden St. and along the newly proposed corporate line as follows: N62-44'E 2640.0 to a concrete monument S32-16'E-5280' to a concrete monument, S62-44W-3791.4 to the center line of Spruce St., S69-00W-1759.7 to a concrete monument in the line of Talon, Inc.; thence continuing along Talon, Inc.: S22-32'E 85.7 to a corner sweet gum, S71-13W-442.9'; S67- 28W-208.0' to a fence corner, N22-32'W-802.3 to Talon, Inc., corner fence post; thence N21-02W-757.2' to a concrete mon. S57-44W-384.0 to a concrete monument, S63-11W-963.4 to a concrete mon. N26-49W-900.0' to a concrete mon., N63-11E-876.8 to a concrete mon., N32'-16W-2657.0' to a concrete mon., N62-44'E-3627.0 to centerline of Linden St. the point of beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 884

CHAPTER 587

AN ACT TO INCORPORATE THE VILLAGE OF COFIELD IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following provisions of law shall constitute the Charter of the Village of Cofield in Hertford County:

"THE CHARTER OF THE VILLAGE OF COFIELD"

"ARTICLE I. INCORPORATION AND CORPORATE POWERS"

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Village of Cofield', and shall be vested with all property which may be acquired by the Village, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Village, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Village Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Village of Cofield shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate."
"ARTICLE II. CORPORATE BOUNDARIES

Section 2.1. Corporate Boundaries. The corporate boundaries of the Village of Cofield, until changed in accordance with law, extend outward one mile in all directions from the intersection of Secondary Road # 1403 and North Carolina Highway # 45, said boundary being circular in shape with the center of said circle being the intersection of said secondary road and said highway.

"ARTICLE III. MAYOR AND VILLAGE COUNCIL

Section 3.1. Temporary Officers. Until the initial election provided for by Section 4.1 of this Charter, James P. Boone is hereby appointed Mayor, and Jimmy B. Hoggard, Delaware Burke, Cecil Combo, Mrs. Jimmy L. Combo, and Mrs. Nellie G. Melton are hereby appointed Councilmen of the Village of Cofield, and they shall possess and may exercise the powers granted to the Mayor and Village Council until their successors are elected and qualify pursuant to this Charter.

Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Village voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Village government and shall preside at all meetings of the Village Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Village. The Village Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

Section 3.3. Composition of Village Council. The Village Council shall consist of five (5) members to be elected by and from the qualified voters of the Village voting at large in the manner provided by Article IV.

Section 3.4. Terms; Qualifications; Vacancies. (a) Except for the initial terms of office hereinabove specified, the Mayor and the members of the Village Council shall serve for terms of two (2) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Village Council, or to serve in such capacity, unless he is a resident and a qualified voter of the Village.

(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Village Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Village Council may establish and from time to time change the salaries of its members.
"Section 3.6. Organization of Council; Oaths of Office. The Village Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: 'I, ____________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of ____________, on which I am about to enter, according to my best skill and ability; so held me, God.'

"Section 3.7. Meetings of Council. (a) The Village Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Councilmen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Village Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Section 3.8. Quorum; Votes. (a) A majority of the members elected to the Village Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) The affirmative vote of a majority of the members of the Village Council shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: 'Be it ordained by the Village Council of the Village of Cofield'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

*ARTICLE IV. ELECTION PROCEDURE*

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971. In the regular election in 1971 and biennially thereafter, there shall be elected a Mayor and five (5) Councilmen for a term of two years.

"Section 4.2. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Councilman shall file with the Village Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of three dollars ($3.00), shall be signed in the presence of the Village Clerk, and shall be substantially in the following form: 'I, ____________, do hereby give notice that I am a candidate for election to the office of ____________, Village of Cofield, to be voted on at the election to be held on ____________, and I hereby request that my name be placed on the official ballot for such office. I certify that
CHAPTER 587  SESSION LAWS—1969

I am a resident and qualified voter of the Village of Cofield, residing at

(Signature)

(Date)

"Section 4.3. Regulation of Elections. All municipal elections shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. VILLAGE ATTORNEY

"Section 5.1. Appointment; Qualifications; Term; Compensation. The Village Council shall appoint a Village Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Village during his tenure. The Village Attorney shall serve at the pleasure of the Village Council and shall receive such compensation as the Council shall determine.

"Section 5.2. Duties of Village Attorney. It shall be the duty of the Village Attorney to prosecute and defend suits for and against the Village; to advise the Mayor, Village Council, and other Village officials with respect to the affairs of the Village; to draw all legal documents relating to the affairs of the Village; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Village may be concerned; to attend all meetings of the Village Council; and to perform such other duties as may be required of him by virtue of his position as Village Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 6.1. Village Clerk. The Village Council shall appoint a Village Clerk to keep a journal of the proceedings of the Council and to maintain in a safe place all records and documents pertaining to the affairs of the Village, and to perform such other duties as may be required by law or as the Council may direct.

"Section 6.2. Village Tax Collector. The Village Council may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Village, subject to the provisions of this Charter and the ordinances of the Village, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 6.3. Village Accountant. The Village Council may appoint a Village Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Section 6.4. Consolidation of Functions. The Village Council may, in its discretion, consolidate the functions of any two or more of the positions of Village Clerk, Village Tax Collector, and Village Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Council may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.5. Other Employees. The Village Council may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the Village's affairs, and may, in its discretion, appoint a person to supervise all Village departments and may delegate to such person the power of appointment and removal of department heads and employees, other than the Village Attorney.
"ARTICLE VII. FINANCE

Section 7.1. Custody of Village Money. All moneys received by the Village for or in connection with the business of the Village government shall be paid promptly into the Village depository. Such institution shall be designated by the Village Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Village shall accrue to the benefit of the Village. All moneys belonging to the Village shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Section 7.2. Issuance of Bonds. The Village may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

Section 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Village government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Village or of any of its officers. The Village Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Village, and may be published if so ordered by the Village Council.

Section 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Village for the fiscal year 1969-70 and subsequent years. The Village may obtain from Hertford County, and the Hertford County Tax Supervisor shall provide upon request a record of property within the corporate limits which was listed for taxation as of January 1, 1969.

"ARTICLE VIII. CLAIMS AGAINST THE VILLAGE

Section 8.1. Tort Claims. All claims or demands against the Village arising in tort shall be presented to the Village Council in writing, signed by the claimant or his attorney or agent, within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim or demand is so presented within ninety (90) days, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.
H. B. 891

CHAPTER 588

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ST. PAULS, TO AUTHORIZE THE GOVERNING BODY TO APPOINT A TOWN MANAGER.

The General Assembly of North Carolina do enact:

Section 1. Section 31 of Chapter 411, Session Laws of 1957, is hereby amended by adding at the end thereof the following:

"In lieu of appointing a Town Clerk, the Board of Commissioners is hereby authorized, in its discretion and by resolution duly adopted, to appoint a Town Manager as provided in G.S. 160-348. The Town Manager shall have the same powers and duties conferred upon city managers in G.S. 160-349 through G.S. 160-351, and he shall perform such other administrative functions as may be imposed upon him by the Board of Commissioners."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

H. B. 913

CHAPTER 589

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY BY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cherokee County shall be composed of three members who shall be elected for a term of four years, and shall be elected from districts as hereinafter provided.

Sec. 2. For the purposes of nominating and electing members of the County Board of Commissioners, the county is hereby divided into three districts, to be numbered and designated as follows: District No. 1 shall be composed of Topton, Andrews N. Ward, Andrews S. Ward and Marble; District No. 2 shall be composed of Murphy N. Ward, Murphy S. Ward, Hanging Dog, Ogreta and Grape Creek; District No. 3 shall be composed of Peachtree, Brasstown, Culberson, Burnt Meeting House, Shoal Creek, Unaka, Walker School House and Hot House.

Sec. 3. One candidate may be nominated from each district by each political party for members of the Board of County Commissioners of Cherokee County and at the general elections for county officers in Cherokee County in 1970 and quadrennially thereafter there shall be elected from each district one commissioner, who must be a resident of the district he represents. In the general election, the commissioner nominated from each district shall be voted on by the qualified voters of the district in which he was nominated.

Sec. 4. At its first meeting after election, the Board of Commissioners shall elect a chairman from its members.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.
H. B. 921  CHAPTER 590
AN ACT AUTHORIZING THE MORGANTON CITY SCHOOLS TO SELL AT PRIVATE SALE CERTAIN REAL PROPERTY TO BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G.S. 115-126, the Morganton City Board of Education, or its successor in title upon the merging of the Morganton City Board of Education into the Burke County Board of Education, is hereby authorized in its discretion to sell or exchange the central school property in Morganton to Burke County, without a public sale. Before such exchange or sale shall be consummated, the central school property and any property which might be exchanged therefor shall be appraised by three disinterested and competent appraisers. The report of the appraisers shall be made in writing and a copy filed with the Morganton City Board of Education or its successor in title and the County Commissioners of Burke County and recorded on the minutes of each of said boards, or their successors.

Sec. 2. The terms and conditions of any sale, or exchange of the property or the properties as aforesaid, shall be in the discretion of the Morganton City Board of Education, or its successor in title and the Board of County Commissioners of Burke County and said Boards may exchange or sell and purchase said property at private sale at any time within two (2) years after the ratification of this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

H. B. 922  CHAPTER 591
AN ACT TO AUTHORIZE PAYROLL DEDUCTIONS FOR PUBLIC SCHOOL TEACHERS FOR GROUP INSURANCE, CREDIT UNION LOANS AND ASSOCIATION DUES.

The General Assembly of North Carolina do enact:

Section 1. The State Board of Education may authorize and empower any county or city board of education, the board of trustees of any community college or technical institute, or other governing authority, within the State, to establish a voluntary payroll deduction plan for: (a) premiums for any type of group insurance established and authorized by the laws of the State; (b) amounts authorized by members of the State Employees' Credit Union or any local teachers' credit unions to be deposited with such organizations; (c) loans made to teachers by credit unions.

Sec. 2. Any employee of any county or city board of education, any community college, technical institute, or of any educational association, may enter into a written agreement with his or her employer for the purpose of carrying out the provisions of this Act. The State Board of Education is authorized and empowered to make and promulgate rules and regulations to carry out the purposes of this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.
CHAPTER 591  

In the General Assembly read three times and ratified, this the 23rd day of May, 1969.

S. B. 115  

CHAPTER 592  

AN ACT PROVIDING THE CITY OF ALBEMARLE, NORTH CAROLINA, ALTERNATIVE METHODS OF ASSESSING THE COST OF extending WATER AND SEWER LINES.
The General Assembly of North Carolina do enact:

Section 1. In addition and as alternatives to the method provided in G. S. 160-241 for assessing the costs of water and sewer lines and laterals, the Board of Commissioners of the City of Albemarle, North Carolina, if in its opinion it would be more equitable to do so, hereby is authorized in its discretion to levy any such assessments according to either of the following methods: (1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the footage of land upon a public street by an equal rate per foot of such frontage.

In lieu of assessing the total cost of a particular project as herein provided, the governing body annually between the first days of January and July of each year, may determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It also may include the anticipated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this Act is to distribute more equitably the cost of the installation of water and sewer lines throughout the City; to permit a property owner to know in advance what the cost of installation of water and sewer lines benefiting his property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights of way also may be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

If a lot or parcel of land used for a single-family residential purpose is assessed under this Section and the lot or parcel of land is subdivided into additional lots for single-family occupancy, the Board of Commissioners may assess the additional lots or parcels of land into which the original parcel of land is from time to time divided on the basis of the average cost as determined under the provisions of this Section at the time the owner of the additional lot requests the utility service. Such assessment shall be made only after the owner of the newly created lot or lots has requested water or sewer service and an assessment against his property or has paid the amount of the assessment in cash. In the absence of such request or payment, the service shall be withheld from the property.

If a lot or parcel of land is used for any purpose other than for single-family occupancy, the Board of Commissioners may assess the lot or parcel of land used for such other purpose in an amount equal to the multiple of the assessment for
a single-family lot by the nearest number of times that the area so used is divisible by 20,000 feet but in no case shall the assessment be less than the assessment which would be made against a single-family dwelling lot.

Sec. 2. The Board of Commissioners shall have authority to exempt from assessment for water and sewer extensions for corner lots 150 feet of the frontage of any side of a corner lot when water and sewer extensions are installed along both sides of such lot.

Sec. 3. The Board of Commissioners shall have authority to waive the assessment for water and sewer extensions against lands owned by Stanly County, the Stanly County Board of Education, and the Albemarle City School Administrative Unit.

Sec. 4. All laws and clauses of law in conflict with this Act hereby are repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

S. B. 192

CHAPTER 593

AN ACT TO AMEND G. S. 20-289(a) TO INCREASE THOSE LICENSE FEES WHICH ARE PLACED IN THE DEALERS-MANUFACTURERS’ LICENSE FUND.

The General Assembly of North Carolina do enact:

Section 1. Subsection 1 of G. S. 20-289(a), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words and figures "twenty-one dollars ($21.00)" in lieu of the words and figures "fifteen dollars ($15.00)" in lines one and two thereof.

Sec. 2. Subsection 2 of G. S. 20-289(a), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words and figures "thirty dollars ($30.00)" in lieu of the words and figures "twenty dollars ($20.00)" in line two thereof.

Sec. 3. Subsection 3 of G. S. 20-289(a), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words and figures "three dollars and fifty cents ($3.50)" in lieu of the words and figures "two dollars ($2.00)" therein.

Sec. 4. Subsection 4 of G. S. 20-289(a), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the words and figures "four dollars ($4.00)" in lieu of the words and figures "two dollars ($2.00)" in lines one and two thereof.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.
AN ACT AMENDING CHAPTER 153, SECTION (43) OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO A SPECIAL TAX FOR THE EXPENSES OF THE OFFICE OF COUNTY ACCOUNTANT, FARM AND HOME DEMONSTRATION AND THE VETERANS SERVICE OFFICER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(43) is hereby amended to add Rowan County to the list of counties covered by said section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

AN ACT TO AMEND G. S. 18-127.2 EXEMPTING THE MUNICIPALITIES LOCATED IN THE COUNTIES OF JACKSON, SWAIN AND TRANSYLVANIA FROM THE PROVISIONS OF SAID SECTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-127.2 as it appears in the 1965 Replacement Volume of Volume 1C of the General Statutes, is hereby amended by adding the word "Jackson" immediately following the word "Davie" and immediately before the word "Macon" in line 11 thereof, and by adding the words "Swain" and "Transylvania" immediately following the word "Stanly" and immediately before the word "Union" in line 12 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

AN ACT TO AMEND G.S. 160-255 RELATING TO THE INSTALLATION AND CONSTRUCTION OF WATER AND SEWERAGE FACILITIES OUTSIDE THE CORPORATE BOUNDARIES OF CITIES AND TOWNS, AND PROVIDING FOR RECOVERY OF COST THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That Section 160-255 of the General Statutes of North Carolina be, and it hereby is, amended by inserting the following language immediately after the second sentence of said section to read as follows:

The governing body shall have the right and power to acquire such rights of way, easements, and other property outside its corporate boundaries in the exercise of the power of eminent domain in the same way and under the same authority and procedures as it has the power to acquire such rights of way, easements, and property inside the corporate boundaries of such city or town, provided further that nothing herein shall be construed to enlarge the power of the City of Durham to condemn property already devoted to public use. Such governing body shall also
have the power and authority, in the extension, installation, construction, operation, and maintenance of its water and sewerage facilities outside of its corporate boundaries to serve the area inside or outside of its said corporate boundaries, to create water and/or sewer benefit assessment districts and to specially assess the cost of such water or sewer installations or construction to the property in such benefit assessment districts on the basis of the front foot rule, the benefits derived or to be derived by the property in such assessment districts, or some other equitable method promulgated and established by the governing body in the exercise of its sound legislative discretion.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall apply only to the City of Durham and is supplementary to all other powers and authority possessed by the City of Durham and is not in substitution thereof.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

H. B. 792

CHAPTER 597

AN ACT AMENDING ARTICLE 15, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF UNFIT DWELLINGS.

The General Assembly of North Carolina do enact:

Section 1. That Sections 160-184 (3) and (4) of the General Statutes of North Carolina be, and they hereby are, revised and amended to hereafter read as follows:

(3) That if, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order.

a. If the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate, close and demolish such dwelling; or

b. If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate, close or demolish the dwelling, the public officer may cause such dwelling to be repaired, altered or improved or to be vacated, closed or demolished; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(5) This Act shall apply only to City of Durham.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.
CHAPTER 597       SESSION LAWS—1969

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 27th day of May, 1969.

S. B. 254       CHAPTER 598

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES OF NORTH CAROLINA TO REMOVE THE LIMITATION ON PURCHASE AND TRANSPORTATION OF FORTIFIED WINE.

The General Assembly of North Carolina do enact:

Section 1. The Fortified Wine Control Act of 1941, being Article 5 of Chapter 18 of the General Statutes, is hereby amended as follows:

G. S. 18-97 is hereby amended by deleting the entire second sentence thereof reading as follows: "It shall be unlawful for any person to purchase on order and receive by mail or express from any such alcoholic beverage control store fortified wines in quantities in excess of one gallon at any one time."

Sec. 2. The Alcoholic Beverage Control Act of 1937, being Article 3 of Chapter 18 of the General Statutes, is hereby amended as follows:

G. S. 18-49, as the same appears in the 1967 Supplement to Volume 1C of the General Statutes, is hereby amended by adding a new sentence at the end thereof, as follows:

"The provisions of this Section limiting the authorized transportation of alcoholic beverages to one gallon shall apply also to fortified wine as defined in G.S. 18-96, provided that whenever any person desires to purchase or transport more than one gallon but not exceeding five gallons of fortified wine at one time, such person shall first obtain a purchase-transportation permit from the Chairman of the local Board, a Member of the local Board, or the General Manager or Supervisor of the local Board of Alcoholic Control. No permit shall be issued by any authorized person to: (1) persons not of good character, (2) persons not sufficiently identified, if unknown to the issuing person, (3) persons known or shown to be bootleggers. The permit shall be signed by the person authorized to issue same and it shall authorize the purchaser named therein to purchase and transport the quantity of fortified wine therein indicated not to exceed five gallons. The permit shall be issued by means of a printed form with at least two carbon copies of the same and on the face of the permit shall appear the following information:

1. Name and address of purchaser.
2. The name and location of the place where purchase is to be made.
3. Date issued and expiration date.
4. Destination.
5. Signature of person issuing the permit.
6. A state that the permit is valid only for one purchase on the date shown and that the permit must accompany the merchandise while in transit and both the merchandise and the permit must be exhibited by purchaser to any law enforcement officer upon request.

"The permit herein authorized shall be valid only for one purchase and it shall expire at six o'clock P.M. of the date shown thereon. No purchase shall be made from any Store except the store named on the permit. One copy of the permit shall
be retained by the Board issuing the same, one copy shall be delivered to the store from which the merchandise is purchased and one copy shall be retained by the permittee. The permit shall authorize the permittee to transport fortified wine from the place of purchase to the destination indicated thereon and the permit must accompany the merchandise while in transit and both the merchandise and permit must be exhibited to any law enforcement officer upon request.

"The chairman or any member of a local county or municipal board, General Manager or Supervisor of Alcoholic Control Board is authorized to issue purchase-transportation permits.

"Permits to be used shall be in the form substantially as follows:

ALCOHOLIC BEVERAGE CONTROL BOARD

_______________________________ COUNTY

_______________________________, NORTH CAROLINA

Date ____________, 19

PURCHASE-TRANSPORTATION PERMIT

(not to exceed five gallons)

NAME OF PURCHASER __________________________

ADDRESS __________________________

NAME OF STORE __________________________

ADDRESS (of store) __________________________

DESTINATION __________________________

ROUTE TO BE USED __________________________

SIGNED __________________________

(Person authorized to issue)

Board Member

Note: This permit is valid only for one purchase and it shall expire at six o'clock p.m. of the date shown above. Special Note: This permit must accompany the merchandise while in transit. Both the merchandise and permit must be exhibited to any law enforcement officer upon request."

Sec. 3. Any person violating the provisions of this Article shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment or both in the discretion of the Court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.
S. B. 530  
CHAPTER 599

AN ACT TO CLARIFY THE ROLE OF THE REGISTER OF DEEDS IN ADMINISTERING THE EXCISE STAMP TAX ON CONVEYANCES OF REAL ESTATE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 105-228.32, as the same appears in the 1967 Cumulative Supplement to Volume 2D of The General Statutes of North Carolina, is amended by deleting the third sentence thereof which reads as follows:

"Every instrument of conveyance subject to tax herein shall have affixed to the face thereof, prior to recording the same in the office of the register of deeds, the tax stamp issued pursuant to this article.", and substituting therefor the following sentence:

"It is the duty of the party presenting the instrument for registration to see that the correct amount of stamps is affixed to the face thereof prior to recording the same in the office of the register of deeds."

Sec. 2. G.S. 105-228.34, as the same appears in the 1967 Cumulative Supplement to Volume 2D of The General Statutes of North Carolina, is amended by adding the following sentence at the end thereof:

"When the register of deeds relies on the statement of the party presenting the instrument for registration as to the correct amount of stamps to be affixed, he shall not be subject to prosecution as an aider or abettor under this Section."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 297  
CHAPTER 600

AN ACT TO AMEND CHAPTERS 20 AND 105 OF THE GENERAL STATUTES TO PROVIDE ADDITIONAL REVENUE FOR THE HIGHWAY FUND OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-79.2(3) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "fifteen dollars ($15.00)" appearing in line 2 thereof and inserting in lieu thereof the words and figures "nineteen dollars ($19.00)" and by deleting the words and figures "five dollars ($5.00)" in line 3 and inserting in lieu thereof the words and figures "six dollars ($6.00)".

Sec. 2. G. S. 20-81.2 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "five dollars ($5.00)" appearing in line 9 and inserting in lieu thereof the words and figures "six dollars ($6.00)".

Sec. 3. G. S. 20-87(1) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by rewriting the same to read as follows:

"(1) Common Carriers of Passengers. Common carriers of passengers shall pay an annual license tax of fifty-six cents (56c) per hundred pounds weight of each vehicle unit, and in addition thereto one and nine tenths percent (1 9/10%) of the
gross revenue derived from such operation: Provided, said additional one and nine tenths percent (1 9/10%) shall not be collectible unless and until and only to the extent that such amount exceeds the license tax of fifty-six cents (56¢) per hundred pounds: Provided further, that common carriers of passengers operating from a point or points in this State to another point or other points in this State shall be liable for a tax of one and nine tenths percent (1 9/10%) on the gross revenue earned in such intrastate hauls. Common carriers of passengers operating between a point or points within this State and a point or points without this State shall be liable for a one and nine tenths percent (1 9/10%) tax only on that proportion of the gross revenue earned between terminals in this State and terminals outside this State that the mileage in North Carolina bears to the total mileage between the respective terminals. Common carriers of passengers operating through this State from a point or points outside this State to a point or points outside this State shall be liable for a one and nine tenths percent (1 9/10%) tax on that proportion of the gross revenue earned between such terminals as the mileage in North Carolina bears to the total mileage between the respective terminals. In no event shall the tax paid by such common carriers of passengers be less than fifty-six cents (56¢) per hundred pounds weight for each vehicle. The tax prescribed in this subdivision is levied as compensation for the use of the highways of this State and for the special privileges extended such common carriers of passengers by this State."

Sec. 4. G. S. 20-87(2) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by rewriting same to read as follows:

"(2) U-Drive-It Passenger Vehicles. U-drive-it passenger vehicles shall pay the following tax:

Motorcycles: 1-passenger capacity..........................$15.00
2-passenger capacity.......................... 19.00
3-passenger capacity.......................... 23.00

Automobiles: $38.00 per year for each vehicle of nine passenger capacity or less, and vehicles of over nine passenger capacity shall be classified as buses and shall pay $2.40 per hundred pounds empty weight of each vehicle."

Sec. 5. G. S. 20-87(3) as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the figure "$60.00" appearing in line 2 and inserting in lieu thereof the figure "$75.00" and by deleting the figure "$1.90" appearing in line 5 and inserting in lieu thereof the figure "$2.40".

Sec. 6. G. S. 20-87(5) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by rewriting same to read as follows:

"(5) Private Passenger Vehicles. There shall be paid to the Department annually, as of the first day of January, for the registration and licensing of private passenger vehicles, fees according to the following classifications and schedules:

Private passenger vehicles of not more than nine passengers..........$13.00
Private passenger vehicles over nine passengers..............$16.00

provided, that a fee of only $1.00 shall be charged for any vehicle given by the Federal Government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, Section 252, United States Code Annotated."

Sec. 7. G. S. 20-87(6) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures
CHAPTER 600  SESSION LAWS—1969

"five dollars ($5.00)" appearing in line 2 and inserting in lieu thereof the words and figures "six dollars ($6.00)" and by deleting the words and figures "ten dollars ($10.00)" appearing in line 4 and inserting in lieu thereof the words and figures "thirteen dollars ($13.00)".

Sec. 8. G. S. 20-87(7) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "twenty-five dollars ($25.00)" appearing in line 3 and inserting in lieu thereof the words and figures "thirty-five dollars ($35.00)".

Sec. 9. G. S. 20-87(8) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "one hundred dollars ($100.00)" appearing in line 4 and inserting in lieu thereof the words and figures "one hundred twenty-five dollars ($125.00)" and by deleting the words and figures "five dollars ($5.00)" appearing in line 5 and inserting in lieu thereof the words and figures "six dollars ($6.00)".

Sec. 10. G. S. 20-87(9) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "three dollars ($3.00)" appearing in lines 3 and 4 and inserting in lieu thereof the words and figures "four dollars ($4.00)".

Sec. 11. G. S. 20-87(10) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "three dollars ($3.00)" appearing in line 2 and inserting in lieu thereof the words and figures "four dollars ($4.00)"; by deleting the words and figures "twenty-five dollars ($25.00)" appearing in line 7 and inserting in lieu thereof the words and figures "thirty dollars ($30.00)" and by deleting the words and figures "three dollars ($3.00)" appearing in line 8 and inserting in lieu thereof the words and figures "four dollars ($4.00)".

Sec. 12. G. S. 20-88(b) as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the Schedule of Weights and Rates appearing therein and inserting in lieu thereof the following Schedule of Weights and Rates:

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmer</td>
<td></td>
</tr>
<tr>
<td>Not over 4,500 pounds</td>
<td>$0.20</td>
</tr>
<tr>
<td>4,501 to 8,500 pounds inclusive</td>
<td>.25</td>
</tr>
<tr>
<td>8,501 to 12,500 pounds inclusive</td>
<td>.32</td>
</tr>
<tr>
<td>12,501 to 16,500 pounds inclusive</td>
<td>.44</td>
</tr>
<tr>
<td>Over 16,500 pounds</td>
<td>.50</td>
</tr>
<tr>
<td>Private Hauler</td>
<td></td>
</tr>
<tr>
<td>Not over 4,500 pounds</td>
<td>$0.40</td>
</tr>
<tr>
<td>4,501 to 8,500 pounds inclusive</td>
<td>.50</td>
</tr>
<tr>
<td>8,501 to 12,500 pounds inclusive</td>
<td>.63</td>
</tr>
<tr>
<td>12,501 to 16,500 pounds inclusive</td>
<td>.88</td>
</tr>
<tr>
<td>Over 16,500 pounds</td>
<td>1.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Carriers, Flat Rate</td>
<td></td>
</tr>
<tr>
<td>Common Carriers and Exempt for Hire Carriers</td>
<td></td>
</tr>
<tr>
<td>Not over 4,500 pounds</td>
<td>$0.95</td>
</tr>
<tr>
<td>4,501 to 8,500 pounds inclusive</td>
<td>.95</td>
</tr>
<tr>
<td>8,501 to 12,500 pounds inclusive</td>
<td>1.25</td>
</tr>
<tr>
<td>12,501 to 16,500 pounds inclusive</td>
<td>1.45</td>
</tr>
<tr>
<td>Over 16,500</td>
<td>1.75</td>
</tr>
</tbody>
</table>
Sec. 13. G. S. 20-88(b)(1) as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is hereby amended by rewriting same to read as follows:

"(1) The minimum fee for a vehicle licensed under this subsection shall be twelve dollars and fifty cents ($12.50) at the farmer rate and sixteen dollars ($16.00) at the private hauler, contract carrier and common carrier rates.

Sec. 14. G. S. 20-88(b)(6) as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "fifty dollars ($50.00)" appearing in line 4 and inserting in lieu thereof the words and figures "sixty-two dollars and fifty cents ($62.50)" and by deleting the words and figures "one hundred dollars ($100.00)" appearing in line 5 and inserting in lieu thereof the words and figures "one hundred twenty-five dollars ($125.00)".

Sec. 15. G. S. 20-88(c) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "three dollars ($3.00)" appearing in lines 2 and 3 and inserting in lieu thereof the words and figures "four dollars ($4.00)".

Sec. 16. G. S. 20-88(e) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words "six per cent" in line 3 and inserting in lieu thereof the words "seven and one-half percent"; by deleting the words "six per cent" appearing in line 4 and inserting in lieu thereof the words "seven and one-half percent"; by deleting the words "six per cent" appearing in line 8 and inserting in lieu thereof the words "seven and one-half percent"; by deleting the words "six per cent" appearing in line 11 and inserting in lieu thereof the words "seven and one-half percent"; by deleting the words "six per cent" appearing in line 15 and 16 and inserting in lieu thereof the words "seven and one-half percent"; by deleting the words "six per cent" appearing in line 22 and inserting in lieu thereof the words "seven and one-half percent"; by deleting the words "four per cent" appearing in line 22 and inserting in lieu thereof the words "five percent"; by deleting the words "six per cent" appearing in line 32 and inserting in lieu thereof the words "seven and one-half percent"; and by deleting the words "six per cent" appearing in lines 44 and 45 and inserting in lieu thereof the words "seven and one-half percent".

Sec. 17. G. S. 20-88(g) as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is hereby repealed.

Sec. 18. G. S. 20-89 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "six per cent (6%)" appearing in lines 13 and 14 and inserting in lieu thereof the words and figures "seven and one-half percent (7 1/2%)".

Sec. 19. G. S. 20-90 as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "six per cent (6%)" appearing in line 6 and inserting in lieu
CHAPTER 600  
SESSION LAWS—1969

thereof the words and figures "seven and one-half percent (7 1/2%)"; by deleting the words and figures "six percent (6%)" appearing in line 8 and inserting in lieu thereof the words and figures "seven and one-half percent (7 1/2%)"; by deleting the words and figures "six percent (6%)" appearing in lines 12 and 13 and inserting in lieu thereof the words and figures "seven and one-half percent (7 1/2%)"; and be deleting the words and figures "six percent (6%)" appearing in line 15 and inserting in lieu thereof the words and figures "seven and one-half percent (7 1/2%)".

Sec. 20. Article 36 of Chapter 105 of the General Statutes, entitled "Gasoline Tax" is hereby amended as follows:

(a) G. S. 105-434, as the same appears in the Replacement Volume 2D of the General Statutes, is hereby amended by striking out the word "seven", being the first word in line two, and inserting in lieu thereof the word "nine".

(b) G. S. 105-435, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended by striking out the words "seven cents (7¢), being the last two words in line 5 and the first figures in line 6, and inserting in lieu thereof the words and figures "nine cents (9¢)".

(c) G. S. 105-446, as the same appears in the Replacement Volume 2D of the General Statutes is hereby amended by deleting from the first sentence thereof the words "Any person, association, firm, or corporation, who shall buy any motor fuels, as defined in this article, for the purpose of use, and the same is actually used, for other than the operation of a motor vehicle designed and licensed for use upon the highways shall be reimbursed at the rate of six cents per gallon of the amount of such tax or taxes paid under this article upon the following conditions and in the following manner:" and substituting therefor the words "Any person, association, firm or corporation, who shall buy any motor fuels, as defined in this article, for the purpose of use, and the same is actually used, for other than the operation of a motor vehicle designed and licensed for use upon the highways shall be reimbursed at the rate of seven cents per gallon for the year ending December 31, 1969, and at the rate of eight cents per gallon for subsequent years ending December 31 of the amount of such tax or taxes paid under this article upon the following conditions and in the following manner:"

(d) G. S. 105-446.1, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended by striking out the words and figures "six cents (6¢)" immediately following the word "of" in line 2 and inserting in lieu thereof the words and figures "eight cents (8¢)".

(e) G. S. 105-449, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended as follows:

1) By striking out the word "seven" from line eleven [line eleven of subsection (a)] and inserting in lieu thereof the word "nine";
2) By striking out the word "seven" from line fifteen [line three of subsection (b)] and inserting in lieu thereof the word "nine";
3) By striking out the word "seven" from line twenty [line eight of subsection (b)] and inserting in lieu thereof the word "nine";
4) By striking out the word "seven" from line twenty-five [line two of subsection (c)] and inserting in lieu thereof the word "nine".

(f) A new section, G. S. 105-449.01, is hereby added, immediately following G. S. 105-449, to read as follows:

558
"Sec. 105-449.01. July 1, 1969, Inventory. Every distributor of gasoline, both at wholesale and at retail, who shall have on hand or in his possession gasoline on which the seven cents (7¢) tax per gallon State gasoline tax has been paid or accrued shall take a true inventory of all such gasoline on hand or in his possession as of 12:01 a.m., July 1, 1969 and shall on or before July 20, 1969 report to the Commissioner of Revenue the amount of such fuels on hand and shall pay to the Commissioner an additional tax of two cents (2¢) per gallon. The report required shall be in such form as may be prescribed by the Commissioner."

Sec. 21. Article 36A of Chapter 105 of the General Statutes, entitled "Special Fuels Tax", is hereby amended as follows:

(a) G. S. 105-449.16, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended by striking out the words and figures "seven cents (7¢)" as the same appear in lines one, two, seventeen, and twenty and inserting in lieu thereof the words and figures "nine cents (9¢)."

(b) G. S. 105-449.19, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended by striking out the words and figures "seven cents (7¢)" as the same appear in lines ten and eleven, and inserting in lieu thereof the words out the words and figures "nine cents (9¢)."

c) G. S. 105-449.30 is hereby rewritten as follows:

"Sec. 105-449.30. Refund for non-highway use. Any person who shall purchase fuel and pay the tax thereon pursuant to this Article and use the same for purposes other than to propel vehicles operated or intended to be operated on the highway irrespective of whether originally purchased for such non-highway use or not, shall, upon making application therefor as herein provided, be reimbursed at the rate of seven cents (7¢) per gallon for the year ending December 31, 1969, and at the rate of eight cents (8¢) per gallon for subsequent years ending December 31. Such refund shall be paid only to persons who secure refund permits and otherwise comply insofar as practicable with the provisions of G. S. 105-446, relating to refunds, as modified by regulations of the Commissioner."

d) G. S. 105-449.36 is hereby rewritten as follows:

"Sec. 105-449.36. July 1, 1969 Inventory. Every supplier of special fuels, and every user-seller who is a retail distributor of special fuels who shall have on hand or in his possession special fuels on which the seven cents (7¢) tax has been paid or has accrued shall take a true inventory of all such special fuels on hand or in his possession as of 12:01 a.m., July 1, 1969 and shall on or before July 20, 1969 report to the Commissioner of Revenue the amount of such fuels on hand and shall pay to the Commissioner an additional tax of two cents (2¢) per gallon. The report required shall be in such form as may be prescribed by the Commissioner."

Sec. 22. Article 36B of Chapter 105 of the General Statutes, entitled "Tax on Carriers Using Fuel Purchased Outside State", is hereby amended as follows:

(a) G. S. 105-449.38, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended by striking out the words and figures "seven cents (7¢)", following the word "to" and preceding the word "per" on line three, and inserting in lieu thereof the words and figures "nine cents (9¢)."

(b) G. S. 105-449.39 is hereby rewritten as follows:

"Sec. 105-449.39. Credit for payment of motor fuel tax. Every motor carrier subject to the tax hereby imposed shall be entitled to a credit on such tax equivalent
to nine cents (9c) per gallon on all gasoline or other motor fuels purchased, on and after July 1, 1969, by such carrier in this State for use in their operations either within or without this State and upon which gasoline or other motor fuels the tax imposed by the laws of this State have been paid by such carrier. Carriers who have inventory on hand as of 12:01 a.m., July 1, 1969, on which the seven cents (7c) tax has been paid shall take credit for seven cents (7c) per gallon on all such gasoline and other motor fuels when filing tax report required under G. S. 105-449.45. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Commissioner shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, such excess may under regulations of the Commissioner be allowed as a credit on the tax for which such carrier would be otherwise liable for another quarter or quarters; or upon application within 180 days from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Commissioner and supported by such evidence as may be satisfactory to the Commissioner, such excess may be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax on the use or consumption in said state of gasoline or other motor fuel purchased in this State, to the extent of such payment to said other state, but in no case to exceed the rate per gallon of the then current gasoline or other motor fuel tax of this State.

"The Commissioner shall not allow such refund except after an audit of the applicant's records and shall audit the records of an applicant at least once a year."

Sec. 23. This Act shall not affect the liability of any taxpayer arising prior to the effective date of the applicable section hereof.

Sec. 24. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 25. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of this Act shall be effective on and after January 1, 1970. Sections 19, 20 and 21 shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 383

CHAPTER 601

AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUTES BY ADDING G. S. 160-205.1 AUTHORIZING MUNICIPALITIES TO ACQUIRE AN ENTIRE STRUCTURE OR PARCEL OF LAND WHEN IT IS SEVERED BY STREET RIGHT OF WAY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is amended by the addition of a new Section immediately following G. S. 160-205, to be designated G. S. 160-205.1 and to read as follows:

"G.S. 160-205.1-(a) Whenever the proposed right of way of a street or highway necessitates the taking of a portion of a parcel of land leaving a remainder of such shape, size or condition so as to be of little value, a municipality may acquire, by purchase, the entire parcel of land. Provided, the municipality must make a determination either
(1) That a partial taking would substantially destroy the economic value or utility of the remainder; or

(2) That an economy in the expenditure of public funds will be promoted thereby; or

(3) That the interest of the public will be best served by the acquisition of the entire parcel.

(b) Residues acquired under this Act may be disposed of in the manner provided for the disposition of municipal property or may be exchanged for other property required by the municipality.

(c) Where the proposed right of way of a street or highway necessitates the taking of a portion of a building or structure, the municipality may acquire, by purchase, the entire building or structure, together with the right to enter upon the surrounding land for the purpose of removing the building or structure. Provided, the municipality must make a determination that the partial taking will substantially destroy the economic value or utility of the building or structure and a determination either

(1) That an economy in the expenditure of public funds will be promoted thereby; or

(2) That it is not feasible to cut off a portion of the building without destroying the entire building; or

(3) That the convenience, safety or improvement of the street or highway will be promoted thereby;

Provided, further, nothing herein contained shall be deemed to compel the municipal authority to condemn the underlying fee of the portion of any building or structure which lies outside the right of way of any existing or proposed public road, street or highway.

(d) That the powers herein granted shall be in addition to and supplementary to those powers granted in any local act, charter or in any other General Statute, and in any case in which the provisions of this Section are in conflict with the provisions of any local act, charter or any other provisions of any General Statute, then the governing body of the municipality may in its discretion proceed in accordance with the provisions of such local act, charter or other General Statute, or, as an alternative method of procedure, in accordance with the provisions of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 681

CHAPTER 602

AN ACT TO REVISE AND CLARIFY THE LAW RELATING TO FELONIOUS ASSAULTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-31 is rewritten to read as follows: "G. S. 14-31. Maliciously assaulting in a secret manner. If any person shall in a secret manner maliciously commit an assault and battery with any deadly weapon upon another by waylaying
or otherwise, with intent to kill such other person, notwithstanding the person so assaulted may have been conscious of the presence of his adversary, he shall be guilty of a felony punishable by a fine or imprisonment for not less than one (1) nor more than twenty (20) years, or both such fine and imprisonment."

Sec. 2. G. S. 14-32 is rewritten to read as follows: "G. S. 14-32. Assault with a deadly weapon or firearm with intent to kill or inflicting serious injury: punishments. (a) Any person who assaults another person with a firearm or other deadly weapon of any kind with intent to kill and inflict serious injury is guilty of a felony punishable under G. S. 14-2.

"(b) Any person who assaults another person with a firearm or other deadly weapon per se and inflicts serious injury is guilty of a felony punishable by a fine or imprisonment for not more than five (5) years, or both such fine and imprisonment.

"(c) Any person who assaults another person with a firearm with intent to kill is guilty of a felony punishable by a fine or imprisonment for not more than five (5) years, or both such fine and imprisonment."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 4. This Act shall become effective upon its ratification. 
In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 729  
CHAPTE R 603


The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 235 of the Session Laws of 1949, as amended by Section 1 of Chapter 1228 of the Session Laws of 1959, and as amended further by Chapter 1070 of the Session Laws of 1963, is rewritten to read as follows:

"Sec. 2. The Board of County Commissioners of Guilford County is authorized and directed to fix the salary of the sheriff of said county at not less than twelve thousand five hundred dollars ($12,500.00) per annum to be paid in twelve equal monthly installments in lieu of all fees and commissions received by his office, except those received by 'part-time salaried deputy sheriffs' and 'unsalaried deputy sheriffs' as provided in Chapter 318, Session Laws of 1943."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed, except G.S. Chapter 153, Article 6A, as amended by Chapter 358, Session Laws of 1969.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 27th day of May, 1969.
H. B. 738

CHAPTER 604

AN ACT TO AMEND G. S. 136-41.1 TO DIRECT THE STATE HIGHWAY COMMISSION TO PAY THE 1968 ALLOCATION OF THE POWELL BILL FUNDS TO THE TOWN OF WADE FROM THE ONE PERCENT (1%) OF THE APPROPRIATION WITHHELD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 136, Section 41.1 of the General Statutes as the same appears in the 1964 Replacement Volume 3B is hereby amended by adding a new paragraph after paragraph 6 to read as follows:

"The State Highway Commission shall pay the 1968 allocation under this Section to the Town of Wade from the one percent (1%) of the total of the appropriation withheld after the Town of Wade certifies to its population pursuant to G. S. 160-4.1 as amended and after otherwise complying with the conditions of eligibility."

Sec. 2. The provisions of this Act shall apply only to the Town of Wade.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 796

CHAPTER 605

AN ACT TO AMEND G. S. 106-564.1 AND G. S. 106-567 RELATING TO ASSESSMENTS FOR THE PROMOTION OF USE AND SALE OF AGRICULTURAL PRODUCTS AS THOSE RELATE TO APPLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-567 is hereby amended by inserting in line 11 following the word "potatoes" a comma and the word "apples;" G. S. 106-567 is further amended by inserting in line 16 following the word "potatoes" a comma and the word "apples."

Sec. 2. G. S. 106-567 is hereby amended by adding at the end thereof the following:

"Provided further that on and after July 1, 1972, as to growers or producers of apples there shall be no right of refund of assessments levied pursuant to the referendum provided for by Article 50, Chapter 106 of the General Statutes of North Carolina."

Sec. 3. G. S. 106-564.1 is hereby amended by adding at the end thereof the following paragraph:

"Any packer, processor or other purchaser who originally purchases from the grower, apples grown in North Carolina, shall collect from the grower thereof any marketing assessment due under the provisions of Article 50 of Chapter 106 and shall remit the same to the North Carolina Department of Agriculture. Upon failure of said packer, processor or other purchaser to collect and remit said assessment then the amount of the assessment shall become the obligation of the packer, processor or other purchaser who originally purchased the apples from the grower and he shall become liable therefore to the North Carolina Department of Agriculture. Failure of the packer, processor or other purchaser to comply with the provisions of this act shall constitute a bar to engaging in said business in this state upon
proper notice from the Board of Agriculture. The Board of Agriculture shall have authority to promulgate such rules and regulations as shall be necessary to carry out the purpose and intent of this Act."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. Sections 1 and 3 of this Act shall become effective upon ratification. Section 2 of this Act shall be in full force and effect on July 1, 1972.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 777

CHAPTER 606

AN ACT REWRITING PART 1, ARTICLE 34, CHAPTER 106 OF THE GENERAL STATUTES SO AS TO INCLUDE POULTRY IN THE STATUTES RELATING TO THE QUARANTINE OF INFECTED ANIMALS.

The General Assembly of North Carolina do enact:

Section 1. Part 1, Article 34, Chapter 106 of the General Statutes is rewritten to read as follows:


"G.S. 106-304. Proclamation of livestock and poultry quarantine. Upon the recommendation of the Commissioner of Agriculture, it shall be lawful for the Governor to issue his proclamation forbidding the importation into this State of any and all kinds of livestock and poultry from any state where there is known to prevail contagious or infectious diseases among the livestock and poultry of such state.

"G.S. 106-305. Proclamation of infected feedstuff quarantine. Upon the recommendation of the Commissioner of Agriculture, it shall be lawful for the Governor to issue his proclamation forbidding the importation into this State of any feedstuff or any other article or material dangerous to livestock and poultry as a carrier of infectious or contagious disease from any area outside the State. This shall also include any and all materials imported for manufacturing purposes or for any other use, which have been tested by any State or federal agency competent to make such tests and found to contain living infectious and contagious organisms known to be injurious to the health of man, livestock and poultry.

"G.S. 106-306. Rules to enforce quarantine. Upon such proclamation being made, the Commissioner of Agriculture shall have power to make rules and regulations to make effective the proclamation and to stamp out such infectious or contagious diseases as may break out among the livestock and poultry in this State.

"G.S. 106-307. Violation of proclamation or rules. Any person, firm, or corporation violating the terms of the proclamation of the Governor, or any rule or regulation made by the Commissioner of Agriculture in pursuance thereof, shall be guilty of a misdemeanor and fined not in excess of five hundred dollars ($500.00) or imprisoned up to six months, or both fined and imprisoned, in the discretion of the court.

"G.S. 106-307.1. Serums, vaccines, etc., for control of animal diseases. The North Carolina Department of Agriculture is authorized and empowered to purchase for resale serums, viruses, vaccines, biologics, and other products for the control of animal and poultry diseases. The resale of said serums, viruses, vaccines, biologics and other products shall be at a reasonable price to be determined by the Commissioner of Agriculture."
"G.S. 106-307.2. Reports of infectious disease in livestock and poultry to State Veterinarian. All persons practicing veterinary medicine in North Carolina shall report promptly to the State Veterinarian the existence of any contagious or infectious disease in livestock and poultry.

"G.S. 106-307.3. Quarantine of infected or inoculated livestock. Hog cholera and other contagious and infectious diseases of livestock are hereby declared to be a menace to the livestock industry and all livestock infected with or exposed to a contagious or infectious disease may be quarantined by the State Veterinarian or his authorized representative in accordance with regulations promulgated by the State Board of Agriculture. All livestock that are inoculated with a product containing a living virus or other organism are subject to quarantine at the time of inoculation in accordance with regulations promulgated by the State Board of Agriculture: Provided, nothing herein contained shall be construed as preventing anyone entitled to administer serum or vaccine under existing laws from continuing to administer same.

"G.S. 106-307.4. Quarantine of inoculated poultry. All poultry that are inoculated with a product containing a living virus or other organism capable of causing disease shall be quarantined at the time of inoculation in accordance with regulations promulgated by the State Board of Agriculture. Provided nothing herein contained shall be construed as preventing anyone entitled to administer vaccines under existing laws from continuing to administer same.

"G.S. 106-307.5. Livestock and poultry brought into State. All livestock and poultry transported or otherwise brought into this State shall be in compliance with regulations promulgated by the State Board of Agriculture.

"G.S. 106-307.6. Violation made misdemeanor. Any person, firm or corporation who shall violate any provisions set forth in G.S. 106-307.1 to G.S. 106-307.5 or any rule or regulation duly established by the State Board of Agriculture shall be guilty of a misdemeanor and shall be fined not in excess of five hundred dollars ($500.00) or imprisoned up to six months, or both fined and imprisoned, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective ninety days after ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 858

CHAPTER 607

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF SANFORD TO OFFER AND PAY REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS INJURING OR DAMAGING MUNICIPAL PROPERTY OR INJURING MUNICIPAL EMPLOYEES AND OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Sanford is authorized to offer and pay rewards in an amount not exceeding five hundred dollars ($500.00) for information leading to the arrest and conviction of any person or persons who willfully deface, damage, or destroy property either personal or real or take personal property belonging to or under the control of the City of Sanford and to further
CHAPTER 607    SESSION LAWS—1969

offer and pay like rewards for information leading to the arrest and conviction of any person or persons who willfully injure or take the life of any employee or officer of the City of Sanford while such employee or officer is engaged in the performance of his official duties. The Board of Aldermen shall fix the terms, conditions, and amounts of such rewards and shall be the sole judge as to those persons entitled to receive any reward offered. Such reward shall be paid only by order of the Board of Aldermen of the City of Sanford out of non-tax revenue.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 866    CHAPTER 608

AN ACT TO CHANGE AND CONVERT NORTH CAROLINA COLLEGE OF DURHAM TO A REGIONAL UNIVERSITY WITH THE NAME AND DESIGNATION OF "NORTH CAROLINA CENTRAL UNIVERSITY."

The General Assembly of North Carolina do enact:

Section 1. Article 1A of Chapter 116 of the General Statutes, as the same appears in the 1967 Cumulative Supplement to Volume 3A of the General Statutes, is hereby amended to add a new Section to read as follows:

"Effective July 1, 1969:

"(1) North Carolina College at Durham is redesignated 'North Carolina Central University', and is made subject to the provisions of Section 116-44.10.

"(2) In all other statutes and titles or captions thereof, the words 'North Carolina College at Durham' and the words 'North Carolina College of Durham' are amended to read 'North Carolina Central University'.”

Sec. 2. Subsection (3) of Section 116-45 is repealed effective July 1, 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 889    CHAPTER 609

AN ACT TO AMEND CHAPTER 50, SESSION LAWS OF 1963, SO AS TO AUTHORIZE THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL TO EXPEND ADDITIONAL FUNDS FOR LAW ENFORCEMENT.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 50, Session Laws of 1963, is hereby amended by deleting the following: "After deducting the amount required to be expended for enforcement as provided in G.S. 18-45(0)”, and inserting in lieu thereof the following: "After deducting not less than five per cent (5%) nor more than fifteen per cent (15%) of the net profit, to be expended for law enforcement”.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.
H. B. 902

CHAPTER 610

AN ACT TO PROVIDE THAT THE ESTATE OF A DECEASED SHALL BE PRIMARILY LIABLE FOR FUNERAL EXPENSES OF THE DECEASED.

The General Assembly of North Carolina do enact:

Section 1. G.S. 28-107.1 is hereby enacted to read as follows:

"Sec. 28-107.1. Funeral Expenses of Decedent. Funeral expenses of a decedent shall be considered as a debt of the estate of the decedent and the decedent's estate shall be primarily liable therefor. The provisions of this section shall not affect the application of G.S. 28-105."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed except that this Act shall not change the application of previous laws or clauses of laws as to the estate of persons dying before ratification of this Act.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 1082

CHAPTER 611

AN ACT TO REPEAL CHAPTER 443 OF THE 1969 SESSION LAWS AND TO PROVIDE AN ELECTION OR REFERENDUM FOR A CERTAIN AREA IN ROBESON COUNTY ON THE QUESTION OF WHETHER OR NOT IT SHALL BE ANNEXED TO THE LUMBERTON CITY ADMINISTRATIVE UNIT AND BE SUBJECT TO THE SCHOOL TAXES LEVIED IN THE LUMBERTON CITY ADMINISTRATIVE UNIT IF SO ANNEXED.

The General Assembly of North Carolina do enact:

Section 1. The area or territory whose residents shall be subject of the election or referendum hereinafter provided as to whether or not the said area shall be annexed to the territory of the Lumberton City Administrative Unit hereby designated as "D" Addition and is hereby described as follows:

"Robeson County, North Carolina, located in Lumberton, Saddletree, Raft Swamp, and Back Swamp Townships,

BEGINNING at a point, said point being located where the corporate limit line of the City of Lumberton intersects the centerline on the ramp of I-95 on North Carolina Highway #72 and North Carolina Highway #711, the same leading to Philadelphus and Pembroke, respectively, and continuing along the centerline of said North Carolina Highway #72 and North Carolina Highway #711, as the same crosses the right of way of I-95, to a point in the centerline of the bridge located over the Lumber River; thence proceeding in a westerly direction along the various courses and distances up the Lumber River to a point, which said point is located where the mouth of Jack's Branch comes into the Lumber River; thence in a northwesterly direction from the mouth of Jack's Branch, up the various courses and distances of the run of Jack's Branch and crossing North Carolina Highway #711 and continuing with the courses and distances of the run of Jack's Branch to a point, said point being located adjacent to a stake in the Western edge of Jack's Branch by a maple and gum pointer; thence South 77 degrees 30 minutes East 8.75 chains to a stake and pointer;
thence South 0 degrees 30 minutes East 2.0 chains to a stake near three (3) large pine stumps; thence South 55 degrees 30 minutes East 13.50 chains to a stake by a pine and oak pointer; thence North 54 degrees 50 minutes East 1.97 chains to a stake by a pine; thence South 45 degrees 20 minutes East 33.75 chains to an iron stake in the edge of the woods located adjacent to the golf course at the Pine Crest Country Club; thence South 62 degrees 05 minutes West 3.04 chains to a stake; thence South 57 degrees 20 minutes East 18.37 chains to a stake; thence North 32 degrees 40 minutes East 2.65 chains to a stake, said stake being located on the Southern edge of a road (Rural Paved Road #1548) leading from North Carolina Highway #72 to the Pine Crest Country Club; thence in a northerly direction across said road above referred to approximately 3.67 chains to an iron stake on the corner of a lot presently occupied by C. M. Williams, said corner being 1.17 chains Northwest from the corner of a ditchbank by two pines and being in a northwesterly direction from the original corner of the old golf course property; thence North 24 degrees 30 minutes East 16.98 chains to an iron stake; thence South 46 degrees East approximately 17.5 chains to an iron stake, said iron stake being the Northern corner of the tract or parcel of land owned by O.C. Norment; thence North 54 degrees 15 minutes East approximately 8.70 chains to a point, said point being located 150 feet West of the centerline of North Carolina Highway #72; thence proceeding 150 feet at right angles from and with the centerline of North Carolina Highway #72 and on the South side of the same and in a northerly direction parallel with North Carolina Highway #72 to a point, said point being located 150 feet South of the intersection of North Carolina Rural Paved Road #1549 and North Carolina Highway #72; thence proceeding in a northeasterly direction with the centerline of Rural Paved Road #1549 150 feet to a point, said point being the centerline of North Carolina Highway #72 where the same intersects with the centerline of Rural Paved Road #1549; thence in a northeasterly direction with the centerline of Rural Paved Road #1527 (Pine Log Road) to a point, said point being located in the centerline of Rural Paved Road #1527 where the same intersects with Rural Paved Road #1532; thence continuing with the centerline of Rural Paved Road #1527 to a point where the centerline of Rural Paved Road #1527 intersects with the centerline of Rural Paved Road #1534; thence in a northerly direction and at right angles with the centerline of Rural Paved Road #1527 300 feet to a point located in a field; thence in an easterly direction 300 feet at right angles and parallel with the centerline of Rural Paved Road #1527 to a point and on the North side of the same, said point being 300 feet in a northerly direction from the intersection of Rural Unpaved Road #1530 and Rural Paved Road #1527; thence in an easterly direction 300 feet to the centerline of where Rural Paved Road #1530 intersects with Rural Paved Road #1527; thence in a northerly direction with the centerline of Rural Unpaved Road #1530 to a point, said point being located where the centerline of Rural Unpaved Road #1530 intersects with the centerline of Rural Paved Road #1528; thence in a southeasterly direction as the centerline of Rural Paved Road #1528 to a point, said point being 300 feet Northwest of the intersection of where Rural Paved Road #1528 intersects with Rural Paved Road #1527 (Pine Log Road); thence in an easterly direction 300 feet at right angles from Rural Paved Road #1527 and North of Rural Paved Road #1527 to a point where North Carolina Highway #211 intersects 300 feet at right angles North of the centerline of Rural Paved Road #1527 (Pine Log Road);
thence down the centerline of North Carolina Highway #211 to a point, said point being in the center of North Carolina Highway #211 where the same intersects with Rural Unpaved Road #1531 (Clyburn Church Road); thence in a southerly direction along the centerline of Rural Unpaved Road #1531 to a point, said point being located where the centerline of Graveyard Branch crosses Rural Unpaved Road #1531, said point also being the corner of the A. T. McLean property; thence down the various courses and distance of the run of Graveyard Branch to a point where the run of Graveyard Branch intersects the run of Saddletree Swamp; thence as the various courses and distances of the run of Saddletree Swamp Canal to Lumber River; thence up the various courses and distances of the run of Lumber River to a point where the Eastern right of way of North Carolina Highway #711 bridge intersects with the Lumber River; thence in a southerly direction as and with the Eastern right of way of North Carolina Highway #711 to the corporate limits of the City of Lumberton.

Excepting, however, from the above description, all of that property owned by the Robeson Recreational and Charitable Foundation, Inc., now or heretofore owned by said corporation or conveyed by the said O. C. Norment to the corporation as will appear by deed recorded in Book 16-F at Page 19, Robeson County Registry.

Excepting also all of that farm or parcel of land owned by Mr. A. T. McLean, Sr., on both sides of North Carolina Highway #211 and located on both the North and South side of Rural Unpaved Road #1531."

Sec. 2. Upon presentation to the Robeson County Board of Education of a petition signed by twenty-five per cent (25%) of the qualified voters who reside in the area designated in this Act as "D" Addition, it shall be the duty of the Robeson County Board of Education to consider said petition and to decide whether or not the said Robeson County Board of Education shall petition the Board of County Commissioners or Robeson County for an election on the question of whether or not the area designated as "D" Addition shall be annexed to the Lumberton City Administrative Unit and become a part of the same and its public school system. If the Robeson County Board of Education decides to petition the Board of County Commissioners of Robeson County for an election or referendum to be held in the above designated area, then the Board of County Commissioners of Robeson County shall conduct and hold an election or referendum in the above designated area for the purpose of determining if said area shall be annexed to the Lumberton City Administrative Unit. The said election shall be held according to the rules and regulations set forth in Article 14 of Chapter 115 of the General Statutes and particularly according to the rules governing elections set forth in G. S. 115-122. There shall be a separate election or referendum in the above described area to the end that it may be determined whether or not the area desires annexation. The ballot to be used in said election in the above described area shall have written or printed thereon the words: "FOR annexation of "D" Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed on the 16th day of April, 1963." Likewise, there shall be also printed on the same ballot the following: "AGAINST annexation of "D" Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed on the 16th day of April, 1963."
CHAPTER 611  SESSION LAWS—1969

The Board of County Commissioners of Robeson County shall have the power and authority to call upon the Robeson County Board of Elections to hold or conduct such election or referendum if the said Board of County Commissioners desires to do so, and the expense of such election or referendum shall be paid by the Board of County Commissioners of Robeson County. If a majority of the qualified voters voting in the area above described shall vote in favor of the annexation and tax equalization in said area, then the said area shall be annexed to the Lumberton City Administrative Unit, and the residents of said area so annexed shall become a part of the Lumberton City Administrative Unit as to its public schools and shall pay the school taxes assessed and heretofore existing in the Lumberton City Administrative Unit, together with such other taxes as may from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit. If a majority of qualified voters voting in said election in said area shall vote against annexation and equalization of taxes, then the status of said area so voting in the negative shall be the same as the status prior to the election.

Sec. 3. If the Board of Education of Robeson County shall refuse to petition the Board of County Commissioners of Robeson County for an election or referendum as set forth above, then in such case the Board of County Commissioners of Robeson County shall call an election or referendum for the purpose of presenting to the area above described the question of annexation and the assumption of a school tax at the same rate as that of the Lumberton City Administrative Unit by the residents in said area above described. The said election or referendum may be held by the County Board of Elections of Robeson County if the Commissioners request said Board to so do, and the Board of County Commissioners of Robeson County shall pay the expense of said election or referendum. The said election or referendum shall be held according to the rules and regulations set forth in Article 14 of Chapter 115 of the General Statutes, and particularly the rules governing elections set forth in G.S. 115–122. In case the said area votes for annexation to the Lumberton City Administrative Unit, the taxes referred to in this Act which are to be equalized are the supplemental taxes levied by the Lumberton City Administrative Unit as adopted in 1956, and the tax passed by the voters of the City of Lumberton for the retirement of the capital improvement program, the same having been passed on the 16th day of April, 1963, and such other taxes as may from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit.

Sec. 4. If the results of said election or referendum shall be in favor of annexation in the case of the area above described, then the school taxes referred to in this Act as to the residents of the area so annexed shall be levied and collected in the same manner as the taxes for the public schools of the Lumberton City Administrative Unit as administered by the Lumberton City Board of Education. All taxes authorized to be levied and collected under this Act shall be collected by the City of Lumberton.

Sec. 5. Chapter 443 of the 1969 Session Laws is hereby repealed.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

570
AN ACT TO PROVIDE FOR THE LICENSING OF OSTEOPATHIC PHYSICIANS TO PRACTICE MEDICINE AND SURGERY AND TO ABOLISH THE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-9 is hereby rewritten to read as follows: "Section 90-9. Examination for license; scope; conditions and prerequisites. It shall be the duty of the Board of Medical Examiners to examine for license to practice medicine or surgery, or any of the branches thereof, every applicant who complies with the following provisions: He shall, before he is admitted to examination, satisfy the Board that he has an academic education equal to the entrance requirements of the University of North Carolina, or furnish a certificate from the superintendent of public instruction of the county that he has passed an examination upon his literary attainments to meet the requirements of entrance in the regular course of the State University. He shall exhibit a diploma or furnish satisfactory proof of graduation from a medical college approved by the American Medical Association at the time of his graduation or an osteopathic college approved by the American Osteopathic Association at the time of his graduation, which time of graduation shall have been on January 1, 1960 or subsequent thereto and which medical and osteopathic schools shall require an attendance of not less than four years and supply such facilities for clinical and scientific instruction as shall meet the approval of the Board; but the requirement of four years' attendance at a school shall not apply to those graduating prior to January the first, nineteen hundred.

"The examination shall cover the following branches of medical science: anatomy, embryology, histology, physiology, pathology, bacteriology, surgery, pediatrics, medical hygiene, chemistry, pharmacy, materia medica, therapeutics, obstetrics, gynecology, and the practice of medicine.

"If on such examination the applicant is found competent, the Board shall grant him a license authorizing him to practice medicine or surgery or any of the branches thereof.

"Applicants shall be examined by number only; names and other identifying information shall not appear on examination papers."

Sec. 2. G. S. 90-10 is hereby rewritten to read as follows: "Section 90-10. Two examinations, preliminary and final, allowed. It shall be the duty of the State Board of Medical Examiners to examine any applicant for license to practice medicine on the subjects of anatomy, histology, physiology, bacteriology, embryology, pathology, medical hygiene, and chemistry, upon his furnishing satisfactory evidence from a medical school approved by the American Medical Association or an osteopathic school approved by the American Osteopathic Association, and supplying such facilities for anatomical and laboratory instruction as shall meet with the approval of the Board, that he has completed the course of study in the school upon the subjects mentioned. The Board shall set to the credit of such applicant upon its record books the grade made by him upon the examination, which shall stand to the credit of such applicant; and when he has subsequently completed the full course in medicine or osteopathic medicine and presents a diploma of graduation from a medical or osteopathic college approved as provided above, requiring a four years' course of study of medicine for graduation, and when he has completed the examination upon the further branches of medicine, to wit, pharmacy, materia medica, therapeutics,
gynecology, pediatrics, practice of medicine and surgery, he shall have accounted
to his credit the grade made upon the former examination, and if then upon such
completed examination he be found competent, said Board shall grant him a license
to practice medicine and surgery, and any of the branches thereof.

Sec. 3. G.S. 90-13 is hereby rewritten to read as follows: "Section 90-13. When
license without examination allowed. The Board of Medical Examiners shall in
their discretion issue a license to any applicant to practice medicine and surgery
in this State without examination if said applicant exhibits a diploma or satisfactory
proof of graduation from a medical or osteopathic college, approved as provided
in Section 90-9 and requiring an attendance of not less than four years, and a license
issued to him to practice medicine and surgery by the Board of Medical Examiners
of another state."

Sec. 4. G.S. 90-14, as it appears in 1965 Replacement Volume 2C of the General
Statutes, is hereby amended by striking the words "a license" which appear in line
13 thereof and substituting therefor the words "an earned diploma or degree."

Sec. 5. G.S. 90-18 is hereby amended by striking the paragraph numbered
(9) and by renumbering the subsequent paragraphs accordingly.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of
May, 1969.

S. B. 538

CHAPTER 613

AN ACT TO ALLOW NORTH SURRY SCHOOL DISTRICT TO INCREASE ITS
SCHOOL COMMITTEE.

Section 1. G.S. 115-70 is hereby amended by striking out the word "five" in
line six thereof and inserting in lieu thereof the word "seven".

Sec. 2. This Act shall apply only to the North Surry School District.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of
May, 1969.

S. B. 541

CHAPTER 614

AN ACT TO AMEND G. S. 62-94 TO CONFORM UTILITIES COMMISSION
APPEAL PROCEDURE WITH THE NORTH CAROLINA COURT OF APPEALS
PROCEDURE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 62-94 (a) is rewritten to read as follows:
"(a) On appeal the court shall review the record and the exceptions and assign-
ments of error in accordance with the rules of the Court of Appeals, and
any alleged irregularities in procedures before the commission, not shown
in the record, shall be considered under the rules of the Court of Appeals."

Sec. 2. G.S. 62-94 (e) is hereby rewritten to read as follows:
"(e) Upon any appeal, the rates fixed or any rule, regulation, finding, determina-
tion, or order made by the Commission under the provisions of this Chapter
shall be prima facie just and reasonable."
Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after September 15, 1969.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

S. B. 624 CHAPTER 615

AN ACT TO PROVIDE FOR REVIEW AND TERMINATION OF PROBATION AFTER A PERIOD OF PROBATION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 15 of the General Statutes is hereby amended by adding a new section, immediately after G.S. 15-205 to be designated as G.S. 15-205.1, to read as follows:

"G.S. 15-205.1. Mandatory review of probation. It shall be the duty of the probation officer in all cases referred to him to bring the probationer before the appropriate court having jurisdiction for review by the judge to determine whether the probationer should be released from probation after the probationer has actually been on probation for one year, if the period of probation was three years or less, or he has been on probation for three years if the period of probation was for more than three years. The court shall review the probationer's case file and determine whether he should be released from probation. This section shall not restrict the court's power to continue, extend, suspend or terminate the period of probation at any time as provided in G.S. 15-200."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. B. 259 CHAPTER 616

AN ACT TO AMEND GENERAL STATUTE 58-72(2) AND GENERAL STATUTE 58-79.2 SO AS TO DEFINE VARIABLE ANNUITY CONTRACTS AND PROVIDE THAT DOMESTIC LIFE INSURANCE COMPANIES MAY ESTABLISH SEPARATE ACCOUNTS WITH RESPECT THERETO.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 58-72(2) as the same appears in the 1965 Replacement to Volume 2B of the General Statutes of North Carolina by inserting immediately following the words "periodical payments" at the end of line 1 thereof, the words "; whether in fixed or variable dollar amounts, or both.",

Sec. 2. Amend G. S. 58-79.2 as the same appears in the 1967 Cumulative Supplement to the General Statutes by rewriting the same to read as follows:

"G. S. 58-79.2. Establishment of separate accounts by life insurance companies. (a) When used in this Act, 'variable annuity contract' shall mean any individual or group contract issued by an insurance company providing for annuity benefits or contractual payments or values which vary so as to reflect investment results of any segregated portfolio of investments or of a designated separate account or
accounts in which amounts received or retained in connection with any of such contracts have been placed.

"(b) Any domestic life insurance company may, pursuant to resolution of its Board of Directors, establish one or more separate accounts and may allocate to such account or accounts amounts received or retained in connection with variable annuity contracts.

"(c) In addition to the amounts allocated under subsection (b), such company may allocate from its general accounts to such separate account or accounts additional amounts, which may include an initial allocation to establish such account; provided, that the aggregate amount so allocated shall not exceed one per centum of its admitted assets as of the preceding December 31, or one million dollars ($1,000,000), whichever is less, and, provided further, that such company shall be entitled to withdraw at any time, in whole or in part, its participation in any separate account to which funds have been allocated as provided in this subsection (c), and to receive, upon withdrawal, its proportionate share of the value of the assets of the separate account at the time of withdrawal.

"(d) Except as hereinafter provided, the amounts allocated to any separate account and accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this State governing the investments of life insurance companies; provided, that to the extent that the company's reserve liability with regard to (1) benefits guaranteed as to amount and duration, and (2) funds guaranteed as to principal amount or stated rate of interest is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be, except as the Commissioner may otherwise approve, invested in accordance with the laws of this State governing the investments of life insurance companies. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to other investments of the company.

"(e) With respect to seventy-five per cent (75%) of the market value of the total assets in a separate account no company shall purchase or otherwise acquire the securities of any issuer, other than securities issued or guaranteed as to principal or interest by the United States, if immediately after such purchase or acquisition the market value of such investment, together with prior investments of such separate account in such security taken at market, would exceed ten per cent (10%) of the market value of the assets of said separate account; provided, however, that the Commissioner may waive such limitation if, in his opinion, such waiver will not render the operation of such separate account hazardous to the public or the policyholders in this State.

"(f) No separate account shall invest in the voting securities of a single issuer in an amount in excess of ten per cent (10%) of the total issued and outstanding voting securities of such issuer provided that the foregoing shall not apply with respect to securities held in separate accounts, the voting rights in which are exercisable only in accordance with instructions from persons having interests in such accounts.

"(g) The limitations provided in paragraphs (e) and (f) above shall not apply to the investment with respect to a separate account in the securities of an investment company registered under the Investment Company Act of 1940, provided that the investments of such investment company comply in substance with paragraphs (e) and (f) hereof.
(h) The income, if any, and gains and losses, realized or unrealized, from assets allocated to each account shall be credited to or charged against the account without regard to other income, gains or losses of the company.

(i) Unless otherwise approved by the Commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account; provided, that unless otherwise approved by the Commissioner that portion of the assets of such separate account equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in subsection (d) hereof, if any, shall be valued in accordance with the rules otherwise applicable to the company's assets. The reserve liability for variable annuity contracts shall be determined in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

(j) If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the company may conduct.

(k) The life insurance company shall have the power and the company's charter shall be deemed amended to authorize such company to do all things necessary under any applicable state or federal law in order that variable annuity contracts may be lawfully sold or offered for sale including, without limitation, the power to provide for management of a separate account by persons who may otherwise be unaffiliated with the life insurance company and the power to grant in connection with such contracts voting rights with respect to the management of and the investment and other policies of a separate account. This provision shall not affect existing laws pertaining to the voting rights of the life insurance company's policyholders.

(l) Amounts allocated to a separate account in the exercise of the power granted by this Act shall be owned by the company, and the company shall not be, or hold itself out to be, a trustee with respect to such amounts.

(m) The company shall not, in connection with the allocation of investments or expenses, or in any other respect, discriminate unfairly between separate accounts or between separate and other accounts, but this provision shall not require the company to follow uniform investment policies for its accounts.

(n) No sale, exchange or other transfer of assets may be made by a company between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made (a) by a transfer of cash, or (b) by a transfer of securities having a readily determinable market value, provided that such transfer of securities is approved by the Commissioner. The Commissioner may approve other transfers among such accounts if, in his opinion, such transfers would not be inequitable.

(o) Any variable annuity contract providing benefits payable in variable amounts delivered or issued for delivery in this State shall contain a statement
of the essential features of the procedure to be followed by the company in determining the dollar amount of such variable benefits. Any such contract, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will vary to reflect investment experience and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

"(p) Any variable annuity contract providing benefits payable in variable amounts issued under this Section may include as an incidental benefit provision for payment on death during the deferred period of an amount not in excess of the greater of the sum of the premiums or stipulated payments paid under the contract or the value of the contract at time of death; such contracts will be deemed not to be contracts of life insurance and therefore not subject to the provisions of the Insurance Law governing life insurance contracts. Provision for any other benefit on death during the deferred period will be subject to such insurance provisions.

"(q) No domestic life insurance company and no other life insurance company shall deliver or issue for delivery within this State any contracts under this Act unless it is licensed or organized to do a life insurance or annuity business in this State, and the Commissioner of Insurance is satisfied that its financial condition and its methods of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this State. In determining the qualification of a company requesting authority to deliver such contracts within this State, the Commissioner of Insurance shall consider, among other things:

"(1) The history and financial condition of the company;

"(2) The character, responsibility and general fitness of the officers and directors of the company; and

"(3) The law and regulations under which the company is authorized in the state of domicile to issue variable annuity contracts.

"An authorized life insurance company, whether domestic, foreign or alien, which issues variable annuity contracts and which is a subsidiary of (or affiliated through common management or ownership with) another life insurance company authorized to do business in this State may be deemed to have met the provisions of this subsection if either it or the parent or affiliated company meets the requirements hereof.

"(r) The Commissioner of Insurance shall have sole and exclusive authority to regulate the issuance by life insurance companies and the sale of such contracts and to issue such reasonable rules and regulations as may be necessary to carry out the purposes and provisions of this Section 58-79.2, and such contracts and the life insurance companies which issue them shall not be subject to the Securities Law of North Carolina nor to the jurisdiction of the Secretary of State thereunder; provided, however, that any person that offers for sale or sells such contracts shall be subject to the Securities Law of North Carolina.

"(s) Except as otherwise provided in this Section, all pertinent provisions of the insurance laws of this State shall apply to separate accounts and contracts issued in connection therewith."

Sec. 3. If any provisions of this Section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions
or applications of the section which can be given effect without the invalid provisions or application, and to this end the provisions of this Section are declared to be severable.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1970.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 643

CHAPTER 617

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 18 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REGULATE THE SALE, POSSESSION, PURCHASE AND TRANSPORTATION OF ALCOHOLIC BEVERAGES IN EXCESS OF ONE GALLON.

The General Assembly of North Carolina do enact:

Section 1. That Article 3 of Chapter 18 of the General Statutes is hereby amended by adding new sections immediately following Section 18-49.5 to be designated as Sections 18-49.6, 18-49.7, 18-49.8 and 18-49.9 to read as follows:

"Sec. 18-49.6. Sale, Possession, transportation of alcoholic beverages in excess of one gallon; permit required. Notwithstanding any other provisions of law imposing restrictions or limitations upon the sale, purchase, possession or transportation of alcoholic beverages, it shall be lawful to purchase, possess and transport up to five gallons of alcoholic beverages as defined in Article 3 in container or containers not smaller than one-fifth gallon from a county or municipal ABC Store to a named destination within the county; provided, the purchaser has in his possession a purchase-transportation permit and complies strictly with the provisions of this Act and provided, further, that said alcoholic beverages are not being transported for the purpose of sale and that the cap or seal on the container or containers of said alcoholic beverages have not been opened or broken.

"Sec. 18-49.7. Purchase-transportation permit. Whenever any person desires to purchase or transport more than one gallon of alcoholic beverages at one time, such person shall first obtain a purchase-transportation permit from the Chairman of the local Board, a Member of the local Board, or the General Manager or Supervisor of the local Board of Alcoholic Control. No permit shall be issued by any authorized person to: (1) persons not of good character, (2) persons not sufficiently identified, if unknown to the issuing person, (3) persons known or shown to be alcoholics or bootleggers. The permit shall be signed by the person authorized to issue same and it shall authorize the purchaser named therein to purchase and transport the quantity of alcoholic beverages therein indicated not to exceed five gallons. The permit shall be issued by means of a printed form with at least two carbon copies of the same and on the face of the permit shall appear the following information:

1. Name and address of purchaser.
2. The name and location of the place where purchase is to be made.
3. Date issued and expiration date.
4. Destination.
5. Signature of person issuing the permit.
6. A statement that the permit is valid only for one purchase on the date
shown and that the permit must accompany the merchandise while in transit and both the merchandise and permit must be exhibited by purchaser to any law enforcement officer upon request.

The permit herein authorized shall be valid only for one purchase and it shall expire at six o'clock p.m. of the date shown thereon. No purchase shall be made from any ABC Store except the store named on the permit. One copy of the permit shall be retained by the Board issuing the same; one copy shall be delivered to the store from which the merchandise is purchased and one copy shall be retained by the permittee. The permit shall authorize the permittee to transport the alcoholic beverages from the place of purchase to the destination indicated thereon and the permit must accompany the merchandise while in transit and both the merchandise and permit must be exhibited to any law enforcement officer upon request.

"Sec. 18-49.8. Persons authorized to issue permits; Penalty for violation. The Chairman or any member of a local county or municipal board. General Manager or Supervisor of Alcoholic Control Board is authorized to issue purchase-trans- portation permits.

"Sec. 18-49.9. Permits to be used shall be in the form substantially as follows:

ALCOHOLIC BEVERAGE CONTROL BOARD

___________________________, NORTH CAROLINA

Date, 19

PURCHASE-TRANSPORTATION PERMIT

(not to exceed five gallons)

NAME OF PURCHASER

ADDRESS

A. B. C. STORE NO. __________ ADDRESS (of the store) __________

DESTINATION

ROUTE TO BE USED __________

SIGNED_ (Person authorized to issue)_

Board Member

Note: This permit is valid only for one purchase and it shall expire at six o'clock P.M. of the date shown above.

Special Note: This permit must accompany the merchandise while in transit. Both the merchandise and permit must be exhibited to any law enforcement officer upon request.

Sec. 2. Any person violating the provisions of this Article shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment or both in the discretion of the Court.

Sec. 3. This Act shall apply to the counties of Alamance, Alleghany, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Catawba, Columbus, Craven, Cumberland, Dare, Durham, Edgecombe, Forsyth, Granville, Greene, Halifax, Haywood, Henderson, Hoke, Johnston, Jones, Lenoir, Martin, Mecklenburg, Moore, Nash, New Hanover, Orange, Onslow, Pamlico, Pasquotank, Person, Pitt, Richmond, Rowan, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne and Wilson, and to the municipalities of Clinton, Concord, Dunn, Garland, Greensboro, Hertford, Jamestown, Maxton, Monroe, Mount Pleasant, North Wilkesboro, Pembroke, Reids-
ville, Roseboro, Rowland, Sanford, Sparta, St. Pauls, Taylorsville, Wadesboro and Wilkesboro.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.

H. B. 682

CHAPTER 618

AN ACT TO REVISE AND CLARIFY THE LAW RELATING TO MISDEMEANOR ASSAULTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-33 is rewritten to read as follows: "G. S. 14-33. Misdemeanor assaults, batteries, and affrays; simple and aggravated; punishments. (a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a misdemeanor punishable by a fine not to exceed fifty dollars ($500.00) or imprisonment for not more than thirty (30) days.

"(b) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any aggravated assault, assault and battery, or affray is guilty of a misdemeanor punishable as provided in Subsection (c) below. A person commits an aggravated assault or assault and battery if in the course of such assault or assault and battery he:

(1) Uses a deadly weapon or other means or force likely to inflict serious injury or serious damage to another person; or
(2) Inflicts serious injury or serious damage to another person; or
(3) Intends to kill another person; or
(4) Assaul ts a female person, he being a male person; or
(5) Assaults a child under the age of twelve years; or
(6) Assaults a public officer while such officer is discharging or attempting to discharge a duty of his office.

A person commits an aggravated affray if in the course of it he commits an aggravated assault or assault and battery.

"(c) Any aggravated assault, assault and battery, or affray is punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment not to exceed six (6) months, or both such fine and imprisonment if the offense is aggravated because of one of the following factors:

(1) Inflicting serious damage to another person;
(2) Assa ulting a female, by a male person; or
(3) Assaulting a child under the age of twelve (12) years.

Any other aggravated assault, assault and battery, or affray is punishable by a fine in the discretion of the court, imprisonment not to exceed two (2) years, or both such fine and imprisonment."

Sec. 2. Article 8 of Chapter 14 of the General Statutes of North Carolina is amended to add a new section as follows: "G. S. 14-33.1. Evidence of former threats upon plea of self-defense. In any case of assault, assault and battery, or affray in which the plea of the defendant is self-defense, evidence of former threats against the defendant by the person alleged to have been assaulted by him, if such threats shall have been communicated to the defendant before the altercation, shall be competent as bearing upon the reasonableness of the claim of apprehension by the
defendant of bodily harm, and also as bearing upon the amount of force which reasonably appeared necessary to the defendant, under the circumstances, to repel his assailant."

Sec. 2 1/2. G.S. 14-34 as it appears in the 1953 Replacement Volume 1B is amended by deleting the last line and by inserting in lieu thereof the following: "Same shall be punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment not to exceed six (6) months, or both such fine and imprisonment."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

H. B. 706

CHAPTER 619

AN ACT TO REPEAL G. S. 68-5 PERTAINING TO THE BUILDING OF UNGUARDED BARBED-WIRE FENCES ALONG PUBLIC HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 68-5 is hereby repealed in its entirety.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

H. B. 940

CHAPTER 620

AN ACT TO AMEND G. S. 20-183.8 TO AUTHORIZE THE COMMISSIONER OF MOTOR VEHICLES TO ENTER INTO RECIPROCITY AGREEMENTS RESPECTING SAFETY EQUIPMENT INSPECTION OF VEHICLES REQUIRED TO BE REGISTERED IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-183.8 as the same appears in the 1965 Replacement Volume 1C of the General Statutes and the 1967 Supplement thereto is amended by redesignating existing subsections (b) and (c) as (c) and (d) respectively and by inserting in proper sequence a new subsection to be designated (b) to read as follows:

"(b) The Commissioner of Motor Vehicles is authorized to enter into agreements or arrangements with the duly authorized representatives of other jurisdictions whereby the safety equipment inspection required under this Article may be waived with respect to vehicles which have undergone substantially similar safety equipment inspections in such other jurisdictions and for which valid inspection certificates have been issued by such other jurisdictions. Such agreements or arrangements shall provide that vehicles inspected in this State and for which valid inspection certificates have been issued shall be accorded a similar privilege when subject to the laws of such other jurisdictions. Each such agreement or arrangement shall, in the judgment of the Commissioner, be in the best interest of this State and the citizens thereof and shall be fair and equitable to this State and citizens thereof; and all of the same shall be determined upon the basis and recognition of the benefits which accrue to the citizens of this State by reason of the agreement or arrangement."
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

H. B. 1029

CHAPTER 621

AN ACT TO AMEND G. S. 136-28 TO EXTEND THE TIME LIMIT FOR FILING A STATEMENT OF A CLAIM WITH A CONTRACTOR AND SURETY ON HIGHWAY CONSTRUCTION PROJECTS FROM SIX MONTHS TO ONE YEAR FROM COMPLETION OF THE CONTRACT BEFORE ACTION CAN BE BROUGHT UPON ANY BOND.

The General Assembly of North Carolina do enact:

Section 1. Section 28 of Chapter 136 of the General Statutes as the same appears in the 1964 Replacement Volume 3D is hereby amended by deleting the word "six (6)" following the word "within" in line 7 of the second paragraph and inserting the word "twelve (12)" in place of the deleted word.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

S. B. 579

CHAPTER 622

AN ACT TO AMEND G. S. 20-125.1 TO INCREASE THE MINIMUM WEIGHT LIMITS ON SMALL TRAILERS AT WHICH DIRECTIONAL SIGNALS ARE REQUIRED FROM 3,000 TO 4,000 LBS.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (2) of subsection (c) of G. S. 20-125.1 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is amended by deleting the words and figures "three thousand (3,000)" appearing in lines 1 and 2 and inserting in lieu thereof the words and figures "four thousand (4,000)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

S. B. 128

CHAPTER 623

AN ACT AMENDING G. S. 127-14 AND G. S. 127-23.1 RELATING TO THE ASSISTANT TO THE ADJUTANT GENERAL AND TO COMMISSIONS BY BREVET.

The General Assembly of North Carolina do enact:

Section 1. G. S. 127-14, as the same appears in the 1967 Cumulative Supplement to Volume 3B, is amended by inserting after the word "shall" and before the word "receive" in line 22 thereof the words "be a full-time employee of the Adjutant General's department and shall".
CHAPTER 623   SESSION LAWS—1969

Sec. 2. G. S. 127-23.1 is amended by rewriting all of the second sentence of the first paragraph thereof as follows:

"The commissions by brevet shall be in grade as follows: A commissioned officer shall be commissioned by brevet in a grade one grade higher than the highest grade satisfactorily held by him while serving on active duty during any war, including service on active duty in the Korean conflict or in the Vietnamese conflict, or while serving actively as a federally recognized officer of the North Carolina National Guard; a warrant officer shall be commissioned by brevet in the grade of captain or in a grade one grade higher than the highest commissioned grade satisfactorily held by him while serving on active duty during any war, including service on active duty in the Korean conflict or in the Vietnamese conflict, or while serving actively as a federally recognized member of the North Carolina National Guard; an enlisted man shall be commissioned by brevet in the grade of first lieutenant or in a grade one grade higher than the highest commissioned grade satisfactorily held by him while serving on active duty during any war, including service on active duty in the Korean conflict or in the Vietnamese conflict, or while serving actively as a federally recognized member of the North Carolina National Guard."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

S. B. 373   CHAPTER 624

AN ACT TO AMEND G. S. 90-123 OF THE GENERAL STATUTES TO INCREASE THE MAXIMUM LICENSE FEE PAID EACH YEAR BY OPTOMETRISTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-123 is amended by striking from the second line of the text "1959" and inserting in lieu thereof "1969" and by striking from the third line of the text the words "twenty-five dollars ($25.00)" and inserting in lieu thereof the words "fifty dollars ($50.00)".

Sec. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

S. B. 485   CHAPTER 625

AN ACT TO AUTHORIZE STATE EMPLOYEE PAYROLL DEDUCTIONS FOR CREDIT UNIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-62, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by deleting the second provision thereto and substituting therefor the following:

"Provided further, that any employee of the State or of any of its institutions, departments, bureaus, agencies or commissions, who is a member of any credit union organized pursuant to Chapter 54 of the North Carolina General Statutes
having a membership at least one-half of whom are employed by the State or its institutions, departments, bureaus, agencies or commissions, may authorize, in writing, the periodic deduction from his salary or wages as such employee of a designated lump sum, which shall be paid to such credit unions when said salaries or wages are payable, for deposit to such accounts, purchase of such shares or payment of such obligations as the employee and the credit union may agree...."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

S. B. 423

CHAPTER 626

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF ANGIER, HARNETT COUNTY, UPON A VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Angier may on its own motion, and shall if requested by a petition signed by at least fifteen per cent (15%) of the registered voters of Angier, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Angier; and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said town; but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under provisions of this Act. In the event the governing body of the Town of Angier on its own motion orders a special election herein provided for, said election shall be held on such date as determined by said governing body. Provided, that the special election shall not be held on or within 60 days of any biennial election for county officers.

Sec. 2. In calling for such special liquor election, the said governing body shall give at least 30 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for eight days before such special liquor election. A new registration of voters for such special liquor election shall not be necessary and all qualified voters who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store", "Against Town Liquor Control Store". Those favoring setting up and operating a liquor store in the Town of Angier shall mark in the voting square to the left of the words "For Town Liquor Control Store", printed on the ballot; and those opposed to a town liquor control store shall mark in the voting space to the left of the words "Against Town Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Angier.

Sec. 3. If, after the first election, upon a petition signed by at least fifteen per cent (15%) of the registered and qualified voters of the town, the governing body
shall call an election and at such election a majority of the votes shall be "Against Town Liquor Control Store", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said Town of Angier in force and effect prior to the authorization to operate a town liquor store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the Town of Angier under the provisions of this Section within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Angier to order the special liquor election herein authorized in this Section within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county or Town of Angier general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the mayor and governing body of the Town of Angier shall immediately appoint a town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as "The Town of Angier Board of Alcoholic Control". The chairman of said Board shall be designated by the governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the first terms have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the governing board of the town. The Board of Alcoholic Control shall report monthly to the town board the status and financial condition of the Alcoholic Control Board and the books of the said Board of Alcoholic Control shall be available for inspection and examination by the members of the town board at any time.

Sec. 5. The said Town of Angier Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Board of Alcoholic Control, except as otherwise provided herein, and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Angier Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Whenever the word "County" Board of Alcoholic Control appears in said Article, it shall include the Town of Angier Board of Alcoholic Control.

Sec. 6. The net profits, as determined by quarterly audit, shall be distributed and used as follows:

1. Twenty-five per cent (25%) of the net profit shall be paid to the Angier Community Library.
2. Ten per cent (10%) of the net profit remaining as balance after the deduction of the twenty-five per cent (25%) provided above in 1 of Section 6 may be used by the town Alcoholic Control Board, in its discretion, for educational programs as to the effect of the use of alcoholic beverages and for the rehabilitation of alcoholics. Whenever a person becomes an inebriate from the use of alcoholic beverages and has been committed by the Clerk of Court of Harnett County, as provided in G. S. 35-2, and such person is indigent so that expenses of his care and cure shall constitute a valid charge against the county, as provided in G. S. 35-2, the town Alcoholic Control Board shall pay to the county such charges; provided, that the town Alcoholic Control Board shall not be required to pay any such charges except where it has agreed with the Clerk of Superior Court to pay such charges prior to the person's commitment. The town Alcoholic Control Board is authorized to participate in and to make contributions to public and private organizations which have rehabilitation programs for alcoholics, when the organization and its programs have been approved by the board. Nothing herein shall be construed as limiting the Alcoholic Control Board's discretion in establishing its educational and rehabilitation program and expenditures therefor within the ten per cent (10%) net profits herein allocated.

3. Seventy-five per cent (75%) of the net profits shall be allocated to the general fund of the town of Angier. The governing body of the town is hereby authorized to appropriate such funds for any proper governmental purpose. Out of the funds allocated to it, the governing body of the town is authorized, at its discretion, to expend up to twenty-five per cent (25%) of such funds for recreational programs in the town.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

S. B. 574  
CHAPTER 627

AN ACT TO PROVIDE FOR THE REMOVAL OF UNAUTHORIZED MOTOR VEHICLES FROM STATE-OWNED PARKING LOTS IN THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. G.S. 129-4(4) as same appears in the 1964 Replacement Volume 3B of the General Statutes is hereby amended by adding a new subsection to be designated "(a)".

"G.S. 129-4(4)(a). Any motor vehicle parked in a State-owned parking lot, when such lot is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto, in violation of the 'Rules and Regulations Governing State-Owned Parking Lots' dated September 1968 or as amended, may be removed from such lot to a place of storage and the registered owner of such vehicle shall become liable for removal and storage charges. No person shall be held to answer in any civil or criminal action to any owner, lienholder, or other person legally entitled to the possession of any motor vehicle removed from such lots pursuant to this Section except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from aforesaid lot to place of storage."
CHAPTER 627  SESSION LAWS—1969

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

S. B. 446  CHAPTER 628

AN ACT TO CREATE THE LITTLETON-LAKE GASTON SCHOOL DISTRICT, TO PROVIDE FOR THE ADMINISTRATION OF THE PUBLIC SCHOOLS IN SAID DISTRICT, AND TO LEVY A SPECIAL TAX FOR THE PUBLIC SCHOOLS OF SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act, unless the context shows otherwise, certain terms are defined as follows:

(a) The term "Administrative Unit" means the area or territory lying within and embraced within the boundaries hereinafter set forth and described.

(b) The term "School District" means the Littleton-Lake Gaston School District established by this Act to operate and administer the Public Schools in the area or territory hereinafter described and which in this Act is referred to as "Administrative Unit", and which consists of the members hereinafter named and appointed.

(c) The term "Halifax Commissioners" shall mean the Board of County Commissioners of Halifax County.

(d) The term "Warren Commissioners" shall mean the Board of County Commissioners of Warren County.

(e) The term "Halifax Board" shall mean the Board of Education of Halifax County.

(f) The term "Warren Board" shall mean the Board of Education of Warren County.

Sec. 2. The Administrative Unit to which this Act is applicable is described as follows:

"BEGINNING in the line dividing Brunswick County, Virginia, and Roanoke Township, Warren County, North Carolina, in the center of the Roanoke River at a corner for Roanoke and Sixpound Townships of Warren County; thence in an Easterly direction along the Roanoke River and along the line dividing Roanoke and Sixpound Townships to a point where said Roanoke River is intersected by the center line of Hubquarter Creek at a corner for River and Sixpound Townships of Warren County; thence in a southerly direction along the line dividing River and Sixpound Townships and along the center lines of Hubquarter Creek, Little Hubquarter Creek and the run leading to Little Hubquarter Creek to a point on the old Halifax-Hillsborough Stagecoach Road at the southwestern corner of River Township; thence in an easterly direction along said old Halifax-Hillsborough Stagecoach Road and along the line dividing Judkins and River Townships to the point where it intersects the western corporate limits of the Town of Littleton; thence in a southeasterly direction along the corporate limits of The Town of Littleton to the point where the corporate limits intersect Mosby Avenue in said Town; thence in a southerly direction along Mosby Avenue to
the point where the same is intersected by a street known as A Street; thence in an easterly direction along A Street to a point in the center line of Ferguson Street; thence in a northerly direction along Ferguson Street to the point where it intersects the southern corporate limits of the Town of Littleton; thence in a northeast direction along the corporate limits of the Town of Littleton to the point where said corporate limits intersect the center line of U. S. Highway No. 158 in Littleton Township, Halifax County; thence in a northeast direction along the center line of said Highway No. 158 to the point where it is intersected by the center line of North Carolina State Road No. 1400 in Littleton Township, Halifax County; thence in a northeast direction along the center line of said Road No. 1400 to the point where the same is intersected by North Carolina State Road No. 1419; thence in a northwesterly direction along the center line of said Road No. 1419 and along the center line of the old road leading to Lee's Creek to the point where the same intersects the center line of the old bed of Lee's Creek; thence in a northerly direction along the center line of the old bed of Lee's Creek to the point where the same intersects the line between Littleton Township of Halifax County and Northampton County on the Roanoke River; thence in a westerly direction along the line dividing Halifax and Northampton Counties and along said Roanoke River to the point where the same intersects the Warren County line; thence in a northerly direction along the line dividing Warren and Northampton Counties to a point in the line dividing the State of North Carolina and the Commonwealth of Virginia; thence in a westerly direction along the line dividing the State of North Carolina and the Commonwealth of Virginia to the BEGINNING."

The boundaries of said Administrative Unit within either Warren County or Halifax County may be changed from time to time upon the recommendation of the School District and with the approval of the Warren Commissioners or the Halifax Commissioners as the case may be and according to the County affected. In case of a dispute as to whether any particular land or property is located within or without the boundary lines of said Administrative Unit then said School District shall investigate the matter and locate the boundary line and the findings and location of the line by the School District shall be final.

**Sec. 3.** The Administrative Unit, above described, is hereby classified, created and established as a public school administrative unit of the State and which is hereby designated as the: Littleton-Lake Gaston Administrative Unit. The governing authority or administrative board of said Administrative Unit is hereby created and established and shall be known as: Littleton- Lake Gaston School District (hereinafter referred to as "School District", as defined above). The School District shall operate and administer the public schools in the Administrative Unit and shall have and exercise all of the powers and duties, privileges and authority granted to, vested in and applicable to Boards of Education as set forth in Chapter 115 of the General Statutes as amended. The School District shall be entitled to and shall receive all of the financial aid and support, allocation of teachers, furnishing of textbooks, and all other aid and support given by the State to local school boards. The Warren Board and the Halifax Board shall transfer and turn over to the School District school buses now being used to transport pupils to and from schools now located in the Administrative Unit.

**Sec. 4.** The School District shall consist of five (5) members and the hereinafter named persons are hereby appointed to membership on said School District as follows: Fred L. Owen, Littleton, Halifax County; Paul A. Johnston, Littleton, Halifax
CHAPTER 628  SESSION LAWS—1969

County; A. Marvin Newsom, Littleton, Warren County; Herbert C. Harris, Route 3, Littleton, Warren County: and E. A. Daniel, Littleton, Warren County. These members shall hold office until their successors are duly elected and qualified. In the event that a majority of the qualified voters voting at such referendum or special election vote in favor of creating and establishing said unit, and as soon thereafter as may be both convenient to the unit and practical under the requirements of Chapter 163 of the General Statutes, the members shall provide for, take all necessary steps and hold a non-partisan election of new members who shall hold office until the first Monday in December 1970. At the general election for County Officers to be held in the year of 1970 there shall be elected in a non partisan election five (5) members of the School District who shall take office on the First Monday in December, 1970. The members so elected shall be residents of the Administrative Unit and shall file notice of candidacy, with a filing fee of five dollars ($5.00), with the Secretary of the School District on or before the Friday preceding the sixth Saturday before the date of the Primary Election for County Officers. The names of all candidates shall be printed on a ballot without reference to any Political Party affiliation. The three candidates receiving the highest number of votes shall be elected for terms of four (4) years and the two (2) members or candidates who receive the next highest number of votes shall be elected for terms of two (2) years. Thereafter as the terms of office expire all successors shall be elected for terms of four (4) years. All members of the School District shall hold their offices until their successors are elected and qualified. All members of the School District shall be eligible to hold public office as required by the Constitution and laws of the State.

Sec. 5. The School District shall hold and conduct said election and for this purpose the School District shall have and exercise all of the powers, duties and authority of a county board of elections as set forth in Chapter 163 of the General Statutes as amended. The School District shall appoint all of the necessary election officers, establish precincts, adopt and establish all necessary registration books, poll books and all records necessary for an election and the said election shall be held under the laws and regulations applicable to the election of county officers and as set forth in Chapter 163 of the General Statutes as amended. All persons voting in said election shall be eligible voters and residents of the Administrative Unit. There shall be a new registration of the qualified voters for the first election held under this Act and thereafter it shall be within the discretion of the School District as to whether there shall be new registrations. The School District shall give all necessary notices of registration and election as required by the election laws above referred to. At the close of the election the School District shall canvass the vote and judicially determine the members that have been elected.

Sec. 6. At the first meeting of the School District appointed as set forth above or of a new membership of the School District elected as herein provided, the School District shall organize by electing one of its members as chairman, and other necessary officers, and the Superintendent of Schools of the Administrative Unit shall be ex officio Secretary to the School District and shall keep the minutes and records of the School District but shall have no vote. The Chairman shall preside at the meetings of the School District, and in the event of his absence or sickness, the School District may appoint one of its members as temporary chairman. The Chairman may vote on all matters being considered by the School District but shall not vote twice in case of a tie vote. All vacancies in the membership of the School District by death, resignation, removal from office, change of residence or otherwise
shall be filled by appointment of a resident of the Administrative Unit by the remaining members of the School District to serve for the unexpired term of office. All necessary expenses of the election of members of the School District as herein provided shall be paid by the School District.

Sec. 7. The School District is authorized and empowered to adopt reasonable rules and regulations governing the details and conduct of any referendum or election held under the provisions of this Act.

Sec. 8. Upon this Act becoming operative, and in force and effect, all public school property, both real and personal, and all buildings, facilities and equipment used for public school purposes, located in the Administrative Unit, and all records, books, papers, moneys budgeted for said facilities, accounts, papers and documents and property of any description shall vest in and become the property of the School District; all real estate belonging to the public schools located within the Administrative Unit is hereby granted, made over to, and automatically by force of this Act conveyed to the School District and transferred from the Warren Board and Halifax Board. The Warren Board and Halifax Board are hereby authorized and directed to execute any and all deeds, bills of sale, assignments or other documents that may be necessary to completely vest title to such property in the School District.

Sec. 9. All public school taxes levied in Warren County and Halifax County for the County-wide current expense funds and for the County-wide capital outlay funds, as well as any other public school funds, shall be apportioned to the school district on a per capita enrollment basis which shall be determined by the State Board of Education and certified to the School district and as provided in G.S. 115-86. The School District shall have the power to determine the rate of any local, supplemental taxes to be levied in the Administrative Unit, not exceeding the maximum rate authorized and approved by the voters of the Administrative Unit, and when the School District shall have determined the rate of local, supplemental taxes to be levied in said Administrative Unit and when the School District shall have so determined the rate of local, supplemental taxes to be levied in the said Administrative Unit and shall have certified same to the Warren Commissioners and the Halifax Commissioners, the said boards of county commissioners, and each of them, shall levy said rate of local taxes within the portion of said Administrative Unit lying within their respective counties; and, the taxes so levied and collected, as other taxes are levied and collected, shall be paid over by the officers collecting the same to the treasurer or other fiscal agent of the School District. The School District shall submit budgets for school purposes to the Warren Commissioners and the Halifax Commissioners in the same manner as city and county boards of education.

Sec. 10. The School District shall be a governmental corporation and body politic and shall have the power to sue and be sued in its corporate and statutory name. The School District shall adopt a corporate seal and its certification as to the records of the School District, attested by its secretary shall be judicially noticed. The School District shall have as full authority to call and hold elections for the voting of bonds of the School District as is conferred upon boards of education and boards of commissioners. In calling the election for a bond issue, no petition of any county board of education shall be necessary, but the election shall be called and held by the School District under as ample authority as is conferred by law upon county boards of education and boards of county commissioners and according to the procedure contained in Article 9 of Chapter 153 of the General Statutes known as the "County
Finance Act. When bonds of the School District have been approved by the voters under the authority of this Act, they shall be issued subject to the limitations of the "Local Government Act" and "County Fiscal Control Act" in the corporate name of the School District, signed by the Chairman and Secretary of the School District, sold by the School District, and the proceeds thereof deposited with the Treasurer or other fiscal officer of the School District and the taxes for the payment of principal and interest shall be levied and collected as provided hereinabove for the levy and collection of local, supplemental taxes: Provided, that certified copies of the bond orders and resolutions shall be recorded on the minutes of Warren Commissioners and Halifax Commissioners. The School District shall have the authority to borrow money from the State Literary Fund or from any other State funds available to the same extent as county boards of education. It shall be lawful for the Halifax Board and the Warren Board to contribute to the costs of the construction of public school buildings and other school facilities in the Administrative Unit in proportion to the number of children who are residents and attend the public schools in the Administrative Unit. At the end of each fiscal year the School District shall file a sworn statement of receipts and disbursements showing source of funds and objects for which spent with the Halifax Commissioners and the Warren Commissioners. The statement shall be a public record.

Sec. 11. Subject to the approval of the voters residing within the Administrative Unit and at the rate certified by the School District to the Warren Commissioners and the Halifax Commissioners, there shall be levied annually a supplemental tax in such amount as is now and may from time to time be provided for in G. S. 115-117 on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in that portion of the Administrative Unit in each of the respective counties of Warren and Halifax. The rate of the supplemental tax certified by the School District to the Warren Commissioners and the rate certified by the School District to the Halifax Commissioners shall be adjusted annually by the School District to reflect any difference in the tax assessment ratio used by each County on its property so that the rate per one hundred dollars ($100.00) valuation will be equal on the true value of all property within the Administrative Unit. The true value of the property shall be that value established from time to time by each County as to that portion of the property of the Administrative Unit within its boundaries. The tax shall be collected by the tax officials in each of said counties of Warren and Halifax and paid to the Treasurer or other fiscal officer of the School District. The School District may use the proceeds of the tax so collected to supplement any object or item in the school budget as fixed by law or to supplement any object or item in the Current Expense Fund, the Capital Outlay Fund or for any other lawful item of public school expenditure. The referendum or election for the approval or disapproval of said supplemental tax shall be held at the same time and submitted with the question as to whether or not the School District and Administrative Unit as herein provided shall be created and established.

Sec. 12. The School District, acting through its members as appointed under Section 4 of this Act, shall act as a board of elections for the purpose of organizing and conducting a referendum or special election on the question of whether or not the voters residing within the Administrative Unit approve or disapprove the creation and establishment of the School District and the Administrative Unit. At said referendum or special election there shall be submitted to the qualified voters
residing in the Administrative Unit questions printed on a ballot which shall be substantially as follows:

VOTE FOR ONE

☐ **FOR** creating and establishing the Littleton-Lake Gaston School District and Administrative Unit to operate the public schools in the Administrative Unit and for the levy of an annual supplemental tax to operate schools of higher standard in such amount as is now and may from time to time be provided for in G. S. 115-117 on the assessed valuation of real and personal property according to each one hundred dollars ($100.00) valuation for objects of school budget.

☐ **AGAINST** creating and establishing the Littleton-Lake Gaston School District and Administrative Unit to operate the public schools in the Administrative Unit and against levy of an annual supplemental tax to operate schools of a higher standard in such amount as is now and may from time to time be provided for in G. S. 115-117 on the assessed valuation of real and personal property according to each one hundred dollars ($100.00) valuation for objects of school budget.

The two questions submitted shall have placed before each question or proposition appropriate squares so that each voter may by his cross (X) mark indicate his preference. If a majority of the qualified voters voting at such referendum or special election vote in favor of creating and establishing the Littleton-Lake Gaston School District and the Administrative Unit, as herein provided, for the administration of the public schools in said Administrative Unit, then this Act shall become effective and operative as to all of its provisions upon the date said special election or referendum results are canvassed and the results judicially determined. If a majority of the qualified voters voting at such election or referendum shall vote against the propositions or questions, above set forth and submitted, then this Act shall be void and of no effect, and the terms of office of the members of the School District set forth in Section 4 of this Act shall terminate and said members shall no longer hold office. Within forty (40) days from the date of the ratification of this Act the School District shall call for the special election or referendum, order a new registration of the voters in the Administrative Unit, establish precincts, set up election books and records, and appoint election officers. The School District shall hold and conduct said special election or referendum as set forth in Section 5 of this Act and according to the laws and regulations for holding and conducting of elections by a county board of elections as set forth in Chapter 163 of the General Statutes as amended. Notice of said special election or referendum shall be published once a week for two (2) successive weeks in some newspaper published within the Administrative Unit or having a general circulation within the Administrative Unit. The notice shall contain a brief statement of the purpose of the special election, the area in which it is held and that a vote by a majority of those voting in favor of this Act will establish the Littleton-Lake Gaston School District and its Administrative Unit as herein set forth and that an annual tax in such amount as is now and may from time to time be provided for in G. S. 115-117 on the assessed valuation of the real and personal property, according to each one hundred dollars ($100.00) valuation, the rate to be fixed by the School District, will be levied as a supplemental tax in the Administrative Unit for the purpose of supplementing any lawful public school budgetary item. The expense of said special election or referendum shall be paid by the School District.

591
CHAPTER 628  SESSION LAWS—1969

Sec. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect according to its provisions from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

H. B. 53

CHAPTER 629


The General Assembly of North Carolina do enact:

Section 1. Articles 21, 22 and 23 of Chapter 160 of the General Statutes of North Carolina, comprising G. S. Sections 160-291 through 160-363, inclusive, are hereby repealed.

Sec. 2. A new Article 21 is inserted in Chapter 160 of the General Statutes of North Carolina as follows:

"Article 21

Amendment of City Charters


Section 160-291. Optional forms. The governing board of any city or town may amend its charter or the general law, whichever is applicable, to adopt a new form of municipal government composed of any combination of the options prescribed by this Section:

(1) Name and style of the municipal corporation:
(a) The municipal corporation shall be styled the City of ______________________
(b) The municipal corporation shall be styled the Town of ______________________

(c) The municipal corporation shall be styled the Village of ______________________

(2) Style of governing board:
(a) The governing board shall be known as the Board of Commissioners.
(b) The governing board shall be known as the Board of Aldermen.
(c) The governing board shall be known as the Council.

(3) Terms of office of members of the governing board:
(a) The board shall be elected for terms of two years.
(b) The board shall be elected for terms of four years.
(c) The board shall be elected for overlapping terms of four years.

If the board consists of an even number of members, at the first election following adoption of option (c), one-half of the members shall be elected for four-year terms, and one-half shall be elected for two-year terms. If the board consists of an odd number of members, at the first election following adoption of option (c), a simple majority of the members shall be elected for four-year terms and the remainder of the members shall be elected for two-year terms. In both cases those members elected with the highest number of votes shall serve the four-year terms. At all elections following the first election under option (c), members shall be elected for four-year terms.
Number of members of the governing board:

(a) The board shall consist of any number of members not less than three nor more than twelve.

Mode of election of the governing board:

(a) All candidates shall be nominated and elected by all the qualified voters of the municipality.

(b) The municipality shall be divided into wards; members of the board shall be apportioned to the wards so that each member represents the same number of persons as nearly as possible, except for members apportioned to the municipality at large, if any; the qualified voters of each ward shall nominate and elect candidates who reside in the ward for seats apportioned to that ward; and all the qualified voters of the municipality shall nominate and elect candidates apportioned to the municipality at large, if any.

(c) The municipality shall be divided into wards; members of the board shall be apportioned to the wards so that each member represents the same number of persons as nearly as possible, except for members apportioned to the municipality at large; and candidates shall reside in and represent the wards according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the municipality.

(d) The municipality shall be divided into wards; members shall be apportioned to each ward so that each member represents the same number of persons as nearly as possible, except members apportioned to the municipality at large, if any; the qualified voters of each ward shall nominate two candidates who reside in the ward for each seat apportioned to that ward in a non-partisan primary, and the qualified voters of the entire municipality shall nominate two candidates for each seat apportioned to the municipality at large, if any; and all candidates shall be elected by all the qualified voters of the municipality.

If either of options (b), (c), or (d) is adopted, the governing board shall divide the municipality into the requisite number of wards according to the apportionment plan adopted, and shall cause a map of the wards so laid out to be drawn up and recorded in the office of the municipal clerk, where it shall be available for public inspection. The governing board shall have authority to revise ward boundaries from time to time to correct imbalances in ward population and to account for newly annexed territory. The governing board shall also have authority to revise the apportionment plan from time to time in order to insure that each member represents the same number of persons as nearly as possible, but in no event may more than one-half of the governing board be apportioned to the municipality at large. The initial ordinance or petition initiating adoption of either of options (b), (c), or (d) may specify the number of wards to be laid out, but the drawing of ward boundaries and apportionment of members to the wards shall be done in all cases by the governing board.

Primaries:

(a) There shall be no municipal primary but all candidates shall be nominated and elected at the regular municipal election.

(b) There shall be a non-partisan primary to nominate two candidates for each vacancy on the board to be filled at the regular municipal election.

(c) There shall be a primary at which each political party shall nominate one candidate for each vacancy on the board to be filled at the regular municipal election.
CHAPTER 629  SESSION LAWS—1969

Options (a) and (c) may not be adopted by any municipality which has adopted option (d) of subsection (5) of this Section.

(7) Selection of Mayor:
(a) The mayor shall be elected by all the qualified voters of the municipality for a term of two years.
(b) The mayor shall be elected by all the qualified voters of the municipality for a term of four years.
(c) The mayor shall be selected by the governing board from among its membership to serve at its pleasure.

Part 2. City Manager.

Sec. 160-292. Adoption of manager plan. The governing board of any city or town may amend its charter by adopting G. S. Sec. 160-293 as a part of its charter. (The words "city" and "council" may be replaced with the correct terminology for the particular municipality.)

Sec. 160-293. (a) Appointment of city manager. The Council may appoint a city manager for an indefinite term and may fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or State at the time of his appointment, but shall become a resident of the city as soon after his appointment as possible. He shall not be deemed an officer of the city within the meaning of Article XIV, Section 7, or Article VI, Section 7, of the Constitution of North Carolina.

(b) Powers and duties of manager. The manager shall be the chief administrator of the city. He shall be responsible to the Council for the administration of all municipal affairs placed in his charge by them, and shall have the following powers and duties:

1. He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all municipal employees in accordance with such general personnel rules, regulations, policies, or ordinances as the Council may adopt, except the City Attorney and the City Clerk.
2. He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the Council, except as otherwise provided by law.
3. He shall attend all meetings of the Council and recommend for adoption such measures as he shall deem expedient.
4. He shall see that all laws of the State and the ordinances, resolutions, and regulations of the Council are faithfully executed within the city.
5. He shall prepare and submit the annual budget and capital program to the Council.
6. He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.
7. He shall make such other reports as the Council may require concerning the operations of city departments, offices, and agencies subject to his direction and control.
8. He shall perform such other duties as may be required or authorized by the Council.

Sec. 160-294. Existing charter provisions not affected. Sections 160-292 and 160-293 shall not apply to any city or town whose charter provides for the appointment
of a city or town manager and shall not be construed to permit the amendment or repeal of any such provisions.


Sec. 160-295. Initiative by governing board. (a) The governing board may adopt an ordinance amending the charter or general law applicable to the municipality in any of the particulars set out in Sections 160-291 and 160-293. The ordinance shall be passed for the first time not later than 90 days before the deadline for filing notice of candidacy for the municipal governing board, or, if no such deadline is prescribed by law or ordinance, not later than 120 days before the municipal election. The ordinance may combine adoption of the manager plan as permitted by Sec. 160-293 with modification of the charter in the particulars permitted by Sec. 160-291, or separate ordinances under Secs. 160-291 and 160-293 may be adopted. If separate ordinances are adopted, they may be considered at the same meetings and the same public hearing, but shall be considered separate ordinances for the purposes of Sec. 160-296. Following passage on first reading, the substance of the ordinance shall be published in some newspaper having a general circulation in the municipality. Following this publication the board shall call a public hearing on the ordinance. Following the public hearing, the board shall read the ordinance for a second time and if it shall pass its second reading, it shall take effect for the next succeeding regular municipal election, unless submitted or petitioned to a vote of the people as hereinafter provided.

(b) The governing board may not adopt an ordinance amending the charter between the time of registration of an initiative petition pursuant to Sec. 160-298 and the time the plan proposed in such petition takes effect, unless the petition shall be declared invalid for failure to meet the requirements imposed by Sec. 160-297 and 160-298, or unless the plan proposed by the petition fails adoption by the voters: Provided, that this subsection shall not apply to an ordinance proposing charter amendments under Sec. 160-291 if the petition proposes only adoption of the manager form of government under Sec. 160-293, nor to an ordinance proposing adoption of the manager form of government under Sec. 160-293 if the petition proposes only charter amendments under Sec. 160-291.

Sec. 160-296. Referendum on new plan initiated by the governing board. The governing board may of its own motion, and shall upon receipt of a valid petition bearing the signatures of a number of qualified voters of the municipality equal to at least fifteen percent (15%) of the whole number of voters who participated in the last regular municipal election, submit any ordinance adopted pursuant to Sec. 160-295 to a vote of the people. No petition shall be valid unless delivered to the mayor or clerk at least 60 days prior to the deadline for filing notice of candidacy for the municipal governing board, or, if no such deadline is prescribed by law or ordinance, at least 90 days before the municipal election.

Sec. 160-297. Initiative by the people. (a) The people may initiate a referendum on adoption of a new form of government by petition. The petition shall bear the signatures of a number of qualified voters of the municipality equal to at least twenty-five percent (25%) of the whole number of voters who participated in the last regular municipal election. It may propose only one form of government for submission to the voters and shall be in substantially the following form:

To the __(governing board)__ of __(municipality)__

We, the undersigned qualified voters of __(municipality)__ do hereby request
that you submit to the people the question of whether to adopt a new form of government as follows:—describe the proposed plan briefly but completely and refer to the pertinent provisions of Sec. 160-291 and/or 160-293. No petition shall be valid which proposes any form of government not entirely composed of the options set out in Sec. 160-291 or 160-293. No petition shall be valid unless received by the mayor or clerk at least 120 days prior to the deadline for filing notice of candidacy for the municipal governing board, or, if no such deadline is prescribed by law or ordinance, at least 150 days before the municipal election. Upon receipt of such a valid petition, the governing board shall fix a date for submitting the new form of government to the people.

(b) No initiative petition shall be valid, nor shall any be registered, between the time of the first reading of an ordinance of the governing board initiating a new plan of government and the time such plan takes effect, unless the ordinance fails of passage on second reading or fails of adoption by the voters: Provided, that this subsection shall not apply to a petition proposing charter amendments under Sec. 160-291 if the ordinance proposes only adoption of the manager form of government under Sec. 160-293, nor to a petition proposing adoption of the manager form of government under Sec. 160-293 if the ordinance proposes only charter amendments under Sec. 160-291.

Sec. 160-298. Registration and priority of petitions. Any person or group of persons proposing to circulate an initiative petition under Sec. 160-297 shall register the petition with the municipal clerk before attempting to obtain signatures thereon. The clerk shall retain a copy of the petition and shall note thereon the date and hour of registration. Petitions shall be assigned priority in the order in which they are registered: Provided, that if a petition requesting charter amendments under Sec. 160-291 but not under Sec. 160-293 and a petition requesting adoption of the manager form of government under Sec. 160-293 but not amendments under Sec. 160-291 are both registered, both petitions shall be assigned equal priority, and shall both be submitted to the voters if validly completed and filed.

Sec. 160-299. Submission of propositions; form of ballot. A proposition to approve an ordinance or petition under Sec. 160-291 shall be printed on the ballot in substantially the following form:

☐ FOR the ordinance (or petition) (describe the effect of the ordinance or petition).
☐ AGAINST the ordinance (or petition) A proposition to approve an ordinance or petition under Section 160-293 shall be printed on the ballot in substantially the following form:

☐ FOR the ordinance (or petition) adopting the city manager form of government.
☐ AGAINST the ordinance (or petition) adopting the city manager form of government.
The ballot shall be separate and distinct from all other ballots used at the election. If separate ordinances under Sections 160-291 and 160-293, or both an ordinance and a petition under Section 160-297, or two petitions under Section 160-297, are submitted at the same election, both propositions shall be printed on the same ballot in the appropriate form as provided above. If a majority of the votes cast on a proposition shall be in favor of the proposition the plan contained therein shall be put into effect as provided by Sections 160-301 and 160-302 and may thereafter be altered only in accordance with Sections 160-295 or 160-297. If a majority of the votes cast shall be against the proposition, the ordinance proposing the amendments shall be void or the governing board shall take no action on the petition, as the case may be.

Section 160-300. Plan to continue for two years. Should any new form of government be adopted as provided in this Article, it shall continue in force for at least two years after the beginning of the term of office of the officers elected thereunder; and no ordinance or petition proposing a different plan shall be adopted or filed during the period of one year and six months after such adoption.

Section 160-301. Municipal officers to carry out plan. It shall be the duty of the mayor, the governing board, the city clerk, and other city officials in office, and all boards of election and election officials, when any plan of government is adopted as provided by this Article or if proposed for adoption, to comply with all requirements of this Article, to the end that all things may be done which are necessary for the nomination and election of the officers first to be elected under the new plan so adopted.

Section 160-302. Effective date. The governing board may submit new forms of government proposed under this Article at any regular or special municipal election, or at a special election called for that sole purpose. If plans are submitted at a special election held at least 180 days prior to a regular municipal election, any new form of government adopted shall take effect for the next succeeding regular municipal election. If plans are submitted at a special election held within 180 days before a regular municipal election, any new form of government adopted shall take effect for the regular municipal election held two years after the regular municipal election next succeeding the special election. If plans are submitted at a regular municipal election, any new form of government adopted shall take effect for the next succeeding regular municipal election.

Part 4. Effect of Adoption.

Section 160-303. Municipal corporation continued. Any city or town which shall adopt a new form of government as provided in this Article shall thereafter be governed by the provisions thereof, and the inhabitants of the city or town shall continue to be a municipal corporation, and shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties, liabilities, and obligations pertaining to or incumbent upon the city or town as a municipal corporation.

Section 160-304. Ordinances remain in force. All ordinances, resolutions, orders, and other regulations of a city or town or of any authority, body, or officer thereof existing at the time when such city or town adopts a new form of government as provided in this Article shall continue in full force and effect until annulled, repealed, modified, or superseded.

Section 160-305. Charters to remain in force. All special, local, or private acts of the General Assembly applicable to any city or town which adopts a new form
of government as provided in this Article shall continue in full force and effect notwithstanding adoption of a new form of government, except to the extent modified by an ordinance adopted under the authority conferred and pursuant to the procedures prescribed by this Article.

Sec. 3. Notwithstanding the repeal of Article 22 of Chapter 160 of the General Statutes of North Carolina by this Act, any city or town whose charter heretofore enacted by the General Assembly incorporates by reference any of the provisions of Chapter 160, Article 22, shall continue to be governed by the provisions of said Article as it read on January 1, 1969, until such time as the charter shall be amended, or the form of government changed as provided by this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 5. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 420

CHAPTER 630

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY TO APPOINT ADDITIONAL JUDGES AND PROSECUTING OFFICERS FOR THE GENERAL COUNTY COURT.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of Articles 30 and 31 of Chapter 7 of the General Statutes or any other general or local act relating to the General County Court of Buncombe County, the Board of Commissioners of Buncombe County is hereby authorized to appoint one or more additional judges and prosecuting attorneys for the General County Court of Buncombe County, as the Board of Commissioners in its discretion deems necessary to more properly and expeditiously handle the litigation in the court. The term of office of the persons so appointed and their compensation shall be fixed by the Board of Commissioners.

Sec. 2. Any defendant in a criminal action pending in the General County Court of Buncombe County may demand a trial by jury, and upon such demand, the case shall be transferred to the Superior Court of Buncombe County to be tried as provided by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

H. B. 537

CHAPTER 631

AN ACT PROVIDING FOR THE ENTRY OF THE STATE INTO AN INTERSTATE AGREEMENT ON CERTIFICATION OF EDUCATIONAL PERSONNEL.

The General Assembly of North Carolina do enact:

Section 1. The interstate agreement on qualifications of educational personnel is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

598
Interstate Agreement on Qualifications of Educational Personnel

Article I

Purpose, Findings, and Policy

1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party States find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Compact can increase the availability of educational manpower.

Article II

Definitions

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

2. "Designated State official" means the educational official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

4. "State" means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools, is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a State (and the subdivisions thereof) which accepts educational personnel in accordance with the terms of a contract made pursuant to Article III.
CHAPTER 631  SESSION LAWS—1969

Article III

Interstate Educational Personnel Contracts

1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated state officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own State.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

6. A contract committee composed of the designated state officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

Article IV

Approved and Accepted Programs

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.
2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V
Interstate Cooperation

The party States agree that:

1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI
Agreement Evaluation

The designated state officials of any party State(s) may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

Article VII
Other Arrangements

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

Article VIII
Effect and Withdrawal

1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX
Construction and Severability

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase,
clause, sentence, or provision of this Agreement is declared to be contrary to the
constitution of any State or of the United States, or the application thereof to any
Government, agency, person, or circumstance is held invalid, the validity of the
remainder of this Agreement and the applicability thereof to any Government, agen-
cy, person, or circumstance shall not be affected thereby. If this Agreement shall
be held contrary to the constitution of any State participating therein, the Agree-
ment shall remain in full force and effect as to the State affected as to all severable
matters.

Sec. 2. For the purposes of the Agreement set forth in Section 1 of this Act
the "designated State official" for this State shall be the State Superintendent of
Public Instruction. He shall enter into contracts pursuant to Article III of the agree-
ment only with the approval of the specific text thereof by the State Board of Educa-
tion.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of
May, 1969.

H. B. 709

CHAPTER 632

AN ACT TO ABOLISH THE OFFICE OF CORONER IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The office of coroner is hereby abolished in Forsyth County. Wherever
any statute imposes a duty on the coroner for the service or execution of process,
in the event the sheriff is a party or interested, such process shall be directed to
the sheriff of an adjoining county, and wherever the statutes impose a duty on
the coroner to act when the office of sheriff is vacant, such duty shall be performed
by the chief deputy sheriff of Forsyth County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of
May, 1969.

H. B. 769

CHAPTER 633

AN ACT TO REPEAL CHAPTER 213, PUBLIC-LOCAL LAWS OF 1937, RELAT-
ing TO THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE TOWN OF
WAGRAM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 213, Public-Local Laws of 1937, is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of
May, 1969.
H. B. 781  
CHAPTER 634  
AN ACT RELATING TO THE AUTHORITY OF THE WATAUGA COUNTY AIR-PORT COMMISSION.  
The General Assembly of North Carolina do enact:  
Section 1. Chapter 1124 of the 1967 Session Laws is repealed.  
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 3. This Act shall become effective upon its ratification.  
In the General Assembly read three times and ratified, this the 28th day of May, 1969.  

H. B. 825  
CHAPTER 635  
AN ACT TO AMEND G. S. 131-126.26 WITH RESPECT TO THE POWER OF THE WAKE COUNTY COMMISSIONERS TO CONVEY CERTAIN HOSPITAL PROPERTY.  
The General Assembly of North Carolina do enact:  
Section 1. G. S. 131-126.26, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3B of the General Statutes, is hereby amended by adding a new sentence immediately following the first sentence thereof to read as follows:  
"The Board of County Commissioners of Wake County is hereby authorized, under the provisions of the preceding sentence, specifically to render the aid therein described by a gift of hospital property to a nonprofit corporation notwithstanding such hospital property may have been acquired and constructed from the proceeds of the sale of bonds."  
Sec. 2. This Act shall apply only to Wake County.  
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 4. This Act shall become effective upon its ratification.  
In the General Assembly read three times and ratified, this the 28th day of May, 1969.  

H. B. 837  
CHAPTER 636  
AN ACT TO RAISE THE MAXIMUM AMOUNT OF BOND ALLOWED FOR REG-ISTERS OF DEEDS FROM TEN THOUSAND DOLLARS TO FIFTY THOU-SDAND DOLLARS AND TO REQUIRE A MINIMUM AMOUNT OF TEN THOU-SDAND DOLLARS.  
The General Assembly of North Carolina do enact:  
Section 1. G. S. 161-4(a) is rewritten in its entirety to read as follows:  
"(a) Every register of deeds shall give bond with sufficient surety, to be approved by the board of county commissioners, in a sum of not less than ten thousand dollars ($10,000.00) nor more than fifty thousand dollars ($50,000.00), payable to the State, and conditioned for the safekeeping of the books and records, and for the faithful discharge of the duties of his office."  
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 3. This Act shall be in full force and effect from and after December 1, 1969.
In the General Assembly read three times and ratified, this the 28th day of May, 1969.

H. B. 862

CHAPTER 637

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Lincoln County shall consist of five members nominated and elected as hereinafter set forth. One member shall be elected from North Brook Township; one member from Howard's Creek Township; one member from Lincolnton Township; one member from Ironton Township, and one member from Catawba Springs Township.

Sec. 2. All candidates from each of the above townships for membership on said Board of Education shall be nominated and elected in the primary and general election for county officers, and each candidate from each of the above townships shall be voted upon in said primary and general election by the voters of Lincoln County at large. Each candidate shall be a resident of one of the townships above named in Section 1 of this Act for which he files and as a candidate representing said township for membership on said Board of Education. Each candidate shall, on or before the Friday preceding the sixth Saturday before the date of the primary election for the County officers to be held in 1970, and such appropriate filing dates for County officers in succeeding years according to the expiration of terms, file with the Lincoln County Board of Elections a notice of candidacy, stating the candidate's name, age, political party with which he affiliates, and the township in which he resides and from which township he desires to be a candidate. The notice of candidacy shall be accompanied by a filing fee of fifteen dollars ($15.00), all of which shall be filed with the Chairman of the Lincoln County Board of Elections. The names of the candidates for membership on the said Board of Education, along with the name of the township in which he resides, shall be printed upon the ballot of his political party. The said ballot shall be separate from all other ballots, and the said election shall be separate from all other ballots, and the said primary and election shall be held and voted upon under the laws and regulations relating to the election of County officers and members of the General Assembly.

Sec. 3. The members of said Board of Education now serving on said Board from North Brook Township, Howard's Creek Township and Ironton Township shall continue to hold their offices until the primary and general election to be held in the year 1970. At that time there shall be nominated and elected, as herein provided, a member from each of said townships, above referred to, and these three members so nominated and elected shall take office on the first Monday in December, 1970, and shall hold office for terms of four years each. At the general election to be held in the year 1972, there shall be nominated and elected two members of said Board of Education, as herein provided, and one member shall be a resident of Lincolnton Township and the other member shall be a resident of Catawba Springs Township. The two members so nominated and elected shall take office on the first Monday of December, 1972, and shall hold office for terms of four years each. The members elected to said Board of Education, as herein provided, shall hold office until their successors are elected and qualified, and all successors so elected shall hold office for terms of four years each. The two members, one from Lincolnton
Township and the other from Catawba Springs Township now serving on said Board of Education, shall continue to hold their offices until the election in 1972, as above provided.

Sec. 4. The said Board of Education at its first meeting shall appoint a chairman who shall serve for two years, and the said Board shall determine its own internal procedure and organization. All vacancies occurring in the membership of said Board by reason of death, resignation, removal of residence, or for any cause whatsoever shall be filled by the remaining members of said Board by appointing a member from the township causing the vacancy for the unexpired term. If no person is elected from any township, then the remaining members of the Board shall appoint a person from said township to serve as a member of the Board and such person's term of office shall be for two years. The members of the Board of Education shall be paid such expenses and travel allowances as are allowed by the general law of the State for members of county boards of education.

Sec. 5. The members of the Lincoln County Board of Education nominated and elected as herein provided shall receive compensation at the rate of fifteen dollars ($15.00) per day for the chairman and ten dollars ($10.00) per day for each member of said board. The compensation above provided shall be paid for each day of service in regular and special sessions of said Board.

Sec. 6. That the provisions of Chapter 972 of the Session Laws of 1967 shall not apply to Lincoln County.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

H. B. 882

CHAPTER 638

AN ACT ADDING A NEW ARTICLE 18B TO CHAPTER 115 OF THE GENERAL STATUTES TO DEFINE THE LEGAL STATUS OF THE STUDENT TEACHER IN THE PUBLIC SCHOOLS AND TO AMEND G. S. 115-146 TO GRANT STUDENT TEACHERS LAWFUL AUTHORITY WHEN THEY ARE GIVEN RESPONSIBILITY FOR SOME PART OF THE SCHOOL PROGRAM.

WHEREAS, the program of teacher preparation in North Carolina is designed to promote the continued development and improvement of teachers; and

WHEREAS, student teaching is recognized as a significant part of the total preparation; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. A new article, to be designated as Article 18B and entitled "Student Teachers," shall be inserted in Chapter 115 of the General Statutes immediately after Article 18 and shall read as follows:

"18B. Student Teachers."

"Sec. 115-160.5. Student Teacher and Student Teaching Defined. A student teacher is any student enrolled in an institution of higher education approved by the State Board of Education for the preparation of teachers who is jointly assigned by that institution and a county or city board of education to student-teach under the direction and supervision of a regularly employed certified teacher."
Student teaching may include those duties granted to a teacher by G. S. 115-146 and any other part of the school program for which either the supervising teacher or the principal is responsible.

"Sec. 115-160.6. Legal Protection. A student teacher under the supervision of a certified teacher or principal shall have the protection of the laws accorded the certified teacher.

"Sec. 115-160.7. Assignment of Duties. It shall be the responsibility of a supervising teacher, in cooperation with the principal and the representative of the teacher preparation institution, to assign to the student teacher responsibilities and duties that will provide adequate preparation for teaching.

Sec. 2. G. S. 115-146 is hereby amended by inserting in line 2 immediately following the word "teachers" the following:

"including student teachers when given authority over some part of the school program by the principal or supervising teacher."

Sec. 3. G. S. 115-146 is hereby amended by rewriting the first sentence of the second paragraph as follows:

"Principals, teachers, and student teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

H. B. 933

CHAPTER 639

AN ACT TO MAKE CURRENT G. S. 47-95, VALIDATING CERTAIN NOTARIAL ACTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-95, as amended, is hereby amended by striking the date "January 1, 1959" in line three thereof, and substituting therefor the date "January 1, 1969," it being the purpose and intent of this Act to validate those certain acknowledgements with which G. S. 47-95 deals and which were made before January 1, 1969.

Sec. 2. This Act does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.
CHAPTER 640

AN ACT TO RAISE THE SALARIES OF THE COUNTY COMMISSIONERS, COUNTY CHAIRMAN, SHERIFF, REGISTER OF DEEDS AND COUNTY TREASURER OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The compensation of the Chairman of the Board of County Commissioners of Mecklenburg County is hereby increased to five hundred dollars ($500.00) per month.

Sec. 2. The compensation of each member of the Board of County Commissioners of Mecklenburg County, other than the Chairman of said Board, is hereby increased to three hundred dollars ($300.00) per month.

Sec. 3. The annual salary of the Sheriff of Mecklenburg County is hereby increased to fifteen thousand dollars ($15,000.00).

Sec. 4. The annual salary of the Register of Deeds of Mecklenburg County is hereby increased to twelve thousand five hundred dollars ($12,500.00).

Sec. 5. The annual salary of the Treasurer of Mecklenburg County is hereby increased to nine thousand dollars ($9,000.00).

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 180 and Chapter 358, Session Laws of 1969.

Sec. 7. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of May, 1969.

CHAPTER 641

AN ACT TO MAKE ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES APPLICABLE TO ST. PAULS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Article 15, Chapter 160, of the General Statutes, relating to repair, closing and demolition of unfit dwellings, may be exercised by the governing body of the Town of St. Pauls.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

CHAPTER 642

AN ACT TO AMEND SECTIONS 158-1 AND 158-7 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO AMEND THE APPLICATION OF SAID ACT AS THE SAME SHALL APPLY TO THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Section 1. That the provisions of Section 158-1 of the General Statutes of North Carolina, Volume 3D, 1964 Replacement, being the "Local Development Act of 1925", shall be amended as the same shall apply in the City of Burlington by amending said Section, as it shall apply in the City of Burlington, so that, as amended, it shall provide for a minimum annual appropriation for the purposes therein.
expressed in an amount not less than one-half of one one-hundredth of one percent upon the assessed valuation of all real and personal property taxable in such City.

Sec. 2. That the provisions of Section 158.7 of the General Statutes of North Carolina, Volume 3D, 1964 Replacement, being the "Local Development Act of 1925", shall be amended as the same shall apply in the City of Burlington, by adding thereto the following sentence:

"Provided, however, that should the total of surplus revenues and unencumbered balances in any fund so created exceed the sum of ten thousand dollars ($10,000) all amounts in excess of ten thousand dollars ($10,000) may be carried over into the ensuing fiscal year into the General Fund of the City and used for such purposes as the governing body of said City may direct."

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 955

CHAPTER 643
AN ACT TO MAKE ARTICLE 14A OF CHAPTER 160 OF THE GENERAL STATUTES, RELATING TO OPEN SPACES AND AREAS, APPLICABLE TO ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-181.10 is hereby amended by deleting the words "Alamance County" therefrom.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 964

CHAPTER 644
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY TO FIX THE SALARY OF CONSTABLES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Moore County is hereby authorized to fix and pay from the general fund the salary of all constables in Moore County and the salary shall be in lieu of all fees allowed constables for the discharge of their official duties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.
H. B. 974

CHAPTER 645

AN ACT TO PROVIDE PENALTIES FOR FAILURE OF INTERSTATE COMMON CARRIERS TO REGISTER INTERSTATE OPERATING AUTHORITY FOR OPERATION ON THE HIGHWAYS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-266 is hereby amended by adding new subsections (c) and (d) at the end thereof to read as follows:

"(c) Any person operating a common carrier motor vehicle in interstate commerce over the highways of this State without filing with the Utilities Commission a copy of its respective interstate authority and registering each vehicle operated in the State with the Utilities Commission in accordance with rules and regulations of the Utilities Commission shall be subject to a penalty of twenty-five ($25.00) dollars, which shall be added to the registration fees provided in G. S. 62-300 (8) and G. S. 62-300 (13), and said penalty shall be collected with said registration fee from any carrier operating on the highways of North Carolina without registering his interstate authority by inspectors and investigators of the Utilities Commission in accordance with rules and regulations duly adopted by the Utilities Commission before said vehicle shall be permitted to operate further upon the highways of North Carolina."

"(d) No motor carrier shall operate or cause to be operated in interstate commerce in this State any vehicle until he has filed evidence of required insurance with the Utilities Commission and has been issued an identification stamp for such vehicle, which stamp must be attached to the approved Uniform Cab Card and carried in the vehicle at all times. The identification stamp herein provided for shall be issued on an annual basis as of January 1st each year and shall be valid through February 1st the next succeeding year. When any person is discovered in this State, operating a vehicle in violation of this Section, it shall be unlawful for anyone thereafter to operate said vehicle on the streets or highways of this State, except to remove it from the street or highway for purposes of parking or storing said vehicle until he shall pay to the Utilities Commission a penalty of twenty-five ($25.00) dollars. Any person denying his liability for such penalty may pay the same under protest. He may apply to the Utilities Commission for a hearing, and said hearing will be granted before a member of the Commission or a Hearing Examiner within thirty (30) days after receipt of the request of such a hearing. If after said hearing the Commission determines that the person was not liable for the penalty, the amount collected shall be refunded to him. If after said hearing the Commission determines that the person was liable for said penalty, the person paying the penalty may bring an action in the Superior Court of Wake County against the Utilities Commission for refund of the penalty. No restraining order or injunction shall issue from any Court of the State to restrain or enjoin the collection of the penalty or to permit the operation of said vehicle without payment of the penalty prescribed herein."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.
AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO ENTER INTO AGREEMENTS WITH THE DEPARTMENT OF TRANSPORTATION FOR INSPECTION OF NATURAL GAS PIPELINES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-50 is hereby amended by designating the existing provisions of said Section at subsection (a) thereof and by adding a new subsection (b), (c), (d) and (e) at the end thereof to read as follows:

"(b) The Commission is hereby authorized to enter into agreements with the United States Department of Transportation and other Federal agencies and with other states or Public Utilities Commissions of other states for the regulation of natural gas pipelines located within the State of North Carolina and upon the execution of such cooperative agreements, the Commission is authorized to utilize Commission personnel for inspection, investigation, and regulation of safety standards for interstate and intrastate natural gas pipelines in North Carolina, and to share in the cost of such regulation with other agencies having duties with respect to the regulation of said natural gas pipelines, and to receive funds from the United States Department of Transportation for such regulation."

"(c) The Utilities Commission is hereby authorized to enter into cooperative agreements for inspection of all natural gas pipelines of North Carolina to the end that the Utilities Commission may enter into agreements with the United States Department of Transportation or other Federal or State agencies to regulate and inspect the safety standards for all natural gas pipelines in the State of North Carolina, including interstate natural gas pipelines."

"(d) Any person who violates any provision of this Section, or any regulation of the Utilities Commission issued thereunder, shall be subject to a civil penalty not to exceed one thousand dollars ($1,000.00) for each violation for each day that the violation persists, the maximum civil penalty not to exceed two hundred thousand dollars ($200,000.00) for any continuing violation."

"(e) Any action for civil penalty or any claim for said penalty may be compromised by the Utilities Commission and settled for an agreed amount. In determining the amount of the penalty imposed in civil action, or the amount agreed upon in compromise, the amount of the penalty shall be considered in relation to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after any prior notification of a violation. The amount of the penalty, when finally determined in a civil action, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the person charged, or may be collected as in the case of any judgment in a civil action in the State courts."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after September 15, 1969.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.
H. B. 995  

CHAPTER 647

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES TO AUTHORIZE THE SAME FORMS OF BALLOTS IN BEER AND WINE ELECTIONS FOR COUNTIES AS ARE AUTHORIZED FOR MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. The provisions of G. S. 18-125 are amended by adding a new paragraph at the end thereof, to read as follows: "In addition to the forms of ballots authorized by this section, questions as to sales of beer and wine may be placed on the ballot in county elections in any form authorized under this Chapter for similar elections in municipalities."

Sec. 2. G. S. 18-126 is hereby amended by adding at the end thereof a new subsection (c) to read as follows: "(c) The result of any county election held pursuant to this Article shall not in any manner affect the legal sale of beer or wine or both, or the types of sales, in any municipality in which the legal sale of beer or wine or both is permitted at the time of the county election."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 1014  

CHAPTER 648

AN ACT TO AUTHORIZE THE CITY OF DUNN TO ACQUIRE LAND FOR SANITARY LANDFILL OR GARBAGE DISPOSAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. In addition to the authority granted the City of Dunn by G.S. 160-204 and G.S. 160-205 to acquire land for city purposes, the City of Dunn is also hereby authorized to acquire by purchase pursuant to G.S. 160-204 or by eminent domain pursuant to G.S. 160-205 any land in fee simple or any lesser interest in land, either within or without its corporate limits, for sanitary landfill or other garbage disposal purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on January 1, 1971.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 1030  

CHAPTER 649

AN ACT TO AMEND SECTION 105 OF CHAPTER 136 TO ELIMINATE THE TIME LIMITATION FOR WITHDRAWAL OF DEPOSIT IN CONDEMNATION ACTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 105 of Chapter 136 of the General Statutes as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3B is hereby amended by deleting the following words from the first and second lines thereof: "Anytime prior to the expiration of two years from service of summons."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 1046

CHAPTER 650

AN ACT REPEALING CHAPTER 395 OF THE PUBLIC-LOCAL LAWS OF THE 1937 SESSION OF THE GENERAL ASSEMBLY RELATING TO THE SALE OF BEER AND WINE IN THE TOWN OF BLACK MOUNTAIN IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 395 of the Public-Local Laws of the 1937 Session of the General Assembly is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 1047

CHAPTER 651

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE SAMPSON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The compensation of the members of the Sampson County Board of Education is hereby fixed at one hundred fifty dollars ($150.00) per month for the Chairman of the Board and at seventy-five dollars ($75.00) per month for each other member of the Board. Each member of the Board shall be paid a mileage allowance of ten cents (10¢) per mile for necessary travel while engaged in performing the duties of his office.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 1076

CHAPTER 652

AN ACT TO AMEND CHAPTER 1147, SESSION LAWS OF 1949, RELATING TO ABC STORES IN DUNN.

The General Assembly of North Carolina do enact:

Section 1. Section 5, Chapter 1147, Session Laws of 1949, is hereby amended by adding at the end thereof the following: "The Town of Dunn Board of Alcoholic Control shall not exercise any of the authority in G. S. 18-45(15) with reference to law enforcement. The regular police officers of the Town of Dunn shall have the same powers and authority to enforce the Alcoholic Beverage Control laws, and to the same extent, as conferred in G. S. 18-45(15). All funds held by the Town ABC Board for law enforcement purposes shall be paid into the general fund of the Town of Dunn."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
AN ACT TO AMEND CHAPTER 414, OF THE SESSION LAWS OF 1965, SO AS TO MAKE THE SAME APPLICABLE TO MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 414 of the Session Laws of 1965, is hereby amended by striking from the second line of Section 1 1/2 thereof, the word "Mitchell" and the comma thereafter.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification, but shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

AN ACT TO AMEND G.S. 160-172 OF ZONING REGULATIONS SO AS TO AUTHORIZE THE AMORTIZATION OF NON-CONFORMING BUILDINGS AND USES IN THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. That Section 160-172 of the General Statutes of North Carolina be amended by adding at the end of said Section two sentences to read as follows:

The governing body of the City of Durham shall have and is hereby granted power and authority to provide by ordinance for the amortization and phasing out of non-conforming buildings and uses upon such reasonable terms and provisions, including a period of time, as to it seems just and proper.

Said governing body shall have, and is hereby granted, power and authority to provide and require by ordinance that special types of dwellings such as those known as 'town house' or of similar category be required to have an organized home ownership or similar association to assist in the orderly regulation and policing of such 'town houses' or similar category, on such reasonable terms and regulations as the governing body may promulgate.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.
S. B. 512

CHAPTER 655

AN ACT TO AMEND G.S. 105-345 AND TO PROVIDE A SCHEDULE OF DISCOUNTS FOR PREPAYMENT OF TAXES IN THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 105-345 as amended, is further amended by adding the following subsection at the end thereof:

"However, subsection (1) and (6) hereof shall not apply to taxes levied by the Town of Kernersville, and should any taxpayer of the Town of Kernersville make payment of his taxes during the periods of time as hereinafter set forth, he shall be entitled to the following discounts:

In the year of 1969 and subsequent years, if paid during the month of August, two percent (2%); if paid during the month of September, one percent (1%); if paid during the month of October, the tax shall be paid at par face value."

Sec. 2. This Act shall apply only to the Town of Kernersville.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

S. B. 537

CHAPTER 656

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WINTERVILLE TO ESTABLISH A RETIREMENT OR PENSION FUND FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Winterville is hereby authorized to establish or provide for a retirement system to provide for the payment of benefits to its employees or to their beneficiaries in the following cases:

(1) Retirement, because of age; (2) Disability; (3) Death.

Sec. 2. Such system shall include such officers and employees of the Town as shall be determined by the Council. The Town shall contribute to the system in such amounts as it shall determine, in order to meet the liabilities accruing because of personal services rendered to the Town by its officers and employees; provided, however, that the system may also provide benefits which are based, partly or entirely, upon personal services rendered to the Town prior to the establishment thereof, and the Town may contribute the entire cost of benefits based on any such prior service. The governing body may provide that employees shall share in the cost of financing the system, upon such terms as it deems advisable. The expense of administering the system shall be paid as provided by the governing body and the governing body shall appropriate each year sufficient revenue to provide for the expense of the administration.

Sec. 3. The Town or any other governing body, agency, insurance company, person, or corporation contracting with the Town for the investment, care or administration of said system may invest and reinvest the funds thereof in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies.
Sec. 4. Nothing in this Act shall be construed so as to prohibit the Town from providing or continuing to provide Old Age and Survivors’ Insurance, or Social Security coverage for its officers and employees as the same may be authorized by Federal and State laws, either separately or in addition to the fund authorized herein, or any other retirement or pension plan or fund authorized by general law or local act.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

S. B. 575

CHAPTER 657

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM, BEING CHAPTER 142, PRIVATE LAWS OF 1921, AS AMENDED, BY AMENDING SECTION 24 THEREOF TO AUTHORIZE THE CITY COUNCIL TO APPOINT THE DIRECTOR OF FINANCE AS CITY TREASURER.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Durham, being Chapter 142, Private Laws of 1921, as amended, is hereby again amended by amending Section 24 thereof by changing the period to a comma at the end of the second sentence of said Section and after said comma adding the following words:

"and the City Council may appoint and designate the Director of Finance as City Treasurer."

Sec. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

S. B. 599

CHAPTER 658

AN ACT TO CLARIFY THE LAWS REGARDING THE RECORDS KEPT BY THE CLERK OF SUPERIOR COURT OF HARNETT AND LEE COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. The provisions of G.S. 2-42(35) is hereby repealed as to Harnett and Lee Counties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1969.
CHAPTER 659  
H. B. 667  
AN ACT TO PERMIT THE SNAGGING OF NON-GAME FISH IN A PORTION OF POLK COUNTY.  

The General Assembly of North Carolina do enact:  

Section 1. Other provisions of statutes or of the regulations of the North Carolina Wildlife Resources Commission notwithstanding, it shall be lawful to take non-game fish, as non-game fish are defined in the regulations of the North Carolina Wildlife Resources Commission, by means of snagging in that portion of Green River in Polk County between the impounded waters of Lake Adger and Fish Top Falls, a distance of approximately three and one-half (3-1/2) statute miles, during the period from March 15th through May 15th each year.  

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  

Sec. 3. This Act shall be in full force and effect from and after its ratification.  

In the General Assembly read three times and ratified, this the 29th day of May, 1969.

H. B. 812  
CHAPTER 660  
AN ACT TO REVISE AND REORGANIZE THE CHARTER OF THE TOWN OF CARRBORO.  

The General Assembly of North Carolina do enact:  

Section 1. The Charter of the Town of Carrboro is hereby rewritten to read as follows:  

THE CHARTER OF THE TOWN OF CARRBORO  
CHAPTER I. ORGANIZATION AND POWERS  
SUBCHAPTER A. INCORPORATION; CORPORATE POWERS AND THEIR EXERCISE  

Section 1.01. Incorporation and corporate powers.  

The Town of Carrboro shall continue to be a body politic and corporate by the name of "Town of Carrboro". Under that name the Town shall continue to be vested with all of the property and rights of property which now belong to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell, or dispose of the same; may have a common seal and alter and renew the same at will and shall have and may exercise in conformity with this charter all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.  

Section 1.02. Exercise of power.  

All powers, functions, rights, privileges and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this charter. If this charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance or resolution of the Town board of aldermen and as provided by the pertinent general laws of the State.
SUBCHAPTER B. TOWN BOUNDARIES

Section 1.21. Existing town boundaries.

(a) The boundaries of the Town shall be those existing at the time of adoption of this charter with such alterations as may be made from time to time in the manner provided by law. As of the effective date of this charter, the said boundaries shall constitute the territory embraced within the following boundaries:

BEGINNING at a point on the existing Carrboro-Chapel Hill Corporate Limits Line, said beginning point being located N. 87 degrees 05' W. 155 feet from the northwest corner of the Lincoln School Property; running thence with the new Chapel Hill Corporate Limits Line the following courses and distances; S. 87 degrees 05' E. 155 feet, S. 4 degrees 20' W. 300 feet, S. 5 degrees 32' W. 297 feet, S. 2 degrees 47' E. 35 feet, due west 30 feet and south along the eastern property line of Lot 17, Block C, Orange County Tax Map 100, dated January 1, 1966 Revised, 298 feet to the northern right-of-way line of Merritt Mill Road; running thence a new line the following courses and distances: westward along the northern right-of-way line of Merritt Mill Road as it curves in a clockwise direction 975 feet to the center line of Smith Level Road; running thence southwest along the center line of Smith Level Road 750 feet to the center line of Morgan Creek; running thence with the center line of Morgan Creek upstream about 220 feet to the Town of Carrboro—M. W. Andrews Property Line; running thence with the Town of Carrboro Sewage Treatment Plant property line and M. W. Andrews property line the following courses and distances; N. 3 degrees 12' W. 289 feet, N. 77 degrees 28' W. 172 feet, N. 1 degree 00' E. 298 feet, S. 89 degrees 00' E. 276 feet and N. 43 degrees 58' E. 103 feet to the center line of N. C. 54 By-Pass Highway; running thence with the center line of N. C. 54 By-Pass Highway in a westward and northwestward direction 9278 feet to the center line of N. C. 54 Highway; running thence with the center line of N. C. 54 Highway S. 65 degrees 45' E. 216 feet to the western right-of-way line of the Duke Power Transmission Line; running thence N. 2 degrees 40' W. 770 feet with the western right-of-way line of the Duke Power Company Transmission Line to a point; running thence S. 87 degrees 19' E. 160 feet crossing the Duke Power Company Transmission Line and James Street to the northwest corner of Lot 38 of Plantation Acres Extension Subdivision, running thence with the various property lines of the lots herein described of the Plantation Acres Extension Subdivision recorded Plat Book 14, page 72, Orange County Registry the following courses and distances; N. 87 degrees 19' 29" E. 200 feet to the northeast corner of Lot 38; running thence N. 2 degrees 40' 31" W. 700 feet to the northeast corner of Lot No. 45; running thence S. 85 degrees 14' 31" E. 603.91 feet to the southeast corner of Lot No. 53; running thence N. 31 degrees 19' 29" E. 223.61 feet to the northeast corner of Lot No. 53; running thence N. 4 degrees 45' 29" E. 60 feet across Carol Street; running thence S. 85 degrees 14' 31" E. 50 feet to the southeast corner of Lot No. 9; running thence N. 4 degrees 45' 29" E. 200 feet to the northeast corner of Lot No. 9; running thence S. 85 degrees 14' 31" E. 225.7 feet to a point in the southern right-of-way line of Hillsboro Road, running thence N. 40 degrees 51' E. 60 feet across the Hillsboro Road to a point in the northern right-of-way line, continuing N. 40 degrees 51' E. 250 feet to a point; running thence in a southeast direction parallel to and 250 feet from the northern right-of-way line of Hillsboro Road 900 feet to a point; running thence in an eastern direction parallel to and 250 feet from the northern right-of-way line of North Greensboro Street 2150 feet to a point
in the back property line of Lot No. 3, Block A, Orange County Tax Map No. 96 dated January 1, 1966 Revised; running thence Northward 300 feet to a point on the back property line of Lot No. 6, Block A, Orange County Tax Map No. 96; and running thence Northeastward 900 feet along the back property lines of Lots 6, 7, 8, 9, 10, 11, Block A, Orange County Tax Map No. 96; running thence southeastwardly 880 feet to the center line of the north end of Walter's Road; running thence the following courses and distances; N. 75 degrees E. 225 feet; S. 50 degrees E. 75 feet; S. 5 degrees E. 240 feet; S. 73 degrees E. 550 feet, and N. 50 degrees E. 1041 feet to the center line of University Railroad; running thence with the center line of University Railroad 2500 feet in a southerly direction to a point; running thence S. 25 degrees 28' E. 1018 feet to the existing Northwest corner of the Town of Chapel Hill Corporate Limits; running thence with the western corporate limits line of the Town of Chapel Hill 5940 feet in a southern and western direction to the point of BEGINNING.

(b) The current town boundaries, at all times, shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the town clerk and to be designated, as the case may be, "Map (or Description) of Carrboro Town Limits". Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by or under the direction of the town manager. Photograph, typed or other copies of such map or description, certified by the town clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description.

(c) The town board of aldermen may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

SUBCHAPTER C. CHARTER AMENDMENTS
Section 1.51. Incorporation of amendments.
(a) As soon as possible after the adjournment of each General Assembly, the town attorney shall present to the board of aldermen copies of all local laws relating to the property, affairs and government of the Town of Carrboro that were enacted by such General Assembly, whether or not in terms amending this charter, which he recommends be incorporated into this charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law as may be thought necessary to implement the purposes of this Section.

(b) After considering the recommendations of the town attorney, the board of aldermen may provide for the incorporation of such laws into this charter.

(c) The purpose of this Section is to enable the Town to maintain at all times a current and accurate town charter, organized in clear and orderly fashion, and embracing all local laws relating to the property, affairs and government of the Town.

CHAPTER II. ELECTION PROCEDURES

SUBCHAPTER A. OFFICERS TO BE ELECTED
Section 2.01. Election and terms of aldermen and mayor.
(a) The voters of the Town shall elect in nonpartisan elections voting at-large: six aldermen and a mayor.
(b) The aldermen shall be elected for staggered terms of four years each, three
aldermen to be elected at each biennial election to succeed those whose terms are
expiring.

(c) The mayor shall be elected at each biennial election for a term of two years.

(d) The terms of all elected officials shall begin at the day and time prescribed
by Section 3.05 of this charter for the taking of the oath of office, but all said officials
shall serve until their successors are elected and qualified.

SUBCHAPTER B. REGISTRATION

Section 2.21. Appointment of registrars and judges of election; oaths of office;
vacancies.

(a) The board of aldermen shall appoint a registrar and two judges of election
for each election precinct, and shall publish notice of such appointments at least
one time in a newspaper of general circulation in the town. The registrars and
judges of election shall serve for terms of two years from the time of their appoint-
ment, or until their successors are appointed and qualified. Every registrar and
judge of election shall be a resident of the precinct for which he is appointed. The
appointments shall be made and the notice published not later than the fifth Satur-
day before the general municipal election, and the notice shall state the date of
said general election.

(b) Each registrar and judge of election, before entering upon his duties, shall
take before some person authorized by law to administer oaths, the oaths required
by general law (now codified as G. S. 11-6, 11-7, and 163-164).

(c) If a vacancy occurs on the day of election in the office of registrar of any
precinct, the same shall be filled by the judges of election of said precinct. If a
vacancy occurs on that day in the office of a judge of election of any precinct, the
same shall be filled by the registrar of said precinct. Vacancies in any of said offices
occurring at any other time (or which cannot be filled pursuant to the preceding
two sentences) shall be filled by the board of aldermen.

Section 2.22. Registration procedures.

(a) Each registrar shall be furnished at the expense of the Town with registration
books, ballot boxes, and other necessary supplies. It shall be his duty to revise the
registration books of his precinct prior to each election in such manner that said
books shall show an accurate list of the electors previously registered in such pre-
cinct and still residing therein, without requiring such electors to be registered
again. He shall be empowered to delete from the said registration books the names
of all persons known to him to be dead or to be no longer resident in the precinct.

(b) In addition to the regular review of the registration books by the registrars
provided for in the preceding subsection, the town board of aldermen shall have
the authority of a county board of elections to order the revision and purging of
the registration books of any precinct. Any such revision and purging, if ordered
by the board of aldermen, shall be conducted in the manner provided by general
law for revision and purging of registration books on order of the county board
of elections (now codified as G. S. 163-23).

(c) The board of aldermen in its discretion may order a new registration of voters
for the entire town or for one or more precincts. Unless a new registration is
ordered, the election shall be held under the existing registration, with such revision as is herein provided for. If a new registration is ordered at least one notice thereof shall be published in a newspaper of general circulation in the town at least thirty days before the first day of such new registration.

(d) In all cases, whether for a new or regular registration, the registration books shall be opened (Sundays excepted) for the registration of voters at nine o'clock A. M. on the fourth Friday before the general municipal election, and shall be closed at five o'clock P. M. on the second Friday before the general municipal election. It shall be the duty of each registrar, between the hours of nine o'clock A. M. and five o'clock P. M. on each day during the period when the registration books are open, to keep open said books for the registration of voters residing within his precinct and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct, between the hours of nine o'clock A. M. and nine o'clock P. M., for the registration of voters.

(e) It shall be the duty of each registrar to attend the polling place of his precinct with the registration books on the second Saturday preceding the election, from the hour of nine o'clock A. M. till the hour of three o'clock P. M. On such day during said hours the registration books shall be open for the inspection of the electors of the town, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite the name of the person so objected to, the word "Challenged", and shall appoint a time and place, before the election day, when he together with the judges of election shall hear and determine said objection. They shall give notice thereof, and shall hear and determine the challenge, under the rules and regulations prescribed for elections for members of the General Assembly (now codified in G. S. Chapter 163). Nothing herein contained shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than the above specified.

(f) No registration shall be allowed on the day of election, except that a person shall be allowed to register and vote if:

1. He gives satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote since the registration books were closed for registration;

2. His name having been removed from the registration books pursuant to subsection (a) of this Section, he appears at the polling place on election day and satisfied the precinct officials that he is qualified to vote in that precinct;

or

3. His name having been removed from the registration books pursuant to subsection (b) of this Section, he appears at the polling place on election day and gives satisfactory evidence to the precinct officials that he had never received any notice by mail or otherwise of his name being placed among the list of disqualified voters in that precinct, and satisfied said officials that he is qualified to vote in that precinct.

Section 2.23. Use of county registrations. In lieu of the registration procedures provided for by Section 2.22 of this charter, the Town may use the registration books of Orange County under agreement with the board of county commissioners pursuant to general law (now codified as G. S. 163–31.3). In the event that the
board of aldermen chooses to use the county registration books for any election or elections, then, for purposes of such election or elections: (1) the provisions of Section 2.21 of this charter shall remain applicable; but (2) the provisions of Section 2.22 of this charter shall not apply, and the existing county registrations shall be used without modification.

SUBCHAPTER C. NOMINATIONS

Section 2.41. Nominations of candidates for elective offices; preparation of ballots.

(a) Any person who desires to become a candidate for any elective office may file for said office with the town manager but not less than fifteen days prior to the holding of the town election by signing a certificate of nomination reading as follows:

Certificate of Nomination

I hereby file notice of my intention to be a candidate for the office of __________________________. I certify that I am now or at the time of the election will be a qualified voter and resident of the Town of Carrboro.

Signed __________________________
Date __________________________

(b) The manager shall cause the names of the persons so filing, and only such names, to be printed upon an official ballot which shall be in such form as the board of aldermen may determine and shall bear instructions to the voter as to the number of candidates to be voted for and the method of designating his choice. Beneath each printed name sufficient space shall be left so that another name may be substituted by writing it in. Having caused the ballots to be printed, the manager shall cause to be delivered at each polling place a number of ballots equal to at least five percent greater than the number of persons registered in the precinct.

SUBCHAPTER D. GENERAL MUNICIPAL ELECTION

Section 2.61. Time of general municipal election. The general election for members of the town board of aldermen and the mayor, herein referred to as the "general municipal election", shall be held on Tuesday after the first Monday in May biennially in odd-numbered years.

Section 2.62. Qualifications for voting. The qualifications for voting at a general municipal election shall be those required of an elector by the State Constitution.

Section 2.63. Conduct of election and counting of ballots.

(a) The registrar and judges of election shall open and close the polls, shall keep poll books in which shall be entered the name of every person who shall vote, and shall superintend and conduct the election, all in like manner as is provided by law for election of members of the General Assembly (now codified as G. S. Chapter 163). The polls shall open and close at the same hours as provided by law for said elections of members of the General Assembly (now codified as G. S. 163-84 and 163-179). At the close of the election the registrar and judges for each precinct shall certify the poll books over their proper signatures and shall deposit the poll books and registration books with the town manager.

(b) At the end of the election, in each precinct the polls shall be closed, the ballot boxes opened, and the ballots counted by or under the supervision of the registrar and judges of election, in like manner as is provided by law for elections for members of the General Assembly (now codified as G. S. Chapter 163).
Section 2.64. Cannassing and declaration of results.

(a) The registrar and judges of election in each precinct shall appoint one of their number to serve as a member of the board of canvassers. The results of the counting of the ballots shall be embodied in a duplicate statement, one copy of which shall be placed in a sealed envelope and delivered to the precinct official appointed to attend the meeting of the board of canvassers, and one copy of which shall be delivered by one of the other precinct officials to the town manager immediately after the close of the precinct count.

(b) The members of the board of canvassers shall meet at 11:00 A. M. on the second day after the election at the town hall, and a majority of the members shall constitute a quorum. The board shall organize by the election of one of its number as chairman and one as secretary. Any member of the board who fails to deliver the certified returns from his precinct by 12:00 noon on the day of the board meeting shall be guilty of a misdemeanor, unless for illness or good cause shown for such failure. If any precinct returns have not been received by the board by 12:00 noon on the first day of this meeting, or if any returns are incomplete or defective, it shall have authority to dispatch an officer for the purpose of securing the proper returns for the precinct. The board may adjourn from time to time and thereafter reconvene.

(c) The board of canvassers shall, at their meeting, in the presence of such electors as choose to attend, open, canvass, and judicially determine the results, and shall make abstracts, stating the number of legal ballots cast in each precinct, the name of each candidate, and shall sign the abstracts in duplicate with their certificate as to the correctness of the abstracts. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same; upon its own motion to order or conduct a recount of the ballots in any precinct; to send for papers and persons and examine the latter upon oath; and to pass upon the legality of any disputed ballots transmitted to them by any precinct officer.

(d) In the general municipal election the candidate receiving the highest number of votes for mayor shall be elected. The three candidates in such election receiving the highest number of votes for the office of alderman shall be elected for full four-year terms. If it is necessary in addition to elect one or more aldermen to fill the unexpired terms of one or more aldermen whose offices were vacated, the person receiving the fourth highest number of votes for alderman (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for said unexpired term or terms.

(e) If in any municipal election held under this Charter there shall be an equal number of votes cast for two or more persons, and the resulting tie must be resolved in order to determine the identity of the persons elected therein, decision shall be made by lot between the contesting persons in a manner prescribed by the board of aldermen.

(f) The board of canvassers shall transmit one copy of the certified abstract of the results to the mayor and shall file the other copy, together with the original precinct returns with the town manager. The manager shall publish the results at least once in some newspaper of general circulation in the town.

(g) If no election contest, appeal or recount is pending, the town manager within six days after the election shall furnish each of the officers who were elected a certificate of election under his hand and seal. At the same time he shall notify
said officers to meet at the town hall at the time prescribed by Section 3.05 of this charter to be sworn into office.

(h) If an election contest, appeal or recount is pending, the manager shall furnish the certificates and notification within six days after the contest or appeal or the results of the recount have been finally determined.

SUBCHAPTER E. SPECIAL ELECTIONS
Section 2.81. Calling and conduct of special elections.

(a) The function of calling special elections within the town (other than school elections) shall be exercised exclusively by the board of aldermen. The board may call any such special election for any purpose authorized by law to be called within the town, and shall call any such special election required by law to be called within the town.

(b) Registrations made and elections held under the authority of the Municipal Finance Act shall be called and conducted, the ballots counted, and the results canvassed and proclaimed, as provided by said Act. All other special elections shall be conducted by the board of aldermen with registrars and judges of election appointed by the board; and registrations therefor shall be made, the ballots counted, and the results canvassed and proclaimed under the same rules and conditions as are provided by this Charter with respect to general municipal elections. Every special election, except as otherwise provided by law or by this Charter, shall be held on a date fixed by the board of aldermen.

SUBCHAPTER F. MISCELLANEOUS PROVISIONS
Section 2.101. General laws applying to town elections.

In all respects not provided for by this Charter all elections held pursuant to this Charter shall be conducted as prescribed by law for the election of members of the General Assembly. Wherever in such statutes appear the words "State Board of Elections" and "county board of elections" shall be deemed to be written "board of aldermen", and wherever appear the words "chairman of county board of elections" shall be deemed to be written the words "town manager". Nothing herein contained, however, shall be construed as providing for the designation of candidates' political party affiliations on municipal election ballots, nor as authorizing absentee registration or absentee voting by voters in the armed forces of the United States or by any other voters in any such elections.

Section 2.102. Designation of precincts and polling places.

For the purpose of elections held under this Charter, the board of aldermen may establish, define, provide, re-arrange and combine one or more voting precincts and polling places within the town. Notice of alteration of existing precinct lines or polling places shall be given as provided by the general laws governing election of members of the General Assembly (now codified as G. S. 163-22). As nearly as may be practicable, the board shall make the precinct lines and polling places designated for elections held under this Charter conform to those designated within the town for elections of members of the General Assembly, but failure to make such precinct lines and polling places so conform shall not affect the validity of any election.

Section 2.103. Use of voting machines. The board of aldermen may conduct any general municipal or other election using voting machines approved by the State Board of Elections instead of paper ballots under applicable rules of the State
Board of Elections, which rules shall prevail in the event of conflict with this charter.

CHAPTER III. MAYOR AND BOARD OF ALDERMEN

SUBCHAPTER A. BOARD OF ALDERMEN: COMPOSITION, QUALIFICATIONS, COMPENSATION

Sec. 3.01. Composition of governing body. The governing body of the Town of Carrboro shall consist of a mayor and a six-member board of aldermen, who shall be elected in the 1967 manner provided by Chapter II of this Charter. The board of aldermen shall constitute the legislative body of the municipality.

Sec. 3.02. Qualifications of elected officers. (a) No person shall be eligible to be elected as mayor or alderman unless he is a qualified voter and resident of the Town for six months.

(b) No person elected to the board of aldermen, whether he qualify or not, shall during the term for which he was elected, be appointed to any other position or office of trust or profit under the town government. However, when a vacancy exists or shall occur in the office of mayor, an alderman shall not be debarred from selection as mayor for the unexpired term.

Sec. 3.03. Vacancies in elected offices. If any elected town officer shall fail or refuse to be qualified, or if there is a vacancy in any elective Town office after qualification, or if the holder of any such office be unable to discharge the duties of his office, the board of aldermen shall choose some person to fill the vacancy until the next general municipal election or to serve in the office during the disability, as the case may be. A person selected to fill a vacancy in the office of mayor shall serve for the unexpired term. A person selected to fill a vacancy in the office of alderman shall serve until the next general municipal election, at which time a person shall be elected to fill the unexpired term (if any) or as successor, as the case may be.

Sec. 3.04. Compensation of governing body. The mayor and each alderman shall receive as compensation for his services an amount fixed by the board of aldermen. In addition thereto, they may be reimbursed for actual and necessary travel expenses incurred by them in the performance of their official duties, as allowed by the board, not exceeding the amount permitted by general law.

Sec. 3.05. Oaths of office. Each newly elected or appointed alderman and mayor before entering upon his duties shall take and subscribe before the town clerk an oath to perform faithfully the duties of his office and the oaths of office required by general law (now codified as G. S. 11-6 and 11-7). The newly elected officers shall meet at the town hall for the purpose of taking such oaths at the time of the next regular meeting of the board of aldermen following the date of their election. A person appointed to fill a vacancy in any elective office shall take the oaths at the next aldermen's meeting following his appointment. Any person who is not present at the time and place provided for by this section may take the oaths at any time thereafter. In the absence of the clerk, the oaths may be administered by any other person authorized by law to administer oaths of office.

SUBCHAPTER B. BOARD OF ALDERMEN: ORGANIZATION AND PROCEDURES

Sec. 3.21. Organizational meeting. The organizational meeting of each board of aldermen shall be the next regular meeting following the date of the election of its members, and following the taking of the oaths of office by the newly elected town officers. The board shall choose from its members a mayor pro tem, who shall
hold office for a term of two years. The organization of the board shall take place notwithstanding the absence, death, refusal to serve or nonelection of one or more members; provided, that at least four of the persons entitled to be members are present and (if necessary) take oath. An alderman serving as mayor pro tem shall be entitled to vote on all matters and, unless otherwise provided by this Charter, shall be considered an alderman for all purposes (including the determination of whether a quorum is present).

Sec. 3.22. Regular and special meetings. (a) The board of aldermen shall fix suitable times for its regular meetings. The mayor, the mayor pro tem, or any two members of the board may at any time call a special meeting by signing a written notice stating the time and place of the meeting, which notice shall be delivered to each member or left at his usual dwelling place at least six hours before the meeting. Meetings of the board may also be held at any time when all members of the board are present and consent thereto or when those not present have signed written waiver of notice. Except as otherwise provided by law, any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) Except where otherwise specifically provided by this Charter, the board of aldermen shall have authority to determine the time and place of board meetings, to make such provisions as it may deem wise relative to regular, special, adjourned and continued meetings, to adopt rules of procedure, and generally to regulate the time, place, manner and method of the exercise of its powers. No ordinance, resolution, rule or directive may be adopted, amended or repealed, however, except in a public meeting. All meetings of the board shall be held at the town hall, unless the board otherwise provides. In the event the board is authorized or required by law to hold a joint meeting with the governing body of another municipality or political subdivision of the State of North Carolina, it may at its election meet with the other governing body at a designated place within the area subject to the jurisdiction of the other governing body.

Sec. 3.23. Quorum; votes. (a) A majority of the members of the board of aldermen shall constitute a quorum to do business.

(b) No member shall be excused from voting except upon matters involving the consideration of his own official conduct or involving his financial interest. In all other cases, a failure to vote by a member who is present or who, having been present, has withdrawn from the meeting without being excused, shall be deemed an affirmative vote and shall be so recorded. A member who has withdrawn from a meeting without being excused shall be counted as present for purposes of determining whether or not a quorum is present.

SUBCHAPTER C. BOARD OF ALDERMEN: POWERS AND DUTIES

Sec. 3.41. General powers of board of aldermen. (a) The government of the Town and the general management of the Town shall be vested in the board of aldermen, except that the town manager shall have the powers hereinafter specified.

(b) In addition to other powers conferred upon it by law, the board of aldermen may adopt and provide for the execution of such ordinances, rules and regulations, not inconsistent with this Charter, as may be necessary or appropriate to protect health, life or property, or to preserve or promote the comfort, convenience, security, good order, better government or general welfare of the Town or its inhabitants; may enforce the same by imposing penalties on such as violate them; and may compel the performance of the duties imposed upon others, by suitable penalties.
CHAPTER 660  SESSION LAWS—1969

SUBCHAPTER D. BOARD OF ALDERMEN: ORDINANCE PROCEDURE

Sec. 3.61. Applicable general laws. Except as otherwise herein provided, the adoption, amendment, repeal, pleading and proving of ordinances shall be governed by provisions of general law applying to cities.

Sec. 3.62. Adoption of ordinances and resolutions. The affirmative vote of three of the members of the board of aldermen shall be necessary to adopt any ordinance or resolution.

Sec. 3.63. Code or compilation of ordinances; proving of ordinance. (a) The board of aldermen may adopt and provide for the issuance and distribution of a codification or compilation of the town ordinances. Any such code or compilation may consist of two separate parts, the “General Ordinances” and the "Technical Ordinances". The technical ordinances may be published in sections and may include ordinances regarding the construction of buildings, the installation of plumbing or electric wiring or gas or oil appliances or equipment, and use of the public sewerage system, the zoning ordinance, the privilege license tax ordinance, and other technical ordinances designated as such by the board. The board may provide for the omission from the code or compilation of designated classes of ordinances which, in its judgment, need not be included because of their limited interest or transitory nature.

(b) Any of the following shall be admitted in evidence in all courts and shall have the same force and effect as would an original ordinance:

(1) An official code or compilation of ordinances which: (i) sets forth the ordinances in question; (ii) is reproduced by the process of printing, mimeographing, photoduplication, or similar process; (iii) is issued as a securely bound book or books with or without periodic, separately bound supplements; and (iv) is certified by the town clerk, both as to the original volume or volumes and the supplements, as having been adopted by the Board of Aldermen.

(2) An official code or compilation of ordinances which meets the requirements of items (i) and (ii) of paragraph (1), above, but which is issued as a loose-leaf book or books and is certified by the clerk as having been prepared and maintained pursuant to action by the board of aldermen.

(3) A photographed, typed or other copy of an ordinance, as set out in the minute books of the board of aldermen or as set out in an official code or compilation of ordinances, certified by the clerk as a true copy.

The burden of pleading and proving the existence of any modification or repeal of an ordinance, a copy of which has been duly pleaded or submitted in evidence, shall be upon the party asserting such modification or repeal.

(c) The official copy of the Carrboro code (or compilation) of ordinances, whether said code or compilation is issued in bound or loose-leaf form, shall be kept in the office of the clerk, and shall be certified by the clerk and designated as the official copy as adopted by the board. It shall be the duty of the clerk to insert at the appropriate places in any loose-leaf code or compilation all amending or supplementing ordinances, and to extract from said code or compilation all provisions which from time to time may be repealed by the board of aldermen.

Sec. 3.64. Codification of certain zoning, traffic and related ordinances by appropriate entries upon official map books. (a) The board of aldermen may provide that any one or more classes of ordinances concerning the matters enumerated in subsections (b) and (c) of this section shall be codified by appropriate entries upon official map books to be retained permanently in the office of the town clerk. Such entries shall be made by or under the direction of some official designated by the board. In conjunction with the introduction of every proposed ordinance concerning any
of these matters, a map of the affected area shall be presented to the board, but failure to present such a map shall not affect the validity of the ordinance.

(b) The ordinances referred to in subsection (a) include all ordinances establishing or amending boundaries of any zoning district under zoning regulations.

(c) The ordinances referred to in subsection (a) include also all ordinances:

(i) Designating the location of official traffic control devices;
(ii) Designating areas or zones where restrictions, prohibitions or other controls are applied with respect to parking, loading, bus stops, and taxicab stands;
(iii) Establishing speed limits;
(iv) Designating the location of through streets, stop intersections, yield right-of-way intersections, waiting lanes, one-way streets, and truck traffic routes; and
(v) Establishing restrictions, prohibitions or other controls upon vehicle turns at designated locations.

(d) Photographic copies of any part of such official map books, certified by the clerk, shall be admitted in evidence in all courts and shall have the same effect as would the original map book.

SUBCHAPTER E. MAYOR

Sec. 3.81. Powers and duties of mayor. (a) The powers and duties of the mayor shall be such as are conferred upon him by this Charter or by general law, together with such others as may be conferred by the board of aldermen pursuant to law.

(b) The mayor shall preside at all meetings of the board of aldermen, but shall have the right to vote only in case of a tie. He shall be recognized as the official head of the town by the courts for the purpose of serving civil process and by the public for all ceremonial purposes. He shall have the power to administer oaths.

Sec. 3.82. Mayor pro tem. During the disability of the mayor or his absence from the Town, the functions of his office shall devolve upon the mayor pro tem. The mayor pro tem shall preside at all meetings of the board of aldermen in the absence of the mayor.

CHAPTER IV. ADMINISTRATIVE OFFICES

POWERS AND PROCEDURES

SUBCHAPTER A. CREATION AND FUNCTIONS OF DEPARTMENTS, OFFICES AND OTHER AGENCIES IN GENERAL

Sec. 4.01. Offices, positions, departments and other agencies continued by charter or created by board of aldermen. (a) The following offices and positions, in addition to those provided for by Chapter III of this Charter, are hereby continued by this Charter: town manager, town clerk, and town attorney.

(b) The board of aldermen may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies other than those established or continued by the preceding subsection. The board by ordinance may assign additional functions or duties to offices, positions, departments and agencies established or continued by this Charter (and may revise their titles accordingly), but may not discontinue or assign elsewhere any functions or duties assigned by this Charter to a particular office, position, department or agency.
SUBCHAPTER B. TOWN MANAGER

Sec. 4.21. Town manager: appointment, qualifications, term, compensation and oath. (a) The board of aldermen shall appoint a town manager, who shall be the administrative head of the town government, and shall be responsible for the administration of all town departments. He shall be appointed with regard to merit only and need not be a resident of the town when appointed.

(b) The town manager shall hold office during the pleasure of the board of aldermen, and he shall receive such compensation as it may fix by ordinance.

Sec. 4.22. Town Manager: powers and duties. The town manager shall (1) be the administrative head of the town government and, as such, shall be responsible for the administration of all town offices, positions and departments, created by or under this Charter; (2) see that within the jurisdiction of the Town the laws of the State and the ordinances, resolutions and regulations of the board of aldermen are faithfully executed; (3) attend all meetings of the board and recommend for adoption such measures as he shall deem expedient; (4) make reports to the board from time to time upon the affairs of the Town, and keep the board fully advised of the Town's financial condition and its future financial needs; and (5) supervise the work of all department heads, officers and employees of the Town, unless otherwise provided in this Charter.

SUBCHAPTER C. PERSONNEL

ARTICLE 1. APPOINTMENTS AND REMOVALS

Sec. 4.41. Appointment, removal and supervision of department heads and employees by town manager. The town manager, except as otherwise provided in this Charter, shall appoint and may suspend and remove all town employees and heads of town departments and offices. The manager shall report to the board of aldermen every such appointment, suspension and removal of a department head at the next board meeting following the appointment, suspension or removal.

Sec. 4.42. Appointment and removal of members of boards and commissions. Except as otherwise provided by this Charter and notwithstanding any other provision of law, the board of aldermen shall appoint and may suspend and remove:

(1) All members of boards and commissions which are created pursuant to this Charter, unless the board of aldermen provides to the contrary;

(2) All members of boards and commissions who are subject to appointment by the board of aldermen at the time of adoption of this Charter, unless the board of aldermen provides to the contrary; and

(3) All members of any town board or commission created pursuant to any law enacted after the adoption of this Charter, unless said law provides to the contrary.

Sec. 4.43. Absence or disability: (a) The town manager may (1) designate a deputy or deputies to perform the functions of any town officer or department head subject to appointment by the manager whenever such officer or department head is absent from the town, sick, or otherwise unable to act; and (2) from time to time designate deputies to perform the functions of such officers or department heads during particular absences or disabilities.

(b) The board of aldermen may exercise the powers set forth in the preceding subsection with respect to any official subject to appointment by it.

ARTICLE 2. COMPENSATION, PERSONNEL POLICIES

Sec. 4.51. Classification and compensation of employees and officers. The town manager shall be responsible for the preparation of position classification and pay
plans which shall be submitted to the board of aldermen for approval. Said plans
may apply to all employees of the Town and of any of its agencies and offices (includ-
ing elective offices). Salaries of employees shall be fixed by the manager within
salary ranges approved by the board of aldermen. Salaries of department heads
and other officers shall be fixed by the board after recommendation of the manager.

Sec. 4.52. Personnel policies. The board of aldermen may adopt rules and regu-
lations, consistent with applicable laws: (1) concerning annual leave, sick leave, hours
of employment, and holidays; and (2) concerning other personnel policies (including
policies relating to working conditions). Said rules and regulations may apply to
all employees of the Town and of any of its agencies and offices (including elective
offices and judicial agencies).

ARTICLE 3. MISCELLANEOUS

Sec. 4.61. Official bonds. The officers and employees of the Town of Carrboro,
both elective and appointive, shall execute such official bonds in such amounts and
upon such terms and conditions as the board of aldermen may from time to time
require.

SUBCHAPTER D. FINANCES AND FISCAL MATTERS

Sec. 4.111. General authority to levy and collect taxes. To raise revenue for
defraying expenses incident to the proper government of the Town, the board of
aldermen may annually levy and collect (1) a tax on real and personal property
and on all other property subject to taxation; (2) a tax on all businesses, trades,
professions, avocations, privileges, and franchises, carried on or enjoyed within the
Town; and (3) any other taxes permitted by general law.

Sec. 4.112. Levy, collection and payment of property taxes. (a) Except as other-
wise herein provided, property taxes shall be imposed and collected in the manner
provided by general law.

(b) Property taxes shall become due and payable on the date provided by general
law. Interest shall be charged for late payment, and discounts may be allowed for
prepayment of taxes, in the amounts and during the periods covered by general
law.

Sec. 4.113. Additional remedies for collection of privilege license taxes. In addi-
tion to any other civil or criminal remedy available to enforce the collection of
privilege license taxes, the Town may employ the remedies of levy upon personal
property, attachment and garnishment, in the manner of and subject to the limita-
tions provided in G. S. 105-385(c) through (g).

SUBCHAPTER E. PROCUREMENT AND PROPERTY MANAGEMENT

ARTICLE 1. CONTRACTING, PURCHASING AND PROPERTY MANAGEMENT
PROCEDURES

Sec. 4.131. Contracting procedures: authentication of documents. (a) No contract
shall be binding upon the Town of Carrboro unless it is either (1) made by or pur-
suant to ordinance or resolution of the board of aldermen; or (2) reduced to writing
and approved by the board; or (3) authorized by ordinance or resolution specifically
referring to a particular contract or generally referring to a class of contracts which
may be executed by a designated official or officials on behalf of the Town.

(b) Except where otherwise provided by law, all contracts, licenses and other
public documents of the Town shall be signed by the town manager or some person
designated by him and shall be authenticated by the town clerk. The manager shall
file with the board of aldermen a written memorandum of any designation by him
of a person to sign documents, and such memorandum shall be recorded in the minutes of the board.

(c) In all respects not provided for by this Charter, formal requirements concerning the making and execution of contracts by the Town shall be governed by general law.

ARTICLE 2. SALE AND DISPOSITION OF PROPERTY

Sec. 4.141. Conveyances with covenants of warranty. (a) The board of aldermen is hereby authorized to execute and deliver conveyances to any property, whether acquired by tax or assessment foreclosure or otherwise, with full covenants of warranty whenever in its discretion it is to the best interest of the Town to convey by warranty deed.

(b) Members of the board of aldermen are hereby relieved of any personal or individual liability by reason of the execution of any such conveyances with covenants of warranty.

Sec. 4.142. Quitclaims of Town property. The Town may quitclaim any rights it may have in property not needed for public purposes upon report by the town manager and adoption of a resolution by the board of aldermen, both finding that the property is not needed for public purposes and that the interest of the Town has no readily ascertainable monetary value.

Sec. 4.143. Conveyance to abutting owners of small parcels of land cut off from town-owned tracts by street improvements. Whenever in opening, extending or widening any street, avenue, alley or public place of the Town a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the Town, the board of aldermen may authorize the town manager to execute and deliver in the name of the Town a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way for said street, avenue, alley or public place or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances heretofore or hereafter so executed and delivered shall convey all title and interest the Town has in such property notwithstanding no public sale after advertisement was, or is hereafter, made.

SUBCHAPTER F. OTHER DEPARTMENTS, OFFICES AND AGENCIES

ARTICLE 1. TOWN CLERK

Sec. 4.161. Town clerk: appointment and functions. (a) The board of aldermen shall appoint biennially at its organizational meeting an official who shall have the title of town clerk.

(b) The town clerk shall:
(1) Give notice of meetings of the board of aldermen;
(2) Keep a journal of the proceedings of the board;
(3) Record in a book kept for the purpose all ordinances and resolutions;
(4) Be the custodian of all town records; and
(5) Perform such other duties as are prescribed by law or by this Charter, or as shall be required by the board of aldermen or the town manager.

ARTICLE 2. TOWN ATTORNEY

Sec. 4.171. Town attorney: appointment and functions. The board of aldermen shall appoint biennially at its organizational meeting a town attorney, shall prescribe his duties and fix his rate of compensation.
ARTICLE 3. POLICE AND FIRE ADMINISTRATION

Sec. 4.181. Powers and duties of chief of police and policemen. The chief of police and each member of the police force shall have the powers of peace officers vested in the sheriffs and constables, for the following purposes: for the purpose of enforcing applicable state laws, town ordinances and regulations, of preserving the peace of the Town, or suppressing disturbances and apprehending offenders, and for serving civil process. Such powers may be exercised within the corporate limits of the Town upon town real property wherever located, and as allowed by the General Statutes of the State.

Sec. 4.182. Powers of firemen on duty during fires. The fire chief and his assistants, while on duty during fires, shall have the powers conferred upon police officers by Section 4.181 of this Charter, and are authorized to make arrests without warrants for interference with or obstructions to their operations.

CHAPTER V. PLANNING AND REGULATORY FUNCTIONS

SUBCHAPTER A. ANIMALS AND BIRDS

Section 5.01. Bird Sanctuary:

(a) The territory within the corporate limits of the Town of Carrboro is hereby declared to be a bird sanctuary.

(b) It shall be unlawful for any person to kill, trap, or otherwise take any bird within the corporate limits of the Town of Carrboro except English sparrows, crows, starlings, pigeons, and domesticated fowls. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as a violation of an ordinance.

SUBCHAPTER B. FIREWORKS, EXPLOSIVES, AND WEAPONS

Section 5.21. Use and sale of weapons and explosives.

The board of aldermen may prohibit or regulate the firing of guns, pistols, crackers, gunpowder, or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the town, and govern the sale thereof.

SUBCHAPTER C. MOTOR VEHICLES AND TRAFFIC

Section 5.41. Location of traffic control devices.

(a) The board of aldermen may authorize an official to designate the location of any or all official traffic control devices, upon a determination by him in each case:

(1) If such a device is to be installed by him at a particular location, that its installation is necessary in order to control traffic congestion in the interest of public safety;

(2) If such a device is to be moved or removed from a particular location, that the device is no longer required at such location for the control of traffic congestion in the interest of public safety.

An "official traffic control device", as used in this section, is a sign, signal, marking, or device, including a parking meter, which is intended to regulate vehicular or pedestrian traffic.

(b) Whenever an official traffic control device is installed, moved or removed pursuant to the preceding subsection, such action shall be reported in writing at the next regular meeting of the board of aldermen. Unless such action is reversed by the board, a notation thereof shall be made in the minutes of the board or made by or under the direction of the town manager on a map or record book or any
combination thereof maintained for that purpose. Any such map or record book shall be retained permanently in the office of the town clerk and shall be designated, as the case may be, as "Map (or Record Book) of Location of Official Traffic Control Devices". Typed, photographic or other copies of any part of such map or record book or minute entry, certified by the town clerk, shall be admitted in evidence in all courts and shall have the same effect as would the original map or record book or minute book.

(c) For purposes of enforcement, the installation or moving or removing of a traffic control device pursuant to subsection (a) shall take effect immediately when such a device is installed, moved or removed. The location of a traffic control device may be proved by the testimony of the official who designated its location in any case where an offender is brought to trial before a notation concerning the traffic control device in question has been made pursuant to subsection (b).

(d) The installation or moving or removing of a traffic control device pursuant to the provisions of this section shall have the force and effect of an ordinance and failure to obey any such device shall be punishable as a violation of an ordinance.

Section 5.42. Obstruction of alleys.

If, in the opinion of the board of aldermen, a fire hazard is created by the obstruction of private alleys, the board may adopt regulations governing the obstruction of private alleys, either by reason of the parking of motor vehicles or otherwise.

SUBCHAPTER D. OCCUPATIONAL AND BUSINESS LICENSING AND REGULATION

Section 5.41. General powers of board of aldermen to regulate occupations and businesses.

The board of aldermen is authorized to regulate or to license any occupations, businesses, trades, or forms of amusement or entertainment in the interest of the public health, welfare, order or safety, and to prohibit such as may be inimical to the public health, welfare, order or safety.

SUBCHAPTER E. PLANNING, ZONING, BUILDING REGULATIONS AND RELATED MATTERS

ARTICLE I. PLANNING AND ZONING.

Section 5.81. Authority of Town of Carrboro.

For the purpose of promoting the orderly growth, expansion, and development of the Town of Carrboro and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the Town and of the territory and community beyond and surrounding the territorial limits of said town, as hereinafter defined, the board of aldermen is hereby authorized and empowered to exercise any planning, zoning, building regulation, and subdivision-control powers conferred upon the Town and vested in the board by this charter and by Article 14 of the General Statutes of North Carolina, or any other statute applicable to the Town of Carrboro, not only within the corporate limits of the Town of Carrboro but also within the territory and community beyond and surrounding such corporate limits as hereinafter defined in Section 5.82. Such powers may be exercised to the same extent and according to the same procedure as are applicable to the exercise of planning, zoning, building regulation and
subdivision-control powers within the corporate limits of the Town of Carrboro. Such powers shall specifically include, but shall not be limited to, the power to adopt such ordinances and regulations as may be considered necessary or expedient by said governing body to regulate, control and restrict (a) the height, number of stories, and size of buildings and other structures, (b) the percentage of a lot that may be occupied, (c) the size of yards, courts, and other open spaces, (d) the density of population, (e) the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and (f) the construction of buildings and of electrical plumbing systems contained therein.

Section 5.82. Extraterritorial boundaries.

The boundaries of the territory within which the board of aldermen may exercise the aforesaid powers shall be all territory allowed by the General Statutes at the time of adoption or any later date and also those boundaries authorized by Chapters 122 and 636 of the Session Laws of 1963.

Section 5.83. Planning board.

The board of aldermen shall by ordinance create a planning board whose members shall be appointed as follows: Five members shall be appointed by the board of aldermen and shall be citizens and residents of said town; five members shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Carrboro, as defined by this Article. This planning board shall be empowered to exercise the powers, duties, and functions of a municipal planning board, as defined in Sections 160-22 to 160-24 of the General Statutes, and of a municipal zoning commission, as defined in Article 14 of Chapter 160 of the General Statutes. Members shall be appointed for five-year terms and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than two members shall expire in any one year. The jurisdiction of this board shall include all of the area defined in Section 5.82 hereof, including both territory within the corporate limits of the Town of Carrboro and the outside territory over which the Carrboro board of aldermen is granted jurisdiction by this Article.

Section 5.84. Zoning board of adjustment.

The board of aldermen shall create a zoning board of adjustment whose members shall be appointed as follows: Five members shall be appointed by the board of aldermen and shall be citizens and residents of said town; five members shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Carrboro, as defined by this Article. Such board of adjustment shall have and exercise all of the powers, duties, and functions enumerated in Section 160-178 of the General Statutes. Members shall be appointed for terms of three years and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than four members shall expire in any one year. There shall be a quorum of five members for the purpose of hearing cases. The concurring vote of four-fifths of the members present for the hearing of any case shall be necessary in order (a) to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the ordinance or (b) to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or (c) to effect any variation in such ordinance.
CHAPTER 660  SESSION LAWS—1969

Section 5.85. Building inspector.

The board of aldermen may appoint a building inspector to enforce in the area surrounding the corporate limits of the town any regulations adopted pursuant to this Article. Such inspector may be the same as the building inspector serving within such town limits.

Section 5.86. Public hearings.

The board of aldermen shall enact no ordinance or ordinances under the provisions of this Article without first holding a public hearing as provided in Section 160-175 of Article 14 of the General Statutes. No further public hearings with respect to the adoption of such ordinance shall be necessary.

Section 5.87. Powers supplementary.

The powers granted to the board of aldermen by this Article are intended to be supplementary to any powers which have heretofore been granted, or which may hereafter be granted, to it under other provisions of law. The exercise of the powers granted by this Article shall be within the discretion of the board of aldermen. Unless and until the board exercises these powers, this Article shall have no effect upon any existing or future ordinances of the Town of Carrboro. The adoption of any ordinance under the authority of this Article shall have no effect upon any litigation which is pending at the time of such adoption.

Section 5.88. Separability.

If any Section, subdivision, clause, or provision of this Article shall be adjudged invalid, such adjudication shall apply only to such Section, subdivision, clause, or provision so adjudged, and the remainder of the article shall be deemed valid and effective.

ARTICLE 2. SUBDIVISION CONTROLS

Section 5.101. Board of aldermen as platting authority.

The board of aldermen is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Article lying within the said municipality or within the area defined by Article 1 of this subchapter.

Section 5.102. Procedure for adopting subdivision ordinance.

Before the board of aldermen shall adopt a subdivision control ordinance or any amendment thereto under the provisions of this Article, it shall hold a public hearing on the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper circulated in the Town of Carrboro.

Section 5.103. Procedure for filing plat.

The board of aldermen may adopt an ordinance regulating the subdivision of land as authorized herein, and thereafter no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by said board and such approval entered in writing on the plat by the town clerk. A copy of such ordinance shall be filed with the register of deeds of Orange County. The register of deeds upon receipt of such ordinance shall not hereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the board of aldermen without the approval of such plat by the board as required in this Article. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown hereon
is within the territorial jurisdiction of the Town of Carrboro as defined herein. The Register of Deeds of Orange County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Section 5.104. Subdivision regulations.

(a) Prior to exercising the powers granted to it by this Article, the board of aldermen shall by ordinance adopted pursuant to this Article adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 5.101. Such ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for study, recommendation, and tentative approval, to the Planning Board for Carrboro and environs created and appointed under the authority of Sections 160-22 to 160-24 of the General Statutes and Article 1 of this subchapter.

(b) Such ordinance may provide for the orderly development of the town and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication or reservation of right-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding; and which shall create conditions essential to public health, safety, and general welfare.

(c) Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

(d) Such ordinance may include requirements as to the improvement and grading of streets and construction and installation of street pavements, and surface water drainage as a condition precedent to the approval of the plat. In addition, such ordinance may require the installation of water and sewer facilities so as to conform to town ordinances now or hereafter enacted regulating water and sewer extensions and installation as a condition precedent to the approval of the plat. The board of aldermen shall provide that the plat be tentatively approved before any such improvements and installations may be undertaken.

(e) Such ordinance may provide that in lieu of the completion of such improvements and installations prior to the final approval of a plat, the board of aldermen may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the town the actual construction and installation of such improvements and utilities within a period specified by the board and expressed in the bond; and the town is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such ordinance may provide that for subdivisions within the corporate limits the board may in lieu of requiring a bond or the completion of such improvements and installations prior to the final approval of a plat, provide for an assessment under Article 9 of G. S. Chapter 160 or other statutory authorization whereby the town may make said improvements and installations at the cost of the owners of the property within the subdivisions.

Section 5.105. Effect of plat approval on status of dedications.

The approval of a plat by the board of aldermen shall not be deemed to constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.
CHAPTER 660  Session Laws—1969

Section 5.106. Penalties for transferring lots in unapproved subdivisions.

After the board of aldermen adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the town by Section 5.101, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said board and recorded in the office of the Orange County register of deeds, shall upon conviction be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town, through its town attorney or other official designated by the board of aldermen, may enjoin such transfer or sale by action for injunction.

Section 5.107. Definitions.

For the purpose of this Article, the following definitions shall apply: SUBDIVISION. A “Subdivision” shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Article: (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations; (2) the division of land into parcels greater than five acres where no street right-of-way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations.

Section 5.108. Powers granted herein supplementary.

The powers granted to the Town of Carrboro by this Article shall be deemed supplementary to any powers heretofore or hereafter granted by its charter, by general law or by local act for the same or a similar purpose, and in any case where the provisions of this Article conflict with or are different from such charter, general law or local act provisions, the board of aldermen may in its discretion proceed in accordance with such charter, general law, or local act provisions, or, as an alternative method, in accordance with the provisions of this Article.

ARTICLE 3. BUILDING REGULATIONS

Section 5.121. Fire limits.

The board of aldermen may establish in the said town fire limits with such boundaries as they may determine, within which it may prescribe by general rules or specific permits, the kind of buildings which may be erected, so as to provide against accidents by fire, and may prohibit the erection of wooden buildings within the same. It may also provide for the inspection of all buildings now erected or hereafter to be erected and condemn such as are unsafe or dangerous to life or limb by reason either of their defective construction or dilapidation, and may notify the owner or owners to remove or repair such as are condemned within thirty days. If the owner or owners shall refuse to remove or repair the same, or shall neglect
to do so, for the space of thirty days, the board of aldermen shall have the power to remove the same, which expense shall be a lien on the lot, and the owner or owners shall be liable for all such loss as may be incurred by the board, and the board shall not be liable for damages.

Section 5.122. Building setback lines.

(a) For purposes stated in subsection (b) of this Section the board of aldermen is hereby authorized (1) to classify the streets of said Town according to their sizes, present and anticipated traffic loads, and other characteristics relevant to the achievement of said purposes, and (2) to establish, by ordinance, minimum distances which buildings constructed along each class or type of street shall set back from the right-of-way line of the street or from the center line of the street.

(b) Any setback lines established under the authority of this Section shall be designed (1) to promote public safety, by providing adequate sight distances for motorists using the street, lessening congestion in the street, facilitating the movement of traffic on the street, and providing adequate fire lanes between buildings, and (2) to promote the public health, by keeping dwellings and other structures an adequate distance from the dust, noise, and fumes created by traffic on the street and by insuring an adequate supply of light and air.

Section 5.123. Power to destroy property to stop fires.

The mayor, the town manager, or the chief of the fire department may order the blowing up, tearing down or other destruction of any building when it is deemed necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders thus given, nor shall the town, the mayor, the manager, or the fire chief be held liable, civilly or criminally, for the giving of such orders or for damages to property ordered destroyed.

CHAPTER VI. TOWN SERVICES AND FACILITIES

SUBCHAPTER A. STREETS, SIDEWALKS AND RELATED IMPROVEMENTS

Section 6.01. Street maintenance; sidewalk paving and maintenance.

The board of aldermen may require the owner of or lessee of the land abutting upon any sidewalks to repair same at such owners' or lessee's expense, and to require that the same be kept in good passable condition; or it may require the owners of property at the owner's expense to improve said property by the construction of sidewalks and paved streets, to include curb and gutter, catch basins and necessary storm drainage so as to conform to the construction standards set forth by town policy. Upon the failure of the owner, after due notice to make such improvements, such work may be done by the Town, and the cost thereof assessed against the lot immediately abutting said improvement, and such assessment shall be a lien against such abutting lot, collectible as and when the taxes for the next fiscal year are due.

SUBCHAPTER B. WATER SUPPLY, SEWAGE AND WASTE DISPOSAL, AND OTHER UTILITIES

Section 6.21. Sewer rentals and assessments.

The board of aldermen shall have the authority to charge and collect a sewer or water rental fee on all houses connected with the municipal sewer or water system, and to levy special assessments as is provided by general law, which rentals
and assessments are hereby declared a lien against the property served and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided herein for the collection of ad valorem taxes.

Section 6.22. Extension of sewer system beyond town limits.

(a) The board of aldermen is authorized and empowered to extend the sewer and water systems of the Town of Carrboro outside and beyond the town limits of the Town so that the residents of the territory surrounding the town may be provided with sewer and water services. To that end it is authorized and empowered to construct sewer and water systems outside of the limits of the Town and to acquire by purchase or gift any sewer or water system now in existence or hereafter to be constructed within the service area of Carrboro.

(b) The board of aldermen shall have the authority to charge and collect a sewer or water rental or fee on all houses or dwellings connected with such extension or extensions of the sewer or water systems of the Town beyond the limits of the Town, and to levy special assessments as is provided by the general law, which rentals and assessments shall be deemed, and are hereby declared a lien against the property served, and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided herein for the collection of ad valorem taxes.

SUBCHAPTER C. ASSESSMENTS FOR LOCAL IMPROVEMENTS GENERALLY

Section 6.41. Assessment policy of board of aldermen.

Without regard to the limitations stated in G. S. 160-85 or in any other provision of law, the board of aldermen acting for the Town may assume such proportion of the total cost of local improvements (including street improvements, sidewalk improvements, curb and gutter, and water and sewer improvements, or any one or more of them) as the board may from time to time deem appropriate.

CHAPTER VII. MISCELLANEOUS

Section 8.01. Definitions.

As used in this charter, unless the context indicates to the contrary:
The term "Town" means the Town of Carrboro, Orange County.
The term "board" means the board of aldermen of the Town of Carrboro.
The term "manager" means the town manager of the Town of Carrboro.
The term "clerk" means the town clerk of the Town of Carrboro.
The term "GS" means the General Statutes of North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.
H. B. 916

CHAPTER 661

AN ACT TO AMEND CHAPTER 776, SESSION LAWS OF 1963, THE CHARTER
OF RANLO, SO AS TO DESCRIBE THE CORPORATE LIMITS AND TO
REMOVE THE LIMITATION ON BIDDING REQUIREMENTS FOR PUR-
CHASES OF EQUIPMENT.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 776, Session Laws of 1963, is hereby rewritten
in its entirety to read as follows:

"Sec. 2. The boundaries and corporate limits of said Town of Ranlo shall be as
follows:

"Beginning at an iron stake situated 230 feet west of the center line of Cox
Road on the northerly right-of-way line of the Southern Railway, and runs thence
with the northerly right-of-way of Southern Railway in an easterly direction
with a curve to the right for a distance of 3,975 feet, more or less, to a point
situate in the northerly right-of-way line of the Southern Railway, said point
being situate East 201 feet from the extended center line of Walnut Avenue
and West 2,460 feet, more or less, from the center line of Lineberger Road; thence
a line running North 24 degrees 30 minutes East 1301.2 feet, more or less, to
a point situate 1,000 feet north of the center line of P. & N. Railway; thence
North 72 degrees 55-1/2 minutes West 1900 feet to an iron pin situate 1,000
feet North of the center lines of P. & N. Railway; thence North 18 degrees 46-1/
2 minutes East 5,231.9 feet to an iron stake situate 200 feet East of the center
line of Spencer Mountain Road; thence North 88 degrees 27 minutes West
5,990.07 feet to an iron pin in the center line of Burton Branch; thence South
5 degrees 54 minutes West 554.75 feet to an iron pin; thence South 30 degrees
6 minutes East 192.51 feet to an iron pin; thence South 15 degrees 2 minutes
West 413.54 feet to an iron pin; thence South 0 degrees 46 minutes West 455.84
feet to an iron pin; thence South 0 degrees 17 minutes West 874.43 feet to an
iron pin; thence South 25 degrees 35 minutes East 231.07 feet to an iron pin;
thence South 27 degrees 25 minutes East 623.65 feet to an iron pin; thence South
35 degrees 56 minutes East 407.19 feet to an iron pin; thence South 7 degrees
9 minutes West 321.11 feet to an iron pin; thence South 36 degrees West 354.08
feet to an iron pin; thence South 63 degrees 4 minutes West 124.90 feet to an
iron pin; thence North 89 degrees 17 minutes West 119.29 feet to an iron pin;
thence South 30 degrees 19 minutes West 261.29 feet to an iron pin; thence
South 5 degrees 34 minutes West 290.09 feet to an iron pin; thence North 22
degrees 9 minutes East 22.99 feet to an iron pin; thence South 89 degrees 1
minute East 921.38 feet to an iron pin; thence South 5 degrees 26 minutes East
1,068.69 feet to an iron pin; thence South 12 degrees 12 minutes East 169.2 feet
to an iron pin; thence South 11 degrees 16 minutes East 83.8 feet to an iron
pin; thence South 89 degrees 19 minutes East 392.13 feet to an iron pin; thence
South 89 degrees 21 minutes East 255.98 feet to a railroad spike; thence South
14 degrees 47 minutes West 466.38 feet to an iron stake situate 230 feet West
of the center line of Cox Road on the northerly right-of-way line of the Southern
Railway, the point of beginning."

Sec. 2. Section 11(3) of Chapter 776, Session Laws of 1963, is hereby rewritten
in its entirety to read as follows:
"(3) Purchases for supplies, materials, and equipment shall be made by personnel authorized by the Town Board of Commissioners and such purchases shall be made in accordance with the applicable provisions of Article 8, Chapter 143, of the General Statutes."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.

H. B. 1006

CHAPTER 662

AN ACT TO AUTHORIZE THE YADKIN COUNTY BOARD OF EDUCATION TO SELL AT PRIVATE SALE CERTAIN PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. The Yadkin County Board of Education is hereby authorized to convey at private sale and at such price as said Board may determine, that certain parcel of land no longer needed for public school purposes lying and being in Knobs Township, Yadkin County, North Carolina, and more particularly described as follows:

BEING Lots Nos. 2 through 49 as shown on Map of the Map of Subdivision of a part of Block No. 1 and all of Block No. 8 of the L. S. Weaver, same being the property of the Elkin-Jonesville Race Track, Jonesville, Yadkin County, N. C. said survey being made by J. M. Franklin, C. E. on Dec. 4, 1949 and said Map being recorded in the office of the Register of Deeds of Yadkin County, N. C. and being the same property conveyed to Yadkin County Board of Education by deed dated 15 May 1956 and recorded in Book 82, at Page 43, Yadkin County Registry.

Sec. 1 1/2. The Yadkin County Board of Education is hereby authorized to convey at private sale and at such price as said Board may determine, that certain parcel of land no longer needed for public school purposes lying and being in Knobs Township, Yadkin County, North Carolina, and more particularly described as follows:

BEING Lot No. 1 as shown on the Map of subdivision of a part of Block No. 1 and all of Block No. 8 of the L. S. Weaver Farm, same being the property of the Elkin-Jonesville Race Track, Jonesville, Yadkin County, North Carolina, said survey being made by J. M. Franklin, C. E., on December 4, 1949 and said map is recorded in Plat Book 2 at page 8 in the office of the Register of Deeds of Yadkin County and is made a part hereof by reference.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.
S. B. 238  
CHAPTER 663  
AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AND COLLECT TAXES WITHIN THE AREAS OF THE CITY ADMINISTRATIVE UNIT WHICH ARE OUTSIDE THE CORPORATE LIMITS.  

The General Assembly of North Carolina do enact:  

Section 1. The City of Lumberton is hereby authorized to levy and collect those school taxes heretofore assessed, together with such taxes as may from time to time be imposed, except as is hereinafter provided, for the use and benefit of the Lumberton City Administrative Unit in those areas of the Lumberton City Administrative Unit which are outside the corporate limits of the City.  

Sec. 2. This Act shall be retroactive for the purpose of the City of Lumberton collecting the 1968 and 1969 school taxes in those areas of the City Administrative Unit described in Chapter 636, Session Laws of 1967. Taxes for the year 1970 and each year thereafter shall be collected by the appropriate agency of Robeson County.  

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.  

Sec. 4. This Act shall be in full force and effect from and after its ratification.  

In the General Assembly read three times and ratified, this the 30th day of May, 1969.  

H. B. 838  
CHAPTER 664  
AN ACT TO MAKE REGISTERS OF DEEDS NOTARIES PUBLIC EX OFFICIO AND TO PROVIDE FOR CERTIFICATION BY THE REGISTER OF DEEDS OF CERTIFICATES OF PROOF OR ACKNOWLEDGMENT ONLY IN THOSE CASES WHERE THE PROOF OR ACKNOWLEDGMENT IS TAKEN BY AN OFFICIAL OTHER THAN THE REGISTER OF DEEDS OF THE COUNTY IN WHICH THE INSTRUMENT IS OFFERED FOR REGISTRATION.  

The General Assembly of North Carolina do enact:  

Section 1. Chapter 10 of the General Statutes is amended by adding a new Section to be designated as G. S. 10-3.1, and to read as follows:  

"G. S. 10-3.1. Register deeds notary ex officio with respect to certain instru-ments; to use seal of office. With respect to instruments offered for registration in their county, the register of deeds and his assistants and deputies may act as notaries public by virtue of their office, and may certify their notarial acts under the seal of the office of the register of deeds."

Sec. 2. G. S. 47-14(a) is rewritten in its entirety to read as follows:  

"(a) When the proof or acknowledgment of the execution of any instrument, required or permitted by law to be registered, is had before any other official than the register of deeds of the county in which the instrument is offered for registration, the register of deeds shall examine the certificate or certificates of proof or acknowledgment appearing upon the instrument, and if it appears on the face of the instrument that the execution thereof by one or more of the signers has been duly proved or acknowledged and the certificate or certificates to that effect are in due form, he shall so certify, and shall register the instru-ment, together with the certificates. No certification is required when the proof or acknowledgment is before the register of deeds of the county in which the instrument is offered for registration."
CHAPTER 664

SESSION LAWS—1969

Sec. 3. G. S. 47-5 is amended by deleting the last sentence and substituting the following sentence in lieu thereof:

"When the instrument is proved or acknowledged before the register of deeds of the county in which the instrument is to be registered, the official seal shall not be necessary."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.

H. B. 1031

CHAPTER 665

AN ACT TO AMEND CHAPTER 136 OF THE GENERAL STATUTES TO REVISE AND CLARIFY CERTAIN PROVISIONS OF SECTIONS 41.1 AND 41.3, RELATING TO MUNICIPAL STREET AID FUNDS.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G.S. 136-41.1, as appears in 1964 Replacement Volume 3B of the North Carolina General Statutes, is amended to read:

"There is hereby annually appropriated out of the State Highway Fund a sum equal to the amount that was produced during the fiscal year by 1/2 of one-cent tax on each gallon of motor fuel taxed by Sections 105-434 and 105-435, to be allocated in cash on or before October first each year after March 15, 1951, to the cities and towns of the State in accordance with the following formula:"

Sec. 2. The fifth paragraph of G.S. 136-41.1, as appears in 1964 Replacement Volume 3B of the North Carolina General Statutes, is amended to read:

"No allocation to cities and towns shall be made under the provisions of this Section from the one-cent per gallon additional tax on gasoline imposed by Chapter 1250 of the Session Laws of 1949 and by Chapter 46 of the Session Laws of 1965 unless and until said additional one-cent per gallon gasoline tax produces funds which are not needed for or committed by said Chapter 1250 of the Session Laws of 1949 and said Chapter 46 of the Session Laws of 1965, to the payment of the principal of or the interest on the secondary road bonds issued pursuant to the provisions of said Chapter 1250 of the Session Laws of 1949 and said Chapter 46 of the Session Laws of 1965. The State Highway Commission is hereby authorized to withhold each year an amount not to exceed one percent (1%) of the total amount appropriated in Section 136-41.1 for the purpose of correcting errors in allocations: Provided, that the amount so withheld and not used for correcting errors will be carried over and added to the amount to be allocated for the following year."

Sec. 3. The fourth paragraph of G.S. 136-41.3, as appears in 1964 Replacement Volume 3B of the North Carolina General Statutes, is amended to read:

"In the case of each eligible municipality, as defined in G.S. 136-41.2, having a population of less than 5,000, the State Highway Commission shall upon the request of such municipality made by official action of its governing body, on or prior to June 1, 1953, or June 1 in any year thereafter, for the fiscal year beginning July 1, 1953, and for the years thereafter do such street construction, maintenance, or improvement on non-system streets as the municipality may request within the limits of the current or accrued payments made to the municipality under the provisions of G.S. 136-41.1."
Sec. 4. The words "G.S. 136-41.2" appearing immediately following the words "allocation under" and immediately preceding the words "to this account" in the tenth line of the sixth paragraph of G.S. 136-41.3, as appears in 1964 Replacement Volume 3B of the North Carolina General Statutes, is amended to read "G.S. 136-41.1".

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.

S. B. 424  CHAPTER 666

AN ACT TO AUTHORIZE THE CITY OF ALBEMARLE TO PROVIDE CABLE TELEVISION SERVICE.

The General Assembly of North Carolina do enact:

Section 1. The City shall have authority to acquire, construct, own, and operate a cable television system as defined in G. S. 160-2(6a) within the City and within the areas served by the City's electric distribution system, to make reasonable installation and service charges for cable television service, and to make reasonable rules and regulations regarding the operation and use of such system. The City may appropriate funds for the acquisition, construction, and operation of such system, and may issue its bonds and notes for the same pursuant to and in accordance with Article 28 of Chapter 160 of the General Statutes, and may issue its revenue bonds for the same pursuant to and in accordance with Article 34 of Chapter 160 of the General Statutes; and for the purposes of this Section the term "undertaking" as defined in G. S. 160-414(5) shall be deemed to include a cable television system as defined in G. S. 160-2(6a).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.

S. B. 464  CHAPTER 667

AN ACT TO AUTHORIZE AN ELECTION ON THE QUESTION OF INCORPORATING THE CITY OF ARCHDALE-TRINITY IN RANDOLPH COUNTY AND REPEALING THE CHARTERS OF THE TOWNS OF ARCHDALE AND TRINITY.

The General Assembly of North Carolina do enact:

Section 1. (a) The Board of Elections of Randolph County shall conduct a special election on Tuesday, July 8, 1969 for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the City of Archdale-Trinity the question whether or not such area shall be incorporated as the City of Archdale-Trinity, as provided in this Act. On such day, the polls shall be open from 6:30 a.m. until 6:30 p.m. Except as otherwise provided in this Section, such special election shall be conducted in accordance with the provisions of law applicable to county elections.
(b) A new registration of all qualified voters in the described area shall be conducted for the purpose of registering the names of those who desire to vote in such special election, and in the first election of City officials in the event the special election results in incorporation. The registration books for such new registration shall be open from Saturday, June 21, 1969, through Saturday, June 28, 1969, excluding Sunday, and shall remain open on each day from 9:00 a.m. until 5:00 p.m. On the Saturdays of June 21 and June 28, the books shall be kept at the polling places. On other days during the registration period, they may be kept at the home or place of business of the respective registrars, or at the polling places, as designated in the notice hereinafter required. Saturday, July 5, 1969, shall be Challenge Day.

(c) The Board of Elections of Randolph County shall, not later than Friday, June 13, 1969, establish two precincts for the special registration and election, appoint a registrar and two judges for each precinct, and designate a polling place for each precinct. One precinct shall consist of that part of the territory hereinafter described as the proposed corporate limits of the City of Archdale-Trinity which lies to the north and east of the center line of the right of way of the Carolina and Northwestern Railroad, and shall be hereinafter referred to as the Archdale Precinct. One precinct shall consist of that part of the territory described as the proposed corporate limits of the City of Archdale-Trinity which lies to the south and west of the center line of the right of way of the Carolina and Northwestern Railroad, and shall be hereinafter referred to as the Trinity Precinct.

(d) Not later than Friday, June 13, 1969, the Board of Elections of Randolph County shall cause to be posted at two public places in the Archdale Precinct and at two public places in the Trinity Precinct a notice stating the time, the polling places, and the purpose of the special election; the names of the registrars and judges of election; the dates, hours, and places of registration; the date, time, and places for challenges; that the registration is a complete new registration for the special election and for election of City officers if the special election results in incorporation; that, subject to a favorable vote upon the question of incorporation, the election of City officers will be conducted on Tuesday, November 4, 1969; and that, subject to a favorable vote upon the question of incorporation, candidates for election to City offices on November 4, 1969, must file with the Board notice of candidacy not earlier than Friday, October 3, 1969, and not later than 5:00 p.m. on Friday, October 17, 1969. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Archdale-Trinity community.

(e) In the special election, those voters who favor the incorporation of the City of Archdale-Trinity as provided in this Act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Archdale-Trinity", and those voters who are opposed to the incorporation of the City of Archdale-Trinity as provided in this Act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of Archdale-Trinity".

Sec. 2. In such special election, if a majority of the votes cast in both the Archdale Precinct and the Trinity Precinct shall be cast "AGAINST Incorporation of Archdale-Trinity", then Sections 3 through 10 of this Act shall have no force and effect.

Sec. 3. (a) In such special election if a majority of the votes cast in both the Archdale Precinct and the Trinity Precinct shall be cast "FOR Incorporation of
Archdale-Trinity", then

(1) The City of Archdale-Trinity is hereby incorporated effective July 8, 1969, and Section 6 of this Act shall constitute the Charter of the City of Archdale-Trinity;

(2) subsections (b) and (c) of this Section shall have no force and effect and Sections 4 through 10 of this Act shall be in full force and effect from and after July 8, 1969;

(3) Francis E. White, Thomas S. Boulding, Jr., William Tucker, Joel E. Williams, Doris B. Spencer, and Howard J. Younts are hereby appointed as the City Council of the City of Archdale-Trinity to serve until their successors are elected and qualify.

(4) The City of Archdale-Trinity shall be divided into four wards for the purpose of electing City Councilmen, and the City Council shall, after the initial terms of members appointed hereby, consist of eight members two of whom shall reside in each ward.

(b) In such special election, if a majority of the votes cast in the Archdale Precinct shall be cast "FOR Incorporation of Archdale-Trinity" and a majority of the votes cast in the Trinity Precinct shall be cast "AGAINST Incorporation of Archdale-Trinity", then

(1) the City of Archdale is hereby incorporated effective July 8, 1969, and Section 6 of this Act shall constitute the charter of the City of Archdale;

(2) Subsections (a) and (c) of this Section shall have no force and effect and Sections 4 through 10 of this Act shall be in full force and effect from and after July 8, 1969;

(3) William Tucker, Joel E. Williams, and Doris B. Spencer are hereby appointed as the City Council of the City of Archdale to serve until their successors are elected and qualify.

(4) The City of Archdale shall be divided into three wards for the purpose of electing City Councilmen, and the City Council shall, after the initial terms of members appointed hereby, consist of six members, two of whom shall reside in each ward.

(c) In such special election, if a majority of the votes cast in the Trinity Precinct shall be cast "FOR Incorporation of Archdale-Trinity" and a majority of the votes cast in the Archdale Precinct shall be cast "AGAINST Incorporation of Archdale-Trinity", then:

(1) The City of Trinity is hereby incorporated effective July 8, 1969, and Section 6 of this Act shall constitute the Charter of the City of Trinity;

(2) Subsections (a) and (b) of this Section shall have no force and effect and Sections 4 through 10 of this Act shall be in full force and effect from and after July 8, 1969;

(3) Francis E. White, Thomas S. Bouldin, Jr., and Howard J. Younts are hereby appointed as the City Council of the City of Trinity to serve until their successors are elected and qualify;

(4) The City of Trinity shall be divided into two wards for the purpose of electing City Councilmen, and the City Council, after the initial terms of members appointed hereby, shall consist of four members, two of whom shall reside in each ward.
Sec. 4. The City Council appointed pursuant to the preceding Section shall possess and may exercise all the powers granted to the City incorporated by the preceding Section and to its City Council by this Act and by the general laws of North Carolina, which powers shall be exercised in accordance with the provisions of the Charter of the City. They shall select from among their members a Chairman, to exercise the powers of Mayor until a Mayor is elected and qualifies as provided in Section 5 of this Act. The Chairman so selected shall vote as a member of the Council, but shall not vote again when there is an equal division among the other members on a question.

(b) The City Council shall, not later than September 1, 1969, establish boundaries for the wards of the City as specified by the preceding Section, for the purpose of elections of City Councilmen. Such wards shall be established in a manner so that the population of each is as nearly equal to the population of the others as is practicable. Adequate descriptions of the ward boundaries shall be furnished to the Board of Elections of Randolph County not later than September 15, 1969.

Sec. 5. (a) The Board of Elections of Randolph County shall, on Tuesday, November 4, 1969, conduct an election for the purpose of electing a Mayor and the specified number of City Councilmen for the City incorporated by the preceding Section. Such election shall be conducted within the area herein established as the corporate limits of such City. On election day, the polls shall be open from 6:30 a.m. until 6:30 p.m. Except as otherwise provided in this Section, such election shall be conducted in accordance with the provisions of law applicable to county elections.

(b) The registration books used for the special election on the question of incorporation shall be used for the election of officers for the City, and a new registration of all voters shall not be necessary; provided, however, that the registration books shall be open between the hours of 9:00 a.m. and 5:00 p.m. from Saturday, October 18, 1969, through Saturday, October 25, 1969, excluding Sunday, for the purpose of registering any qualified voters who are not then registered. On the Saturdays of October 18 and October 25, 1969, the books shall be kept at the polling place or places. On other days during the registration period, it may be kept at the home or place of business of the registrar or registrars, or at the polling place or places as designated in the notice hereinafter required. Saturday, November 1, 1969, shall be Challenge Day.

(c) The precinct or precincts, the registrar or registrars and judges of election, the place or places of registration, and the polling place or places for the election of City officers shall be the same as those for the special election on the question of incorporation.

(d) Any qualified voter who would offer himself as a candidate for Mayor or City Councilman in such election shall file with the Chairman or Clerk of the Board of Elections of Randolph County a written statement giving notice of his candidacy. Such notice shall be filed not earlier than Wednesday, October 1, 1969, and not later than 5:00 p.m. on Friday, October 17, 1969, and shall be substantially in the following form: "I, blank, do hereby give notice that I am a candidate for election to the office of (Mayor) (Councilman, Ward blank), City of (Name of City), to be voted on at the election to be held on November 4, 1969, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the City, residing at blank.

646
in Ward ______________________.

(Date) ________________________, (Signature) ______________________.

(e) Not later than Friday, October 3, 1969, the Board of Elections of Randolph County shall cause to be posted at three public places in the area herein established as the corporate limits of the City a notice stating the time, the polling place or places, and the purpose of said election; the names of the registrar or registrars and judges of election; the dates, hours, and place or places of registration; the date and time for challenges; that electors who registered for the special election on the question of incorporation of the City of Archdale-Trinity need not register again to vote in the election for City officers; and that candidates for election to City offices in said election must file with the Board notice of candidacy not later than 5:00 p.m. on Friday, October 17, 1969. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Archdale-Trinity community.

(f) In such election, each qualified registered voter shall be entitled to vote for one candidate for Mayor and for two candidates for City Councilman from each ward. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two (2) years or until his successor is elected and qualifies. The candidate for City Councilman from each ward who receives the largest number of votes cast for Councilman from such ward shall be declared elected for a term of four (4) years or until his successor is elected and qualifies, and the candidate for City Councilman from each ward who receives the next largest number of votes cast for City Councilman from such ward shall be declared elected for a term of two (2) years or until his successor is elected and qualified. In case of a tie between opposing candidates, the Board of Elections shall determine the result by lot.

(g) The Chairman of the Board of Elections shall notify the persons elected as Mayor and City Councilmen, and shall designate some qualified officer to administer to them the oath of office, which shall be done as soon as practicable following their election, but in no event later than November 15, 1969.

Sec. 6. The following provisions of law shall constitute the Charter of the City incorporated by Section 3 of this Act:

"ARTICLE I. INCORPORATION AND CORPORATE POWERS"

"Section 1.1. Incorporation and General Powers. The inhabitants of the area incorporated pursuant to Section 3 of this Act shall be and constitute a body politic and corporate under the name specified in Section 3 of this Act, and shall be vested with all property which may be acquired by the City, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City Council and as provided by the
general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Corporate Boundaries. (a) In the event the City of Archdale-Trinity is incorporated pursuant to this Act, its corporate boundaries shall be as follows until changed in accordance with law:

BEGINNING at a point on the Randolph-Guilford County line, said point being about 250' East of the centerline of Longview Drive thence in a westerly direction with the Randolph-Guilford County Line to a point on the County Line about 150' East of the centerline of Surratt Drive, thence in a southerly direction with the High Point City Limits about 160' to a point; thence in a westerly direction with the High Point City Limits about 70' to a point; thence in a southerly direction with the High Point City Limits about 1400' to a point; thence in a westerly direction with the High Point City Limits about 790' to a point; thence in a southerly direction with the High Point City Limits about 680' to a point; thence in a westerly direction with the High Point City Limits about 700' to a point; thence in a northerly direction with the High Point City Limits about 870' to a point; thence in a westerly direction with the High Point City Limits about 300' to a point; thence in a southerly direction with the High Point City Limits about 310' to a point; thence in a westerly direction with the High Point City Limits about 390' to a point; thence in a northerly direction with the High Point City Limits about 270' to a point; thence in a westerly direction with the High Point City Limits about 90' to a point; thence in a northerly direction with the High Point City Limits about 1650' to a point, said point being on the Randolph-Guilford County line; thence in a westerly direction with the Randolph-Guilford County line to a point 250' West of the centerline of Uwharrie Road; thence in a southerly direction with a line 250' West of and parallel to the centerline of Uwharrie Road to a point 250' of the center line of Uwharrie Road; thence in a southerly direction with a line 250' West of and parallel to the center line of Uwharrie Road to a point 250' South of the center line of Mendenhall Road; thence in an easterly direction with a line 250' South of and parallel to the center line of Mendenhall Road to a point 250' West of Surratt Drive; thence in a southerly direction with a line 250' West of and parallel to Surratt Drive about 4800 feet to a point; thence in a southeasterly direction about 3500 feet to a point in the centerline of Meadowbrook Road said point being 250 feet South of the intersection of Meadowbrook Road and Ronniedale Road; thence in a northeasterly direction about 10,100 feet to a point said point being the intersection of the centerlines of Trinity Road and Archdale Road; thence in an easterly direction about 5500 feet to a point on the Carolina and Northwestern Railroad, said point being 250' East of the extended centerline of Linda Street; thence in a northerly direction along a line 250 feet East of and parallel to Linda Street about 1100 feet to a point; thence in a northeasterly direction along a line 250' East of and parallel to the extended centerline of Shean Drive to a point, said point being 250 feet North of the centerline of U. S. Highway 311; thence in a northwesterly direction with a line 250 feet North
of and parallel to U. S. Highway 311 to a point, said point being 250' southeast of the centerline of Tarheel Drive; thence in a northerly direction with a line 250 feet East of and parallel to the center lines of Tarheel Drive to a point said point being 250 feet North of the extended centerline of Knollwood Drive; thence in a westerly direction with a line 250 feet North of and parallel to the centerline of Knollwood Drive to a point, said point being 250 feet East of Aldridge Road; thence in a northerly direction with a line 250 feet East of and parallel to the centerline of Aldridge Road to a point, said point being 250 feet East of Longview Drive; thence in a northerly direction with a line 250 feet East of and parallel to Longview Drive to a point on the Randolph-Guilford County Line, said point being the point of BEGINNING.

(b) In the event the City of Archdale is incorporated pursuant to this Act, its corporate boundaries shall include that part of the territory described in subsection (a) of this Section which lies to the north and east of the southwestern boundary of the right of way of the Carolina and Northwestern Railroad.

(c) In the event the City of Trinity is incorporated pursuant to this Act, its corporate boundaries shall include that part of the territory described in subsection (a) of this Section which lies to the south and west of the northeastern boundary of the right of way of the Carolina and Northwestern Railroad.

"ARTICLE III. MAYOR AND CITY COUNCIL"

"Section 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the City voting at large in the manner provided in Article IV. The Mayor shall be the official head of the City government and shall preside at all meetings of the City Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.2. Composition of City Council. The City Council shall consist of the number of members specified in Section 3 of this Act, two (2) of whom shall reside in each of the wards of the City, and all of which shall be elected by all of the voters of the City voting at large in the manner provided in Article IV.

"Section 3.3. Terms; Qualifications; Vacancies. (a) After the initial terms of office hereinbefore specified, the Mayor shall serve for a term of two (2) years and the members of the City Council shall serve for terms of four (4) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the City Council, or to serve in such capacity, unless he is a resident and a qualified voter of the City.

"(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification,
the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

*Section 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the City Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The City Council may establish and from time to time change the salaries of its members.

*Section 3.5. Organization of Council; Oaths of Office. The City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: 'I, __________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of __________, on which I am about to enter, according to my best skill and ability; so help me, God.'

*Section 3.6. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly, and shall publicize the date, place, and time of such regular meetings when established, and any change of regular meetings from time to time. Special meetings may be held on the call of the Mayor or a majority of the Councilmen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

*(b) All meetings of the City Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

*Section 3.7. Quorum; Votes. (a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

*(b) The affirmative vote of a majority of the members of the City Council shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

*Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: 'Be it ordained by the City Council of the City of (Name of City). All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

*ARTICLE IV. ELECTION PROCEDURE

*Section 4.1. Regular Municipal Elections. Following the initial election hereinafter provided for, regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971. In
the regular 1971 election and biennially thereafter, there shall be elected by the qualified voters of the City voting at large one Councilman from each ward, to serve for a term of four (4) years, or until his successor is elected and qualifies, and a Mayor to serve for a term of two (2) years, or until his successor is elected and qualifies.

"Section 4.2. Voting. In the regular 1971 election and biennially thereafter, each voter shall be entitled to vote for one (1) candidate for Mayor and for one (1) candidate for Councilman from each ward, and the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected and the candidate for Councilman from each ward who receives the largest number of votes cast for Councilman from his ward shall be declared elected. In case of a tie between opposing candidates, the election officials shall determine the result by lot.

"Section 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or City Councilman shall file with the City Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the City Clerk, and shall be substantially in the following form: 'I, ____________, do hereby give notice that I am a candidate for election to the office of (Mayor) (Councilman, Ward____), City of (Name of City), to be voted on at the election to be held on ____________, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the City, residing at ____________, Ward ____________.

____ (Date) ____________ (Signature)______ .

"Section 4.4. Wards. The City Council may from time to time alter the boundaries of the wards of the City, but any such alteration shall be performed in a manner so that the population of each ward is as nearly equal to the population of the other wards as is practicable.

"Section 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. CITY ATTORNEY

"Section 5.1. Appointment; Qualifications; Term; Compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the City Council and shall receive such compensation as the Council shall determine.

"Section 5.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, City Council, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the City Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney.
CHAPTER 667  SESSION LAWS—1969

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Section 6.1. City Manager. The City Council may, in its discretion, appoint a City Manager, who shall be the administrative head of the City government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and need not be a resident of the City when appointed. He shall hold office during the pleasure of the City Council and shall receive such compensation as it shall determine. The City Manager shall:

"(a) be the administrative head of the City government;

"(b) see that within the City the laws of the State and the ordinances, resolutions, and regulations of the City Council are faithfully executed;

"(c) attend all meetings of the Council, and recommend for adoption such measures as he shall deem expedient;

"(d) make reports to the Council from time to time upon the affairs of the City, and keep the Council fully advised of the City's financial condition and its future financial needs;

"(e) appoint and remove all heads of departments and other City employees, except the City Attorney. Such officers and employees as the City Council shall determine are necessary for the proper administration of the City shall be appointed by the Manager, and any such officer or employee may be removed by him; but the Manager shall report every appointment or removal of a department head to the Council at the next meeting thereof following any such appointment or removal. The officers and employees of the City shall perform such duties as may be required of them by the City Manager, under general regulations of the City Council.

Section 6.2. City Clerk. The City Council shall appoint a City Clerk to keep a journal of the proceedings of the Council and to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the Council may direct.

Section 6.3. City Tax Collector. The City Council may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the City, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Section 6.4. City Accountant. The City Council may appoint a City Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Section 6.5. Consolidation of Functions. The City Council may, in its discretion, consolidate the functions of any two or more of the positions of City Clerk, City Tax Collector, and City Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Council may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

Section 6.6. Other Employees. The City Council may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the affairs of the City.

"ARTICLE VII. FINANCE

Section 7.1. Custody of City Money. All moneys received by the City for or in connection with the business of the City government shall be paid promptly into
the City depository. Such institution shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Section 7.2. Issuance of Bonds. The City may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

Section 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the City government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the City or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the City Council.

Section 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the City for the fiscal year 1969-70 and subsequent years. The City may obtain from Randolph County, and the County Tax Supervisor shall provide upon request, a record of all property, and the names of the owners and the valuation thereof, within the corporate limits which was listed for taxation as of January 1, 1969.

ARTICLE VIII. CLAIMS AGAINST THE CITY

Section 8.1. Tort Claims. All claims or demands against the City arising in tort shall be presented to the City Council in writing, signed by the claimant or his attorney or agent, within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim or demand is so presented within ninety (90) days, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

Sec. 7. The following acts, constituting the charters and amendments thereto of the Town of Archdale and the Town of Trinity are hereby repealed: c. 121, Private Laws of 1869; c. 89, Private Laws of 1881; c. 267, Public-Local Laws of 1913, Extra Session; c. 119, Private Laws of 1921, Extra Session; c. 7, Private Laws of 1923; c. 103, Private Laws of 1873-74; Section 2 of c. 335, Public Laws of 1887; c. 103, Private Laws of 1889.

Sec. 8. Notwithstanding any other provision of law, the City incorporated pursuant to this Act may merge with and become a part of the City of High Point by the following procedure:

(a) The City Council of the City incorporated pursuant to this Act shall adopt a resolution proposing merger of the City with the City of High Point, and calling for a special election submitting the question of such merger to the qualified
voters of the City incorporated pursuant to this Act. Such resolution may be
adopted on the Council's own motion, and shall be adopted at the next regular
meeting following receipt of a petition signed by qualified voters equal in number
to fifteen percent (15%) of the whole number of registered voters of the City.
(b) The special election may be held on the day of any other regular or special
City election, or on the day of any State primary or general election, or on any
other day. A new registration of all voters shall not be necessary for the special
election, and the special election shall be conducted in accordance with the provi-
sions of law applicable to regular City elections.
(c) In the special election, ballots shall be provided which contain the words
"For merger with High Point and assumption of proportionate share of the obli-
gations of the City of High Point" and "Against merger with High Point", with
appropriate squares so that each voter may by his cross (X) mark indicate his
preference.
(d) If a majority of the votes cast in the special election shall be cast "Against
merger with High Point", then the City Council of the City incorporated pursuant
to this Act, shall take no further action under this Section, except that it may,
on its own motion and shall upon petition as provided in (a) of this Section,
call subsequent special elections upon the same question, but no subsequent special
election shall be held within one year of a prior special election upon the
question. In any special election held hereunder, a vote for merger with the
City of High Point shall be deemed a vote to assume the obligations of the City
of High Point.
(e) If a majority of the votes cast in the special election shall be cast "For merger
with High Point", then the City Council of the City incorporated pursuant to
this Act shall within ten (10) days, adopt a resolution certifying the results of
such election and requesting the City Council of the City of High Point to take
action in accordance with this Section to effect such merger, and shall transmit
by registered mail copies of such resolution to the City Council of the City of
High Point and to the Secretary of State of North Carolina.
(f) Upon receipt of any such resolution, the City Council of the City of High
Point shall cause a copy thereof to be spread upon its minute book, certified
as received by its City Clerk. At any time subsequent to the receipt of any such
resolution, the City Council of the City of High Point may effect the merger of
the City incorporated pursuant to this Act with the City of High Point by
the procedure prescribed in subsections (g) through (i) of this Section.
(g) The City Council of the City of High Point shall call and conduct a public
hearing on the proposed merger, giving at least ten days' public notice thereof
in a newspaper having general circulation in the City of High Point. Following
such public hearing, the City Council may adopt a resolution merging the City
incorporated pursuant to this Act with the City of High Point; provided, in the
event the City incorporated pursuant to this Act has at the time any general
obligation debt outstanding, then the City Council of the City of High Point
shall not adopt any such resolution until the question of the merger has been
approved by a majority of the qualified voters of the City of High Point who
vote thereon at a special election called and conducted in accordance with the
provisions of law governing elections in the City. The City Council is hereby
authorized to call a special election for that purpose, and shall, if such election
is called, provide a ballot which contains the words "For merger with (Name
of City incorporated pursuant to this Act) and assumption of all obligations of the City of (Name of City incorporated pursuant to this Act) and "Against merger with (Name of City incorporated pursuant to this Act)"), so that each voter may by his cross (X) mark indicate his preference. In any special election held hereunder, a vote for merger with the City incorporated pursuant to this Act shall be deemed a vote to assume the obligations of such City. The City Council shall transmit by registered mail to the City Council of the City incorporated pursuant to this Act and to the Secretary of State of North Carolina certified copies of any resolution adopted under authority of this Section.

(h) On July 1 next following the adoption of a resolution by the City Council of the City of High Point under authority of this Section:

(1) the City incorporated pursuant to this Act shall cease to exist as a municipal corporation and the territory within such City shall become a part of the City of High Point;

(2) all property, real and personal and mixed, belonging to the City incorporated pursuant to this Act shall vest in, belong to, and be the property of the City of High Point;

(3) all judgments, liens, rights of liens, and causes of action of any nature in favor of the City incorporated pursuant to this Act shall remain, vest in, and inure to the benefit of the City of High Point;

(4) all taxes, assessments, water or sewer charges, and any other charges or fees, owing to the City incorporated pursuant to this Act shall be owed to and collected by the City of High Point;

(5) any actions, suits, and proceedings pending against, or having been instituted by, the City incorporated pursuant to this Act shall not be abated by such merger, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and the City of High Point shall be a party to all such actions, suits, and proceedings in the place and stead of the City incorporated pursuant to this Act and shall pay or cause to be paid any judgments rendered against the City incorporated pursuant to this Act in any such actions, suits, or proceedings, and no new process need be served in any such action, suit, or proceeding;

(6) all obligations of the City incorporated pursuant to this Act, including outstanding indebtedness, shall be assumed by the City of High Point, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the City of High Point, and the full faith and credit of the City of High Point shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond or tax anticipation notes of the City incorporated pursuant to this Act, and all the taxable property within the City of High Point, as well as that formerly located within the City incorporated pursuant to this Act, shall be and remain subject to taxation for such payment;

(7) all franchises theretofore granted by the City incorporated pursuant to this Act which are then still in force shall continue as valid franchises of the City of High Point for the purposes granted, but only within the area formerly comprising the City incorporated pursuant to this Act; and

(8) all ordinances of the City incorporated pursuant to this Act shall continue in full force and effect within the area to which they apply on such date
as ordinances of the City of High Point, until repealed or amended by the City Council of the City of High Point.

(i) Following the adoption of a resolution by the City of High Point under authority of this Section, and prior to July 1 next following such adoption, the City Council of the City of High Point and the City Council of the City incorporated pursuant to this Act are hereby authorized to take such actions and to execute such documents as will carry into effect the provisions and the intent of this Section.

Sec. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. Subject to the provisions of Sections 1 through 3 hereof, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 473

CHAPTER 668

AN ACT TO AMEND CHAPTER 344 OF THE PRIVATE LAWS OF 1907, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. Section 66 of Chapter 344 of the Private Laws of 1907, as amended, the same being the Charter of the City of Concord, is hereby amended by adding the following paragraph at the end thereof:

"The acquisition by the City of Concord of the sanitary sewer outfall lines located within and without the corporate limits of the City and connecting the sewage system of the Kannapolis Sanitary District with the sewage disposal system of the City will protect the city's public water supply and provide facilities for the transmission and disposal of sewage collected within the city's perimeter area and areas subject to annexation by the city, and such acquisition is hereby declared to be a proper public and municipal purpose of the City of Concord. The city is hereby authorized to issue Revenue Bonds under and pursuant to the provisions of the Revenue Bond Act of 1938 for the purpose of acquiring said sewer outfall lines and said sewer outfall lines are hereby declared to be an undertaking within the meaning of said Revenue Bond Act. The city is hereby further authorized to operate and maintain said undertaking for the use and benefit of the city and the Kannapolis Sanitary District by providing adequate protection for the city's public water supply and at the same time providing sewage disposal service for populated areas. The City of Concord, acting by and through its Board of Aldermen and without regard to any limitation or restriction contained in Sections 6, 6(a), 6(b) and 6(c) of Chapter 71 of the Private Laws of 1905, as amended by Chapter 265 of the Private Laws of 1935 and Chapter 1180 of the 1955 Session Laws, shall have all of the powers provided for in said Revenue Bond Act with respect to said undertaking including but without limitation the power to provide by agreement with the Kannapolis Sanitary District for the treatment and disposal of the District's sewage.
under such terms and conditions and for such period or periods as the city shall
dem to be in the best interest of the city and to pledge the proceeds of any monies
paid pursuant to such agreement to the payment of Revenue Bonds."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 2nd day of June,
1969.

S. B. 496

CHAPTER 669

AN ACT TO REWRITE ARTICLE 4 OF CHAPTER 87 OF THE GENERAL STAT-
UTES OF NORTH CAROLINA PERTAINING TO THE STATE BOARD OF
EXAMINERS OF ELECTRICAL CONTRACTORS AND TO REGULATIONS
FOR THE REDUCTION OF FIRE HAZARDS AND FOR PROTECTION OF LIFE
AND PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 87 of the General Statutes of North Carolina
is rewritten to read as follows:

*Article 4. Electrical Contractors.

Sec. 87-39. BOARD OF EXAMINERS; APPOINTMENT; TERMS; CHAIRMAN;
MEETINGS; QUORUM; PRINCIPAL OFFICE; COMPENSATION; OATH.

The State Board of Examiners of Electrical Contractors shall continue as the
State agency responsible for the licensing of persons engaging in electrical contract-
ing within this State, and shall from the effective date of this enactment consist
of a representative from the North Carolina Department of Insurance to be designat-
ed by the Commissioner of Insurance, the Secretary or other representative of the
North Carolina Association of Electrical Contractors to be designated by the govern-
ing body of that organization, and three other members to be appointed by the
Governor as follows: One from the faculty of the Greater University of North Caroli-
a who shall be a person who teaches or does research in the field of electrical
engineering; one person who is serving as chief electrical inspector of a municipality
or county in the State of North Carolina; and one person who holds a license classi-
fication under G.S. 87-43.3, and who represents a sole proprietorship, partnership,
or corporation located in the State of North Carolina which is actively engaged
in the business of electrical contracting. The terms of the present appointed mem-
ers of the Board shall be continued and shall end with the expiration dates estab-
lished with their said appointments. All members shall serve for a term of three
years and until their respective successors are appointed and qualified. Any vacancy
occurring in an appointed membership of the Board shall be filled by appointment
of the Governor for the unexpired term.

The Board shall hold regular meetings quarterly and may hold meetings on call
of the Chairman. The Chairman shall be required to call a special meeting upon
written request by two members of the Board. The Board shall, at the first meeting
following appointment of the new member in each year, meet and elect from its
membership a Chairman and Vice Chairman, each to serve for one year. Three
members of the Board shall constitute a quorum. The principal office of the Board
shall be at such place as shall be designated by a majority of the members thereof.
Each member of the Board shall receive as compensation for his services the sum of ten dollars ($10.00) for each day actually devoted to the performance of his duties under this Article, and in addition shall be reimbursed for all necessary expenses incurred in the performance of his duties under this Article. Before entering upon the performance of his duties hereunder, each member of the Board shall take and file with the Secretary of State an oath in writing to properly perform the duties of his office as a member of said Board, and to uphold the Constitution of North Carolina and the Constitution of the United States.

Sec. 87-40. SECRETARY-TREASURER. - The State Board of Examiners of Electrical Contractors shall at its first meeting following appointment of the new member in each year appoint a secretary-treasurer for a period of one year. The secretary-treasurer need not be a member of the Board, and the Board is authorized to employ a full-time secretary-treasurer and such other assistants and to make such other expenditures as may be necessary to the proper performance of the duties of the Board under this Article. The compensation and the duties of the secretary-treasurer shall be fixed by the Board, and the secretary-treasurer shall give bond in such sum and form as the Board shall require for the faithful performance of his duties. The secretary-treasurer shall keep a record of the proceedings of said Board and shall receive and account for all monies derived from the operations of the Board under this Article.

Sec. 87-41. SEAL OF BOARD. - The Board shall adopt a seal for its own use, and the secretary-treasurer shall have charge and custody thereof. The seal shall have inscribed thereon the words “Board of Examiners of Electrical Contractors, State of North Carolina.”

Sec. 87-42. DUTIES AND POWERS OF BOARD. - In order to protect the life, health and property of the public, the State Board of Examiners of Electrical Contractors shall provide for the examination of all applicants for a license as an Electrical Contractor. The Board shall receive all applications for licenses to be issued under this Article, shall examine all applicants to determine that each shall be qualified and shall also discharge those duties enumerated in G.S. 87-47. Individual applicants must be at least 21 years of age, and shall be required to demonstrate to the satisfaction of the Board evidence of good character and adequate technical and practical knowledge concerning the safe and proper installation of electrical work and equipment. The examination to be given for this purpose shall include, but not be limited to, the appropriate provisions of the National Electrical Code and the North Carolina State Building Code, the analysis of electrical plans and specifications, estimating of electrical installations, and the fundamentals of installation of electrical work and equipment. The Board shall prescribe the standards of knowledge, experience and proficiency to be required of licensees, which may vary for the various classifications of licenses. The Board shall have power to make rules and regulations necessary to the performance of its duties and for the effective implementation of the provisions of this Article. The Board shall issue licenses to all applicants meeting the requirements of the Board upon the receipt of the fees herein prescribed. The Board shall keep minutes of all its proceedings, and shall keep an accurate record of receipts and disbursements which shall be audited at the close of each fiscal year by a certified public accountant and filed with the State of North Carolina in accordance with Chapter 93 B of the General Statutes.

Sec. 87-43. ELECTRICAL CONTRACTING DEFINED; LICENSES. - Electrical contracting shall be defined as engaging or offering to engage in the business of installing, maintaining, altering or repairing any electric work, wiring, devices,
appliances or equipment. No person, firm or corporation shall engage, or offer to engage, in the business of electrical contracting within the State of North Carolina without having received a license from the State Board of Examiners of Electrical Contractors in compliance with the provisions of this Article. In each separate place of business operated by an electrical contractor at least one person must be regularly on active duty who has passed the examination required by this Act and who has the specific duty and authority to supervise and direct all electrical wiring or electrical installation work done or made by such separate place of business. Every person, firm or corporation engaging in the business of electrical contracting shall display a current certificate of license in his principal place of business and in each branch place of business which he operates. Licenses issued hereunder shall be signed by the chairman and the secretary-treasurer of the Board, under the seal of the Board. A registry of all licenses issued to electrical contractors shall be kept by the secretary-treasurer of the Board, and said registry shall be open for public inspection during ordinary business hours.

Sec. 87-43.1. EXCEPTIONS. - The provisions of this Article shall not apply:
(1) To the installation, construction or maintenance of facilities for providing electric service to the public ahead of the point of delivery of electric service to the customer;
(2) To the installation, construction, maintenance, or repair of telephone, telegraph, or signal systems, by public utilities, or their corporate affiliates, when said work pertains to the services furnished by said public utilities;
(3) To any mechanic employed by a licensee of this Board;
(4) To the installation, construction or maintenance of electrical equipment and wiring for temporary use by contractors in connection with the work of construction;
(5) To the installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by persons, firms or corporations, upon their own property, who regularly employ one or more electricians or mechanics for the purpose of installing, maintaining or repairing of electrical wiring, devices or equipment used for the conducting of the business of said persons, firms or corporations;
(6) To the installation, construction, maintenance or repair of electrical wiring, devices, appliances or equipment by State institutions and private educational institutions which maintain a private electrical department;
(7) To the replacement of lamps and fuses and to the installation and servicing of appliances and equipment connected by means of attachment plug-in devices to suitable receptacles which have been permanently installed.

Sec. 87-43.2. CORPORATE OR PARTNERSHIP PRACTICE OF ELECTRICAL CONTRACTING. - A corporation or partnership shall be eligible to be licensed as an electrical contractor, and to have such license renewed, provided:
(1) At least one person who has qualified under the provisions of this Article shall be regularly employed by the applicant at each separate place of business, such person to have the specific duty and authority to provide direct supervision of all installation, maintenance, alteration or repair of any electrical wiring, devices, appliances or equipment done in the name of the licensee;
(2) An application is filed with the Board which contains a statement of ownership, states the names and official positions of employees currently qualified under this Article, and provides such other information as the Board may reasonably require;
(3) The applicant, through an authorized officer or owner, shall agree in writing that the corporation or partnership will report to the Board within five days any additions to or loss of the employment of qualified individuals as described in sub-sections (1) and (2) above;

(4) A license issued to a corporation or partnership shall indicate the names and classifications of qualified individuals as described in sub-sections (1) and (2) above;

(5) A license issued to a corporation or partnership shall be canceled if at any time no person who has qualified under the provisions of this Article shall be regularly employed by the corporation or partnership as provided by sub-section (1) above; provided, that work begun prior to such cancellation may be completed under such conditions as the Board shall direct; provided further that no work for which a license is required under this Article shall be bid for, contracted for or initiated subsequent to such cancellation until said license is reinstated by the Board.

Sec. 87-43.3. CLASSIFICATION OF LICENSES. - An Electrical Contractor's license shall be issued in one of three classifications: Limited, under which a licensee shall be permitted to engage in a single electrical contracting project of a value not in excess of five thousand dollars ($5,000.00) and on which the equipment or installation in the contract is rated at not more than 600 volts; Intermediate, under which a licensee shall be permitted to engage in a single electrical contracting project of a value not in excess of fifty thousand dollars ($50,000.00); and Unlimited, under which a licensee shall be permitted to engage in any electrical contracting project regardless of value. The Board may establish appropriate standards for each classification, such standards not to be inconsistent with the provisions of G.S. 87-42.

Sec. 87-44. LICENSE FEES; TERM; REVOCATION. - The Board shall collect a fee from each applicant before granting or renewing a license under the provisions of this Article; the annual license fee for the Limited classification shall not be in excess of twenty dollars ($20.00) for each principal and each branch place of business; the annual license fee for the Intermediate classification shall not be in excess of fifty dollars ($50.00) for each principal and each branch place of business; the annual license fee for the Unlimited classification shall not be in excess of one hundred dollars ($100.00) for each principal and each branch place of business.

Each license issued under the provisions of this Article shall expire on June 30 following the date of its issuance, and shall be renewed by the Board upon receipt and evaluation of a renewal application from a licensee and the payment of the required fee. The application shall be upon a form provided by the Board and shall furnish such information as the Board may require. Renewal applications and fees shall be due thirty days prior to the license expiration date; applications received after this time may, in the discretion of the Board, be subject to a penalty not exceeding ten percent (10%) of the license fee. No license issued in accordance with the provisions of this Article shall be assignable or transferable.

Sec. 87-45. FUNDS. - The fees collected for examinations and licenses under this Article shall be used for the expenses of the State Board of Examiners of Electrical Contractors in carrying out the provisions of this Article. No expenses of the Board or compensation of any member or employee of the Board shall be payable out of the treasury of the State of North Carolina; and neither the Board nor any member or employee thereof shall have any power or authority to make or incur any expense, debt or other financial obligation binding upon the State of North
Nothing in Carolina. Any funds remaining in the hands of the secretary-treasurer to the credit of the Board after all expenses of the Board for the current fiscal year have been fully provided for shall be paid over to the North Carolina Engineering Foundation, Inc. for the benefit of the electrical engineering department of the Greater University of North Carolina. Provided, however, the Board shall have the right to maintain an amount, the cumulative total of which shall not exceed twenty percent (20%) of gross receipts for the previous fiscal year of its operation as a maximum contingency or emergency fund.

Sec. 87-46. RESPONSIBILITY OF LICENSEE; NONLIABILITY OF BOARD. Nothing in this Article shall relieve the holder or holders of licenses issued under the provisions hereof from complying with the building or electrical codes or statutes or ordinances of the State of North Carolina, or of any county or municipality thereof now in force or hereafter enacted. Nothing in this Article shall be construed as relieving the holder of any license issued hereunder from responsibility or liability for negligent acts on the part of such holder in connection with electrical contracting work; nor shall the State Board of Examiners of Electrical Contractors be accountable in damages, or otherwise for the negligent act or acts of any holder of such license.

Sec. 87-47. JURISDICTION OF BOARD OVER LICENSEES. - In the interest of protecting the public, the Board shall have jurisdiction to hear and determine on its own motion or upon written complaint, all complaints, allegations of charges of malpractice, unethical conduct, fraud, deceit, gross negligence, gross incompetence or gross misconduct in the practice of electrical contracting, or fraud or deceit in obtaining a license under this Article, made against any licensee under this Article; and the Board may administer to licensees any one or more of the following penalties:

(1) Reprimand;
(2) Suspension from practice for a period not to exceed twelve months;
(3) Revocation of license; and
(4) Probationary revocation of license upon conditions set by the Board as the case shall be in their judgment warrant with revocation of license upon failure to comply.

The Board shall, in accordance with Chapter 150 of the General Statutes, formulate rules of procedure governing the hearings of charges against licensees. Any person may prefer charges against any licensee, and such charges must be sworn to by the complainant and submitted in writing to the Board. Charges shall be heard and determined by the Board, and may be dismissed without notice to the accused licensee if unfounded or trivial. In conducting hearings of charges against licensees, the Board may remove the same to any county in which the offense, or any part thereof, was committed if in the opinion of the Board the ends of justice or the convenience of witnesses require such removal.

The Board may reissue a license to any person, firm or corporation after having revoked such license, provided; that one year has elapsed from revocation until reissuance, and the vote of the Board is by a majority of its members.

The Board shall immediately notify the Secretary of State and the Electrical Inspectors within the licensee's county of residence upon the revocation of a license or the reissuance of a license which had been revoked.

Sec. 87-48. PENALTY FOR VIOLATION OF ARTICLE; POWERS OF BOARD TO ENJOIN VIOLATION. - (1) Any person, firm or corporation who shall violate
CHAPTER 669  SESSION LAWS—1969

any of the provisions of this Article, or who shall engage or undertake to engage in the business of installing, maintaining, altering or repairing within the State of North Carolina any electric wiring, devices, appliances or equipment without first having obtained a license under the provisions of this Article, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars ($25.00) or more than fifty dollars ($50.00) for each offense. Conviction of a violation of this Article on the part of a holder of a license issued hereunder shall automatically have the effect of suspending such license until such time as it shall have been reinstated by the State Board of Examiners of Electrical Contractors.

(2) Whenever it shall appear to the State Board of Examiners of Electrical Contractors that any person, firm or corporation has violated, threatens to violate, or is violating any provisions of this Article, the Board may apply to the courts of the State for a restraining order and injunction to restrain such practices. If upon such application the court finds that any provision of this Article is being violated, or a violation thereof is threatened, the court shall issue an order restraining and enjoining such violations, and such relief may be granted regardless of whether criminal prosecution is instituted under the provisions of this Article.

Sec. 87-49. NO EXAMINATION REQUIRED OF LICENSED CONTRACTORS. Any person, firm or corporation licensed in this State as a Class II electrical contractor on the effective date of this Act shall be entitled to be licensed, without examination, in the Limited classification upon payment of the required fee and may be licensed in the Intermediate or in the Unlimited classification without written examination upon satisfactory proof to the Board that such applicant is in fact qualified for such classification. Any person, firm or corporation licensed in this State as a Class I electrical contractor on the effective date of this Act shall be entitled to be licensed without examination in the Limited, Intermediate or Unlimited classification upon payment of the required fee. Provided, that any person who has been once duly licensed by the Board, whose license has expired solely because of failure to apply for renewal, may apply and have a license issued under the provisions of this Section if within a period of twelve (12) months preceding such issuance the applicant shall have been primarily actively engaged as an electrical contractor or in an occupation which in the judgment of the Board is similar or equivalent to that of an electrical contractor.

Sec. 87-50. LICENSE TO NONRESIDENTS; RECIPROCITY. - To the extent that other states which provide for the licensing of electrical contractors provide for similar action, the Board may grant licenses of the same or equivalent classification to electrical contractors licensed by other states without written examination upon satisfactory proof furnished to the Board that the qualifications of such applicants are equal to the qualifications of holders of similar licenses in North Carolina and upon payment of the required fee.

Sec. 87-51. SEVERABILITY OF PROVISIONS. - If any provision of this Act or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.*

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969, except that the provisions regarding classifications as defined in G.S. 87-43.3 shall not be effective until July 1, 1970.
In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 671  
CHAPTER 670  
AN ACT TO REMOVE THE INTEREST RATE LIMITATION ON ELECTRIC AND TELEPHONE MEMBERSHIP CORPORATION BORROWINGS, AND TO AUTHORIZE BORROWING BY SUCH A CORPORATION UPON THE RESOLUTION OF ITS BOARD OF DIRECTORS.  
The General Assembly of North Carolina do enact:  
Section 1. Section 117-20 of the General Statutes of North Carolina is hereby amended by adding a new sentence at the end thereof, to read as follows:  
Notwithstanding the foregoing provisions of this section, the members of such a corporation may, by the affirmative majority of the votes cast in person or by proxy at any meeting of the members, delegate to the board of directors the power and authority (a) to borrow monies from any source and in such amounts as the board may from time to time determine and (b) to mortgage or otherwise pledge or encumber any or all of the corporation's property or assets as security therefor.  
Sec. 2. Section 117-21 of the General Statutes of North Carolina is hereby amended by deleting from the sixth line thereof the following:  
"not exceeding six per centum per annum, payable semi-annually,".  
Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.  
Sec. 4. This Act shall be in full force and effect from and after its ratification.  
In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 676  
CHAPTER 671  
AN ACT TO AMEND CHAPTER 1004, SESSION LAWS OF 1949, TO AUTHORIZE THE WAYNE COUNTY BOARD OF ALCOHOLIC CONTROL TO EXPEND FUNDS FOR EDUCATION AND REHABILITATION OF ALCOHOLICS.  
The General Assembly of North Carolina do enact:  
Section 1. Chapter 1004, Session Laws of 1949, is hereby amended by inserting, immediately after the word "is" and before the word "authorized" in line 3 of Section 1, the following: "authorized in its discretion to expend up to five per cent (5%) of the total net profits derived from the County stores for education as to effects of the use of alcoholic beverages, and for the rehabilitation of alcoholics, and the Board is".  
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 3. This Act shall be in full force and effect from and after its ratification.  
In the General Assembly read three times and ratified, this the 2nd day of June, 1969.
CHAPTER 672  
AN ACT TO PROVIDE FOR THE REGISTRATION OF LANDSCAPE ARCHITECTS; TO PROHIBIT USE OF THE TITLE EXCEPT BY PERSONS DULY REGISTERED; TO CREATE THE NORTH CAROLINA BOARD OF LANDSCAPE ARCHITECTS AND TO PRESCRIBE ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. Definitions: (1) "Landscape Architect" shall mean a person who, on the basis of demonstrated knowledge acquired by professional education or practical experience, or both, has been granted, and holds a current certificate entitling him to use the title "Landscape Architect" in North Carolina under the authority of this Chapter.

(2) "Landscape Architecture", or the "Practice of Landscape Architecture" shall mean the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, grading and planting plans and erosion control, in accordance with the accepted professional standards of public health, safety and welfare.

(3) "Board" shall mean the North Carolina Board of Landscape Architects, established by Section 3 of this Chapter.

Sec. 2. Use of title "Landscape Architect" without registration prohibited; use of Seal. (1) On and after January 1, 1970, no person shall use the designation "Landscape Architect", "Landscape Architecture", or "Landscape Architectural", or advertise any title or description tending to convey the impression that he is a Landscape Architect unless such person is registered or has obtained a temporary permit as a Landscape Architect in the manner hereinafter provided and shall thereafter comply with the provisions of this Act. Every holder of a certificate shall display it in a conspicuous place in his principal office, place of business or employment.

(2) Nothing in this Chapter shall be construed as authorizing a Landscape Architect to engage in the practice of architecture, engineering or land surveying, nor to restrict or otherwise affect the rights of any person licensed to practice architecture under Chapter 83, or engineering or land surveying under Chapter 89 of the General Statutes; or to restrict any person from engaging in the occupation of grading lands whether by hand tools or machinery, or the planting, maintaining or marketing of plants or plant materials: Provided, however, that no individual shall use the title "Landscape Architect" unless he has complied with the provisions of this Chapter.

(3) Each Landscape Architect shall, upon registration, obtain a Seal of the design authorized by the Board, bearing the name of the registrant, date of registration, number of certificate and the legend "N. C. Registered Landscape Architect". Such Seal may be used only while the registrant's certificate is in full force and effect.

Nothing in this Chapter shall be construed as authorizing the use or acceptance of the Seal of a Landscape Architect in lieu of or substitute for the seal of an architect, engineer or land surveyor.

Sec. 3. North Carolina Board of Landscape Architects; appointments; powers. (1) There is hereby created a North Carolina Board of Landscape Architects, which shall consist of five members appointed by the Governor. Each member of the Board
shall have been engaged in the practice of Landscape Architecture in the State of North Carolina at least five years.

The terms of the members of the Board first appointed shall expire as follows: One member July 1, 1971, two members July 1, 1972, and two members July 1, 1973. Thereafter, appointments shall be for four-year terms, and each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

(2) The Board shall elect annually from its members a chairman and a vice-chairman and shall hold such meetings during the year as it may determine to be necessary, one of which shall consist of the annual meeting. A quorum of the Board shall consist of not less than three members.

(3) The Board shall have power to compel the attendance of witnesses, to administer oaths, and to take testimony and proofs of all matters within its jurisdiction. The Board shall have the power to make such rules not inconsistent with law as may be necessary in the performance of its duties.

(4) The Board shall elect a secretary, who may or may not be a member of the Board, and who shall hold office at the pleasure of the Board. The members of the Board shall not be compensated except that the secretary shall receive such salary as is fixed by the Board. The members of the Board shall, however, be entitled to be reimbursed from Board funds for all proper traveling and incidental expenses incurred in carrying out the provisions of this Article.

Sec. 4. Application, examination, certificate. (1) Any person hereafter desiring to be registered and licensed to use the title "Landscape Architect" in the State, shall make a written application for examination to the Board, on a form prescribed by the Board, together with such evidence of his qualifications as may be prescribed by Rules and Regulations of the Board. Minimum qualifications under such Rules shall require that the applicant be a United States citizen, at least twenty-one years of age and of good moral character; and that he shall have graduated from a four-year course of study in Landscape Architecture in a college approved by the Board, with at least three years practical experience under the supervision of an experienced practicing Landscape Architect, or in lieu of such graduation or experience, such equivalent combination of education and experience as may be prescribed by the Board.

(2) If said application is satisfactory to the Board, and is accompanied by the fees required of this Chapter, then the applicant shall be entitled to an examination to determine his qualifications. If the result of the examination of any applicant shall be satisfactory to the Board, then the Board shall issue to the applicant a certificate to use the title "Landscape Architect" in North Carolina. Examinations shall be held at least once a year at a time and place to be fixed by the Board which shall determine the subjects and scope of the examination.

(3) The Board, within its discretion, may issue temporary permits pending examinations, or without examination may grant licenses, by reciprocity, to persons holding a license or certificate in Landscape Architecture from any legally constituted board of examiners in another State whose registration requirements are deemed to be equal or equivalent to those of this State.

(4) Exemption from examination: Provided that his application and application fee be received by the Board prior to the first day of July, 1970, any applicant
who presents evidence satisfactory to the Board that he was actively engaged in
the practice of landscape architecture as herein defined, on or before July 1, 1968,
shall be issued a certificate without the requirement for examination.

Sec. 5. Annual Renewal of Certificate. Every registrant under this Chapter shall,
on or before the first day of July in each year, obtain a renewal of a certificate
for the ensuing year, by application, accompanied by the required fee; and upon
failure to renew, his certificate shall be automatically revoked; but such certificate
may be renewed at any time within one year upon payment of the prescribed renew-
al fee and penalty for late renewal, as provided by this Chapter, upon evidence
satisfactory to the Board that the applicant has not used his certificate or title
after notice of revocation and is otherwise eligible for registration under the provi-
sions of this Chapter.

Sec. 6. Fees. Fees to be determined by the Board, but not to exceed the amounts
specified herein, shall be paid to the Board at the times specified by the Board.

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee</td>
<td>$25.00</td>
</tr>
<tr>
<td>Examination Fee</td>
<td>30.00</td>
</tr>
<tr>
<td>License by Reciprocity</td>
<td>50.00</td>
</tr>
<tr>
<td>Renewal Fee</td>
<td>25.00</td>
</tr>
<tr>
<td>Late Renewal Penalty</td>
<td>10.00</td>
</tr>
<tr>
<td>Reissue of Certificate</td>
<td>10.00</td>
</tr>
<tr>
<td>Temporary Permit</td>
<td>25.00</td>
</tr>
</tbody>
</table>

Sec. 7. Refusal, revocation or suspension of certificate. The Board may, in ac-
cordance with the provisions of Chapter 150, Uniform Revocation of Licenses, of the
General Statutes of North Carolina, (a) deny permission to take an examination
duly applied for; (b) deny license after examination for any cause other than failure
to pass; (c) withhold renewal of a license for cause; and (d) suspend or revoke a
license. Grounds for such action or actions shall be dishonest practice, unprofes-
sional conduct, incompetence, conviction of a felony or addiction to habits of such char-
acter as to render him unfit to continue professional practice. The procedure for
to all such actions shall be in accordance with the provisions of Chapter 150 of the
General Statutes.

Sec. 8. Violation a misdemeanor; injunction to prevent violation. (1) It shall
be a misdemeanor for any person to use, or to hold himself out as entitled to practice
under, the title of Landscape Architect or Landscape Architecture unless he is duly
registered under the provisions of this Chapter.

(2) The Board may appear in its own name in the Courts of the State and apply
for injunctions to prevent violations of this Chapter, in accordance with the provi-
sions of G. S. 150-31.

Sec. 9. Separability Clause. If any Section of this Article, or any part thereof,
shall be adjudged by any court of competent jurisdiction to be invalid, such judgment
shall not affect, impair or invalidate the remainder or any other Section or part thereof.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby
repealed.

Sec. 11. This Act shall become effective from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June,
1969.
H. B. 785

CHAPTER 673

AN ACT TO REPEAL ARTICLE 17 OF CHAPTER 160 OF THE GENERAL STATUTES RELATING TO THE MUNICIPAL BOARD OF CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Article 17 of Chapter 160 of the General Statutes of North Carolina is hereby repealed in its entirety.

Sec. 2. All corporate charters issued by the Municipal Board of Control before the effective date of this Act, and in effect as of the effective date of this Act, are hereby ratified and confirmed notwithstanding Sec. 1 of this Act, and the municipal corporations so created shall be and remain municipal corporations within the corporate limits, under the form of government, and exercising the powers conferred by their charters, any acts of the General Assembly amendatory thereto, and the general laws of the State applicable to municipal corporations.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 920

CHAPTER 674

AN ACT ENACTING AND ENTERING INTO THE "NATIONAL GUARD MUTUAL ASSISTANCE COMPACT", AND FOR RELATED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The National Guard Mutual Assistance Compact is hereby enacted into law and entered into by this State with all other States legally joining therein, in the form substantially as follows:

Article 14

NATIONAL GUARD MUTUAL ASSISTANCE COMPACT

G. S. 127-118. Purposes. (1) Provide for mutual aid among the party States in the utilization of the National Guard to cope with emergencies.

(2) Permit and encourage a high degree of flexibility in the deployment of National Guard forces in the interest of efficiency.

(3) Maximize the effectiveness of the National Guard in those situations which call for its utilization under this Compact.

(4) Provide protection for the rights of National Guard personnel when serving in other States on emergency duty.

G. S. 127-119. Entry into Force and Withdrawal. (a) This Compact shall enter into force when enacted into law by any two States. Thereafter, this Compact shall become effective as to any other State upon its enactment thereof.

(b) Any party State may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of such withdrawal to the Governors of all other party States.

G. S. 127-120. Mutual Aid. (a) As used in this Article:

(1) "Emergency" means an occurrence or condition, temporary in nature, in which police and other public safety officials and locally available National Guard
forces are, or may reasonably be expected to be, unable to cope with substantial and imminent danger to the public safety.

(2) "Requesting State" means the State whose Governor requests assistance in coping with an emergency.

(3) "Responding State" means the State furnishing aid, or requested to furnish aid.

(b) Upon request of the Governor of a party State for assistance in an emergency, the Governor of a responding State shall have authority under this Compact to send without the borders of his State and place under the temporary command of the appropriate National Guard or other military authorities of the requesting state all or any part of the National Guard forces of his State as he may deem necessary, and the exercise of his discretion in this regard shall be conclusive.

(c) The Governor of a party State may withhold the National Guard forces of his State from such use and recall any forces or part or member thereof previously deployed in a requesting State.

(d) Whenever National Guard forces of any party State are engaged in another State in carrying out the purposes of this Compact, the members thereof so engaged shall have the same powers, duties, rights, privileges and immunities as members of National Guard forces in such other State. The requesting State shall save members of the National Guard forces of responding States harmless from civil liability for acts or omissions in good faith which occur in the performance of their duty while engaged in carrying out the purposes of this Compact, whether the responding forces are serving the requesting State within its borders or are in transit to or from such service.

(e) Subject to the provisions of paragraphs (f), (g) and (h) of this Article, all liability that may arise under the laws of the requesting State, the responding State, or a third State on account of or in connection with a request for aid, shall be assumed and borne by the requesting State.

(f) Any responding State rendering aid pursuant to this Compact shall be reimbursed by the requesting State for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of the materials, transportation and maintenance of National Guard personnel and equipment incurred in connection with such request: provided, that nothing herein contained shall prevent any responding State from assuming such loss, damage, expense or other cost.

(g) Each party State shall provide, in the same amounts and manner as if they were on duty within their State, for the pay and allowances of the personnel of its National Guard units while engaged without the State pursuant to this Compact and while going to and returning from such duty pursuant to this Compact. Such pay and allowances shall be deemed items of expense reimbursable under paragraph (f) by the requesting State.

(h) Each party State providing for the payment of compensation and death benefits to injured members and the representatives of deceased members of its National Guard forces in case such members sustain injuries or are killed within their
own State, shall provide for the payment of compensation and death benefits in the same manner and on the same terms in case such members sustain injury or are killed while rendering aid pursuant to this Compact. Such compensation and death benefits shall be deemed items of expense reimbursable pursuant to paragraph (f) of this Article.

G. S. 127-121. Delegation. Nothing in this Compact shall be construed to prevent the Governor of a party State from delegating any of his responsibilities or authority respecting the National Guard, provided that such delegation is otherwise in accordance with law. For purposes of this Compact, however, the Governor shall not delegate the power to request assistance from another State.

G. S. 127-122. Limitations. Nothing in this Compact shall: (1) Expand or add to the functions of the National Guard, except with respect to the jurisdictions within which such functions may be performed.

(2) Authorize or permit National Guard units to be placed under the field command of any person not having the military or National Guard rank or status required by law for the field command position in question.

G. S. 127-123. Construction and Severability. This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any State participating herein, the Compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

G. S. 127-124. Upon presentation of a claim therefor by an appropriate authority of a State whose National Guard forces have aided this State pursuant to the Compact, any liability of this State pursuant to G. S. 127-120 (f) of the Compact shall be paid out of the General Fund.

G. S. 127-125. In accordance with G. S. 127-120 (h) of the Compact, members of the National Guard forces of this State shall be deemed to be in State service at all times when engaged pursuant to this Compact, and shall be entitled to all rights and benefits provided pursuant to the laws of this State.

G. S. 127-126. All benefits to be paid under 127-120(h) of the foregoing Compact shall include any injury or death sustained while going to or returning from such duty.

G. S. 127-127. Nothing in the foregoing Compact shall authorize or permit State officials or Military officers of the requesting State to relieve from assignment or reassign officers or non-commissioned officers of National Guard units of the responding State without authorization by the appropriate authorities of the responding State.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.
CHAPTER 675

H. B. 956

AN ACT TO AMEND G. S. 153-9(47), RELATING TO THE APPOINTMENT OF COUNTY PLUMBING INSPECTORS, SO AS TO MAKE IT APPLICABLE TO ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(47) is hereby amended by inserting the word "Alamance" in the first sentence of the second paragraph thereof, immediately before the word "Beaufort".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 318

CHAPTER 676

AN ACT TO CREATE AN ADVISORY COUNCIL ON ALCOHOLISM TO THE STATE BOARD OF MENTAL HEALTH.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created an advisory council to be known as the "Advisory Council on Alcoholism to the North Carolina Board of Mental Health." The council shall be composed of the following members:

(1) The respective chairmen of the House and Senate Committees on Mental Health.

(2) A Judge of the Superior Court to be appointed by the Chief Justice of Supreme Court of the State of North Carolina to serve for a term of three (3) years.

(3) A member of the North Carolina State Bar to be appointed by the President of the North Carolina State Bar Association to serve for a term of three (3) years.

(4) Four (4) members to be appointed by the Executive Committee of the Alcoholism Programs of North Carolina. The term of appointment shall be for three (3) years except that two (2) of the first four (4) members appointed shall serve for only two (2) years.

(5) Four (4) members to be appointed by the North Carolina Board of Mental Health. The term of appointment shall be for three (3) years except that two (2) of the first four (4) members appointed shall serve for only two (2) years.

(6) The council shall choose its own chairman.

Sec. 2. The advisory council shall study, evaluate and make recommendations to the State Board of Mental Health in areas as:

(a) State and community treatment programs in alcoholism.

(b) Ways and means of promoting public understanding of alcoholism and alcohol problems.

(c) Public recognition and prevention of alcoholism through educational programs.

(d) Educational programs on alcoholism and alcohol problems in public schools and higher education.
(e) Research and evaluation of treatment and rehabilitation methods on State and local levels.

(f) Training programs in area of alcoholism.

(g) The need for new State laws and programs in the field of alcohol problems.

(h) Research and evaluation of the need for treatment and rehabilitation of alcoholic workers and executives in industry within the State.

Sec. 3. The advisory council shall make an annual report to the State Board of Mental Health with copies to the Governor and the General Assembly.

Sec. 4. Members of the council shall be paid from funds appropriated to State Department of Mental Health, the same per diem, subsistence and travel allowance as is now or may hereafter be prescribed for State Boards and commissions generally.

Sec. 5. All laws and clauses of laws in conflict of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification. In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 437

CHAPTER 677

AN ACT TO REWRITE G. S. 35-42 TO PROVIDE THAT THE SECRETARY OF THE EUGENICS BOARD SHALL BE AN EMPLOYEE OF THE STATE DEPARTMENT OF PUBLIC WELFARE AND SHALL BE DESIGNATED BY THE COMMISSIONER OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 35-42 as it appears in 1966 Replacement Volume 2A of the General Statutes, is hereby repealed.

Sec. 2. In the place of the statute repealed by Section 1 of this Act, a new Section is hereby enacted as follows:

"Sec. 35-42. Secretary of Board and Duties.—The State Commissioner of Public Welfare shall designate an employee of the State Department of Public Welfare as Secretary of the Eugenics Board. The secretary shall perform all duties imposed by the statutes and required by the Eugenics Board."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 522

CHAPTER 678

AN ACT TO AMEND G. S. 115-36(a) RELATING TO THE LENGTH OF A SCHOOL DAY IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-36(a), as it appears in Volume 3A, 1966 Replacement, of the General Statutes of North Carolina, is amended by rewriting said Section so that the same shall hereafter read as follows:

"115-36(a) School Day.—The length of the school day shall be determined by the several county and city boards of education for all public schools in their
respective administrative units, and the minimum time for which teachers shall
be employed in the schoolroom or on the grounds supervising the activities of
children shall not be less than six hours: Provided, the several county and city
boards of education may adopt rules and regulations allowing handicapped pupils
and pupils attending the first and second grades to attend school for a period
of less than six hours. The Superintendent of the several county and city boards
of education, in the event of an emergency or act of God requiring the termina-
tion of classes before six hours have elapsed, may suspend the operation of any
school for the remainder of that particular day without loss of credit to the
pupil or loss of pay to the teacher."
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 2nd day of June,
1969.

H. B. 626  
CHAPTER 679

AN ACT TO PRESCRIBE CERTAIN RIGHTS OF INDIVIDUALS RELATIVE TO
THE OBTAINING OF CHIROPRACTIC SERVICES FROM PRACTITIONERS
OF CHIROPRACTIC LICENSED BY THE STATE.

The General Assembly of North Carolina do enact:

Section 1. General Statute 58-260, as the same appears in the 1967 Cumulative
Supplement to Volume 2B of the General Statutes of North Carolina, is hereby
amended by: inserting immediately after the word "dentist," in lines 3 and 7 of
the second paragraph thereof, the words "or a duly licensed chiropractor.,"

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 2nd day of June,
1969.

H. B. 786  
CHAPTER 680

AN ACT TO PROVIDE A PROCEDURE FOR CHANGING THE NAME OF
MUNICIPALITIES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The governing body of any municipal corporation may, upon its own
motion, or shall, upon receipt of a petition signed by fifteen percent (15%) of the
qualified voters therein, call a special election for the purpose of changing the name
of the municipality. At least 30 days before the date of the election, notice shall
be published once a week for four weeks in a newspaper published or having general
circulation within the municipality, setting forth the dates of registration and of
the election and the proposed new name for the municipality.

Sec. 2. The election shall be conducted in the same manner and under the
same laws governing regular municipal elections. If a majority of the qualified voters
vote in favor of changing the name, then the proposed new name shall be adopted
for the municipality.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 977  CHAPTER 681
AN ACT TO AMEND G. S. 62-260(a)(2) TO RECONCILE SAID SECTION WITH G. S. 20-87 RELATING TO NINE-PASSENGER TAXICAB VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-260 is hereby amended by striking out the word and figure "six (6)" appearing in lines two, three and four of subsection (a)(2) of said section, and by inserting in lieu thereof in lines two, three and four the word and figure "nine (9)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after September 15, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 1057  CHAPTER 682
AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF HAVEL-OCK TO PROVIDE FOR THE LEVY OF A LIEN FOR COSTS OF REMOVAL OF CERTAIN DESCRIBED MOTOR VEHICLES FROM PRIVATE PROPERTY, AND TO PROVIDE THE PROCEDURE FOR THE COLLECTION OR FORE- CLOSURE OF SUCH LIEN.

The General Assembly of North Carolina do enact:

Section 1. In addition to the power and authority now possessed or hereafter granted by general or special laws, the Governing Body of the Town of Havelock is hereby granted the power and authority to establish charges to be made for the cost of removing abandoned or junk motor vehicles from private property. When said Town causes the removal of any such vehicle from private property pursuant to an Ordinance permitting such removal and the owner or other person having control of said property fails to pay the cost of such removal and disposal within 30 days after it becomes due, the amount of the cost of removal and disposal of such vehicle shall on the 30th day after the due date thereof become a lien against the real property from which said vehicle was removed; and the amount of such costs shall be placed upon the tax books of said Town against the said property and may be collected and the said lien may be foreclosed in the same manner as taxes are collected and foreclosed, or by suit, as the municipality may determine.

Sec. 2. A motor vehicle shall be deemed to be abandoned or a junk motor vehicle for the purposes of this Act in the following circumstances: (1) it is partially or completely dismantled or wrecked; (2) it is incapable of self-propulsion or of being moved in the manner for which it was originally intended; or (3) it has been aban-doned, is inoperable, or damaged and worth less than fifty dollars ($50.00); and (4) it is a junk vehicle and has been so abandoned for a period of not less than 30 days.
CHAPTER 682  SESSION LAWS—1969

Sec. 3. The provisions of this Act and of any ordinance enacted pursuant hereto are hereby declared to be in furtherance and promotion of the public interest and welfare and to constitute a public purpose.

Sec. 4. If any part or provision of this Act shall be declared to be unconstitutional or invalid by any Court of competent jurisdiction, said declaration of unconstitutionality or invalidity shall not affect any other part or provision hereof.

Sec. 5. This Act shall apply only to the Town of Havelock in Craven County, North Carolina.

Sec. 6. All laws or clauses of laws in conflict herewith are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 406  CHAPTER 683

AN ACT TO SET THE SALARY OF THE MITCHELL COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The members of the Mitchell County Board of Commissioners may, by majority vote fix their own compensation and allowances in such sums as may be just and reasonable.

Sec. 2. No member of the Mitchell County Board of Commissioners is eligible to vote on the matter of setting his own salary.

Sec. 3. After November 1, 1972, this Act shall be subject to Section 153-13 of the General Statutes of North Carolina.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 409  CHAPTER 684

AN ACT TO CREATE LIENS FOR AMBULANCE SERVICE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 44 of the General Statutes, as the same appears in the 1966 Replacement Volume 2A of the General Statutes of North Carolina, and the 1967 Cumulative Supplement thereto, is hereby amended by inserting immediately following G.S. 44-51 a new Article 9A to read as follows:

"Article 9A.

"Liens for Ambulance Service.

"G.S. 44-51.1. Lien on real property of recipient of ambulance service paid for or provided by county or municipality: There is hereby created a general lien upon the real property of any person who has been furnished ambulance service by a county or municipal agency or at the expense of county or municipal government. The lien created by this Section shall continue from the date of filing until satisfied, except that no action to enforce it may be brought more than ten (10) years after the date on which ambulance service was furnished nor more than three (3) years after the date of recipient's death. Failure to bring action within such times shall be a complete bar against any recovery and shall extinguish the lien."
"G.S. 44-51.2. Filing within 90 days required. No lien created by G.S. 44-51.1 shall be valid but from the time of filing in the office of the Clerk of Superior Court a statement containing the name and address of the person against whom the lien is claimed, the name of the county or municipality claiming the lien, the amount of the unpaid charge for ambulance service, and the date and place of furnishing ambulance service for which charges are asserted and the lien claimed. No lien under this Article shall be valid unless filed in accordance with this section within 90 days of the date of furnishing the ambulance service.

"G.S. 44-51.3. Discharge of lien. Liens created by this Article may be discharged as follows:

"(1) By filing with the Clerk of Superior Court a receipt or acknowledgement, signed by the county or municipal treasurer, that the lien has been paid or discharged;

"(2) By depositing with the Clerk of Superior Court money equal to the amount of the claim, which money shall be held for the benefit of the claimant; or

"(3) By an entry in the lien docket that the action on the part of the lien claimant to enforce the lien has been dismissed, or a judgment has been rendered against the claimant in such action."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Sec. 3. This Act shall be effective on and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 487

CHAPTER 685

AN ACT AMENDING CHAPTER 159 OF THE GENERAL STATUTES, THE SAME BEING THE LOCAL GOVERNMENT ACT, RELATING TO THE ISSUANCE OF A SINGLE BOND WITHOUT COUPONS REGISTERED AS TO BOTH PRINCIPAL AND INTEREST.

The General Assembly of North Carolina do enact:

Section 1. Chapter 159 of the General Statutes, as amended, the same being the Local Government Act, is hereby amended by adding thereto a new section to be designated Section 159-47.1, and to read as follows:

"Sec. 159-47.1. Notwithstanding the provisions of any general, local, private or special laws authorizing and providing for the issuance of bonds of a unit, the governing body of a unit may authorize, subject to the approval of the Local Government Commission, the issuance, in lieu of coupon bonds, of a single bond without coupons in a denomination equal to the aggregate principal amount of such coupon bonds and payable in installments corresponding to the maturities of such coupon bonds. Such bond without coupons shall bear interest at the same rate or rates as such coupon bonds and shall be registered as to both principal and interest. At the request of the holder of a single bond without coupons, the governing body of such unit shall within ninety (90) days after its receipt of such request, cause to be prepared and executed and delivered to the holder in exchange for such single bond without coupons, coupon bonds in an aggregate principal amount equal to the principal amount of such single bond with coupons then unpaid and having maturities corresponding to the maturities of the install-
ments of the principal of such single bond without coupons then unpaid and bearing interest at the same rate or rates as provided in such single bond without coupons. Upon any such exchange, such single bond without coupons shall be cancelled. The reasonable expenses and charges of the unit and the Commission in connection with such exchange shall, at the option of the governing body of the unit, be paid by the holder or the unit. Until so exchanged, such single bond without coupons shall in all respects be entitled to the same benefits as the coupon bonds to be issued."

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted by any other law.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 488

CHAPTER 686

AN ACT TO AMEND G.S. 160-390, BEING A PART OF THE MUNICIPAL FINANCE ACT, 1921, TO REMOVE THE INTEREST RATE LIMITATION ON BONDS.

The General Assembly of North Carolina do enact:

Section 1. Section 160-390 of Article 28 of Chapter 160 of the General Statutes, the same being a part of The Municipal Finance Act, 1921, is hereby amended by rewriting the first sentence thereof to read as follows:

"The aggregate amount of bonds to be issued under a bond ordinance, the rate or rates of interest they shall bear, payable semiannually or otherwise, and the times and place or places of payment of the principal and interest of the bonds, shall be fixed by resolution or resolutions of the governing body."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. B. 489

CHAPTER 687

AN ACT TO AMEND G.S. 153-74, 153-104 AND 153-108, ALL BEING PART OF THE COUNTY FINANCE ACT, RELATING TO THE INTEREST RATES ON BONDS AND BOND ANTICIPATION NOTES.

The General Assembly of North Carolina do enact:

Section 1. Section 153-74 of Article 9 of Chapter 153 of the General Statutes, the same being a part of The County Finance Act, is hereby amended by deleting the following sentence:

"No money shall be borrowed under said Sections at a rate of interest exceeding the maximum rate permitted by law."

Sec. 2. Section 153-104 of Article 9 of said Chapter 153 is hereby amended by rewriting said Section to read as follows:

"The bonds may bear interest at such rate or rates, payable semiannually or otherwise, and may be made payable in such kind of money and at such place
or places within or without the State of North Carolina as the governing body
may by resolution provide."

Sec. 3. Section 153-108 of Article 9 of said Chapter 153 is hereby amended
by deleting the following sentence:

"No money shall be borrowed under this Section at a rate of interest exceeding
the maximum rate permitted by law."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June,
1969.

S. B. 503

CHAPTER 688

AN ACT TO AMEND G.S. 160-417 AND 160-421, BEING PART OF THE REVENUE
BOND ACT OF 1938, TO REMOVE THE INTEREST RATE LIMITATION ON
BONDS.

The General Assembly of North Carolina do enact:

Section 1. Section 160-417 of Article 34 of Chapter 160 of the General Statutes,
the same being a part of the Revenue Bond Act of 1938, is hereby amended by
deleting in the first sentence thereof the phrase "not exceeding six per centum (6%)
per annum."

Sec. 2. Section 160-421 of Article 34 of said Chapter 160 is hereby amended
by deleting in the first sentence of said Section the following phrase:

"but no such sale shall be made at a price so low as to require the payment
of interest on the money received therefor at more than six per centum (6%)
per annum, computed with relation to the absolute maturity or maturities of
the bonds in accordance with standard tables of bond values, excluding, however,
from such computation the amount of any premium to be paid on redemption
of any bonds prior to maturity."

so that said first sentence shall read as follows:

"All revenue bonds issued pursuant to this article shall be approved and sold
by the Local Government Commission in the same manner as municipal bonds
are approved and sold by that Commission, except that the said Commission
may sell any bonds issued pursuant to this article to the United States of Ameri-
can, or any agency thereof, at private sale and without advertisement, and except,
further, that upon the filing with said Commission of a resolution of the govern-
ing body of a municipality requesting that its revenue bonds issued pursuant
to this article be sold at private sale and without advertisement and upon the
approval of such request by said Commission, such bonds may be sold by said
Commission at private sale and without advertisement to any purchaser or pur-
chasers thereof, such sale to be for such price as said Commission shall determine
to be for the best interests of the municipality and as shall be approved by the
governing body of the municipality."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June,
1969.

677
H. B. 575

CHAPTER 689

AN ACT TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE CITY BOARD OF EDUCATION OF HENDERSONVILLE, AND TO FIX THEIR TERM OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The City Board of Education of Hendersonville, North Carolina, shall consist of seven members, who shall be residents of the Hendersonville Administrative School Unit, to be appointed by the Board of Commissioners of the City of Hendersonville.

Sec. 2. At its regular meeting next preceding the first Thursday in June, 1969, and quadrennially thereafter, the Board of Commissioners shall appoint the members of the City Board of Education of Hendersonville to serve for a term of four years, beginning on the first Thursday of June, 1969.

Vacancies occurring for any reason in the City Board of Education shall be filled by the Board of Commissioners of the City of Hendersonville for the unexpired term, and said appointment to fill a vacancy shall be made at the next regular meeting of the Board of Commissioners of Hendersonville or within thirty days following the occurrence of the vacancy.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 661

CHAPTER 690

AN ACT TO AMEND CHAPTER 510 OF THE 1965 SESSION LAWS AS AMENDED BY CHAPTER 901 OF THE 1967 SESSION LAWS FIXING THE SALARIES AND EXPENSE ALLOWANCES OF CERTAIN OFFICIALS AND EMPLOYEES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 510 of the 1965 Session Laws as amended by Section 1(d) of the 1967 Session Laws is hereby rewritten in its entirety to read as follows:

"Sec. 5. The Sheriff of Brunswick County shall receive an annual salary of sixty-eight hundred dollars ($6,800.00), payable in twelve (12) equal monthly installments. In addition to the salary fixed herein for the Sheriff, he shall be paid one hundred thirty-five dollars ($135.00) per month as travel expenses incurred in the performance of his official duties in the County of Brunswick, and in addition thereto shall receive the sum of seven cents (7¢) per mile for travel expense incurred for travel outside of the county while in the performance of his official duties."

Sec. 2. Section 6 of Chapter 510 of the 1965 Session Laws as amended by Section 1(e) of Chapter 901 of the 1967 Session Laws is hereby rewritten in its entirety to read as follows:

"Sec. 6. The Sheriff of Brunswick County is authorized and empowered to employ four field deputies at a monthly salary of four hundred dollars ($400.00) each, and in addition thereto, each such field deputy shall be paid one hundred thirty-
five dollars ($135.00) per month as travel expenses incurred in the performance of official duties. The Sheriff is also authorized to employ one office deputy at a monthly salary of three hundred fifty dollars ($350.00). The Sheriff is also authorized to employ a Jailer who shall be responsible for the prisoners who shall be paid a monthly salary of four hundred dollars ($400.00), and in addition thereto, he shall receive a fee of sixty cents (60¢) for each prisoner incarcerated in the County Jail and an additional sixty cents (60¢) fee upon the release of each prisoner from the County Jail. The Jailer shall also receive a fee of two dollars and fifty cents ($2.50) each day for each prisoner fed in the County Jail. The Sheriff is authorized to employ an Assistant Jailer who shall receive a monthly salary of three hundred dollars ($300.00). The jailer and assistant jailer shall have the same power of arrest and authority to serve criminal and civil process throughout the County as regular deputy sheriffs."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 705

CHAPTER 691

AN ACT TO AMEND CHAPTER 68 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FENCES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 68-1, and G. S. 68-2 are hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 804

CHAPTER 692

AN ACT TO PROVIDE THAT A PERSON SUSTAINING BODILY INJURY SHALL BE FURNISHED A COPY OF ANY STATEMENT MADE BY HIM.

The General Assembly of North Carolina do enact:

Section 1. Any person sustaining bodily injury who shall give a written or recorded statement of the facts and circumstances surrounding his injury shall, upon his written request or the written request of an attorney acting in his behalf, be furnished a copy of all statements made by him in their entirety.

Sec. 2. Such copies as are furnished pursuant to this Act shall be furnished at the expense of the person, firm or corporation at whose direction the statement was taken. If any person, firm or corporation taking the statement of any person sustaining bodily injury shall fail to comply with the requirements of Section 1 of this Act, then such statement or statements as have not been furnished shall be inadmissible in any court or administrative body for any purpose. In addition, no questions on cross-examination by the person, firm or corporation at whose direction the statement was taken shall be competent or otherwise admissible when based, in any manner, upon such statement or statements which have not been furnished in compliance with this provision.
Sec. 3. It is further declared that an injured person who has given such a statement should properly be furnished a copy thereof, without request, within ten (10) days after a written statement has been taken or a recorded statement has been transcribed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on June 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 810

CHAPTER 693

AN ACT AMENDING PART 9, ARTICLE 34 OF CHAPTER 106 SO AS TO INCLUDE POULTRY IN CERTAIN STATUTES PERTAINING TO THE CONTROL OF ANIMAL DISEASES.

The General Assembly of North Carolina do enact:

Section 1. A new section is hereby added immediately after G.S. 106-401 to read as follows:

"G.S. 106-401.1. The State Veterinarian, or his authorized representative, is hereby authorized to go upon or enter any property in the State, or to stop any motor vehicle, to examine any poultry which he has reason to believe are affected with or exposed to a contagious disease. He or his authorized representative is authorized to quarantine any poultry affected with or exposed to a contagious disease, or injected with or otherwise exposed to any material capable of producing a contagious disease and to give public notice of such quarantine by posting or placarding with a suitable quarantine sign the entrance to or any part of the premises on which such poultry are held. Said poultry are to be maintained by the owner or person in charge as provided for in G.S. 106-400 to G.S. 106-405 at the owner's expense. The quarantine provision hereof shall not apply to those diseases which are endemic in the State and for which adequate preventive and control measures are not available. No poultry under quarantine shall be moved from the place of quarantine except upon a written permit from the State Veterinarian or his authorized representative. Said quarantine shall remain in effect until cancelled by official written notice from the State Veterinarian or his authorized representative and shall not be released or cancelled until the sick or dead poultry have been properly disposed of and the premises have been properly cleaned and disinfected."

Sec. 2. G.S. 106-402 is rewritten in its entirety to read as follows:

"G.S. 106-402. Any animal, animals or poultry affected with or exposed to a contagious or infectious disease shall be confined by the owner or person in charge of said animal, animals or poultry in such a manner, by penning or otherwise securing and actually isolating same from the approach or contact with other animals or poultry not so affected; they shall not have access to any ditch, canal, branch, creek, river, or other watercourse which passes beyond the premises of the owner or person in charge of said animals or poultry, or to any public road, or to the premises of any other person."

Sec. 3. G.S. 106-405 is rewritten in its entirety to read as follows:

"G.S. 106-405. Any person or persons who shall knowingly and willfully violate any provision of G.S. 106-400 to 106-403 shall be guilty of a misdemeanor and pun-
ishable by a fine not in excess of five hundred dollars ($500.00) or imprisonment
not in excess of six months, or both fine and imprisonment."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 839

CHAPTER 694

AN ACT TO REQUIRE THE CLEAR IDENTIFICATION OF PARTIES SIGNING
INSTRUMENTS TO BE REGISTERED OR FILED IN THE OFFICE OF THE
REGISTER OF DEEDS AND TO PROVIDE A SYSTEM OF INDEXING WHEN
THE PRINTED AND WRITTEN NAME OF SIGNERS OF INSTRUMENTS IS
IN CONFLICT.

The General Assembly of North Carolina to enact:

Section 1. Chapter 161 of the General Statutes is amended by adding a new
section to be designated as G. S. 161-14.2, and to read as follows:

"G. S. 161-14.2. Indexing procedures for instruments and documents filed in the
office of the register of deeds. The following procedure shall be used in making
index entries:

(1) When each word of the signature is legible and it gives the complete name
of the party, the signature shall govern.

(2) When the signature is legible but initials or abbreviations are used, any addi-
tional information given by the printed or typed name and not in conflict with
the signature shall govern.

(3) When none of the words in the signature are legible, the printed or typed
name shall govern.

(4) When one or more of the words in the signature are legible, then the words
that are legible shall govern; the words that appear in the printed or typed name
shall govern over the words of the signature that are not legible.

(5) When the spelling of any word in a legible signature and the spelling of
the corresponding word in the typed or printed name is at variance, and the vari-
ance would cause the entries to be made at different places in the index, then the
instrument shall be indexed under both spellings.

(6) When a reasonable interpretation of an illegible word in a signature is at
variance with the corresponding word in a typed or printed name, and the variance
would cause the entries to be made at different places in the index, then the instru-
ment shall be indexed in both places.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June,
1969.
AN ACT AUTHORIZING THE TOWN OF CHAPEL HILL TO ACQUIRE AN ENTIRE STRUCTURE OR PARCEL OF LAND WHEN IT IS SEVERED BY STREET RIGHT-OF-WAY AND TO PROVIDE AN ADDITIONAL PROCEDURE BY WHICH THE TOWN OF CHAPEL HILL MAY ACQUIRE PROPERTY FOR PUBLIC PURPOSES BY EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

Section 1. Whenever the proposed right-of-way of a street or highway necessitates the taking of a portion of a parcel of land leaving a remainder of such shape, size or condition so as to be of little value, the Town of Chapel Hill may acquire, by condemnation or purchase, the entire parcel of land. Provided, the Town must make a determination either:

(1) That a partial taking would substantially destroy the economic value or utility of the remainder; or

(2) That an economy in the expenditure of public funds will be promoted thereby; or

(3) That the interest of the public will be best served by the acquisition of the entire parcel.

Sec. 2. Residues acquired under this Act may be disposed of in the manner provided for the disposition of municipal property or may be exchanged for other property required by the municipality.

Sec. 3. Where the proposed right-of-way of a street or highway necessitates the taking of a portion of a building or structure, the Town of Chapel Hill may acquire, by condemnation or purchase, the entire building or structure, together with the right to enter upon the surrounding land for the purpose of removing the building or structure. Provided, the Town must make a determination that the partial taking will substantially destroy the economic value or utility of the building or structure and a determination either:

(1) That an economy in the expenditure of public funds will be promoted thereby; or

(2) That it is not feasible to cut off a portion of the building without destroying the entire building; or

(3) That the convenience, safety or improvement of the street or highway will be promoted thereby;

Provided further, nothing herein contained shall be deemed to compel the Town authority to condemn the underlying fee of the portion of any building or structure which lies outside the right-of-way of any existing or proposed public road, street or highway.

Sec. 4. In addition to any other procedure available to the Town of Chapel Hill under its Charter or the general law, the Town of Chapel Hill shall have the right to acquire any land, easement or interest in land for any public purpose for which the Town of Chapel Hill is authorized to acquire same by condemnation, both within and outside its corporate limits, by proceeding in accordance with the provisions of Article 9 entitled "Condemnations" of Chapter 136 of the General Statutes of North Carolina, as same is now written and as hereafter amended. In applying said Article 9 to the Town of Chapel Hill, the words "Town of Chapel Hill" shall be substituted for all references in said Article to the State Highway Commission; the words "Mayor or Town Manager" shall be substituted for all references to the "Chairman of the State Highway Commission", "Director of the State Highway
Commission", "Director of Highways, State Highway Commission, in Raleigh" or other similar reference; "Chapel Hill" shall be substituted for "Raleigh"; and "public purposes" or an appropriate reference to the particular project of the Town for which the land, easement or an interest therein is being acquired shall be substituted for "Highway purposes", "Highway project", "highway" or other similar reference. This Act shall not be construed as amending Article 9 of Chapter 136 of the General Statutes except with respect to proceedings instituted by the Town of Chapel Hill under the authority of this Act provided further that nothing herein shall be construed to enlarge the power of the Town of Chapel Hill to condemn property already devoted to public use.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 736

CHAPTER 696

AN ACT PROVIDING A METHOD FOR AMENDMENT OF THE CHARTER OF THE CITY OF GREENSBORO WITH RESPECT TO THE COMPOSITION AND MODE OF ELECTION OF THE MAYOR AND CITY COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. Amendment of Charter. Notwithstanding any other provision of law, the Charter of the City of Greensboro may be amended in the manner provided in this Act.

Sec. 2. Optional Forms. The City Council of the City of Greensboro may amend its Charter to adopt a new form of City government composed of any combination of the following options:

(1) Terms of office of members of the City Council:
   (a) The Council shall be elected for terms of two years;
   (b) The Council shall be elected for terms of four years;
   (c) The Council shall be elected for overlapping terms of four years.

If the Council consists of an even number of members, at the first election following adoption of option (c), one-half of the members shall be elected for four-year terms, and one-half shall be elected for two-year terms. If the Council consists of an odd number of members, at the first election following adoption of option (c), a simple majority of the members shall be elected for four-year terms and the remainder of the members shall be elected for two-year terms. In both cases those members elected with the highest number of votes shall serve the four-year terms. At all elections following the first election under option (c), members shall be elected for four-year terms.

(2) Number of members of the City Council:
   (a) The Council shall consist of any number of members not less than three nor more than twelve.

(3) Mode of election of the City Council:
   (a) All candidates shall be nominated and elected at large by all the qualified voters of the City.
   (b) The City shall be divided into wards; members of the Council shall be apportioned to the wards so that each member represents the same number of
persons as nearly as possible, except for members apportioned to the City at large, if any; the qualified voters of each ward shall nominate and elect candidates who reside in that ward for seats apportioned to that ward; and all the qualified voters of the City shall nominate and elect candidates apportioned to the City at large, if any.

(c) The City shall be divided into wards; members of the Council shall be apportioned to the wards so that each member represents the same number of persons as nearly as possible, except for members apportioned to the City at large; and candidates shall reside in and represent the wards according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the City.

(d) The City shall be divided into wards; members shall be apportioned to each ward so that each member represents the same number of persons as nearly as possible, except members apportioned to the City at large, if any; the qualified voters of each ward shall nominate two candidates who reside in that ward for each seat apportioned to that ward in a non-partisan primary, and the qualified voters of the entire City shall nominate two candidates for each seat apportioned to the City at large, if any; and all candidates shall be elected by all the qualified voters of the City.

If either of options (b), (c), or (d) is adopted, the City Council shall divide the City into the requisite number of wards according to the apportionment plan adopted, and shall cause a map of the wards so laid out to be drawn up and recorded in the office of the City Clerk, where it shall be available for public inspection. The City Council shall have the authority to revise the ward boundaries from time to time to correct imbalances in ward population and to account for newly annexed territory. The initial ordinance or petition initiating adoption of either of options (b), (c), or (d) shall specify the number of wards to be laid out and the number of councilmen from each ward, but the drawing of ward boundaries shall be done in all cases by the City Council.

(4) Primaries:

(a) There shall be no City primary but all candidates shall be nominated and elected at the regular City election.

(b) There shall be a non-partisan primary to nominate two candidates for each vacancy on the Council to be filled at the regular City election.

Option (a) may not be adopted if option (d) of subsection (3) of this Section is adopted.

(5) Selection of Mayor:

(a) The Mayor shall be elected by all the qualified voters of the City for a term of two years.

(b) The Mayor shall be elected by all the qualified voters of the City for a term of four years.

(c) The Mayor shall be selected by the City Council from among its membership to serve at its pleasure.

Sec. 3. Initiative by City Council. The City Council may adopt an ordinance amending the Charter of the City in any of the particulars set out in Section 2 of this Act. The ordinance shall be passed for the first time not later than 120 days before the deadline for filing notice of candidacy for the City Council. Following passage on first reading, the substance of the ordinance shall be published in some
newspaper having a general circulation in the City. Following this publication the
Council shall call a public hearing on the ordinance. Following the public hearing, the
Council shall read the ordinance for a second time and if it shall pass its second
reading, it shall take effect for the next succeeding City election, unless submitted or petitioned to a vote of the people as hereinafter provided.

The City Council may not adopt an ordinance amending the Charter between the
time of registration of an initiative petition pursuant to Section 5 of this Act and the time the plan proposed in such petition takes effect, unless the petition shall become invalid by reason of not having been submitted with the requisite number of signatures within the time prescribed by Section 5 or unless the plan proposed by the petition fails of adoption at the referendum required by Section 5.

Sec. 4. Referendum on Council Plan. The City Council may of its own motion, and shall upon receipt of a valid petition bearing the signatures of a number of qualified voters of the City equal to at least 15 per cent of the whole number of voters who participated in the last regular City election, submit any ordinance adopted pursuant to Section 3 of this Act to a vote of the people, the date of the vote to be not more than 120 days and not fewer than 60 days after receipt of the valid petition. No petition shall be valid unless delivered to the City Clerk at least 30 days prior to the deadline for filing notice of candidacy for City Council. The proposition shall be submitted on separate ballots which shall be printed in substantially the following form:

☐ FOR adoption a new form of government as follows: (here insert a brief description of the proposed plan)

☐ AGAINST adopting a new form of government.

If a majority of the votes cast on the proposition shall be in favor of the new form of government as provided by the ordinance, the ordinance shall take effect as provided by Section 9 of this Act. If a majority of the votes shall be against the new form of government, the ordinance shall be null and void.

Sec. 5. Initiative by the People. The people may initiate a referendum on adoption of a new form of government by petition. The petition shall bear the signatures of a number of qualified voters of the City equal to at least 15 per cent of the whole number of voters who participated in the last regular City election. It may propose only one form of government for submission to the voters and shall be in substantially the following form:

To the City Council of the City of Greensboro

We, the undersigned qualified voters of the City of Greensboro, do hereby request that you submit to the people the question of whether to adopt a new form of government as follows: (describe the proposed plan briefly but completely and refer to the pertinent provisions of Section 2 of this Act.)

No petition shall be valid which proposes any form of government not entirely composed of the options set out in Section 2 of this Act. No petition shall be valid unless received with the requisite number of signatures by the City Clerk at least 60 days prior to the deadline for filing notice of candidacy for the City Council. Upon receipt of such a valid petition, the City Council shall fix a date for submitting the new form of government to the people, the date of the vote to be not more than 120 days and not fewer than 60 days after receipt of the valid petition. Ballots
shall be printed in the form prescribed by Section 4 of this Act. If a majority of the ballots cast on the proposition shall be in favor of the new form of government proposed in the petition, the City Council shall adopt an ordinance amending the Charter of the City to that effect. Such an ordinance shall not be subject to a referendum petition under Section 4 of this Act. If a majority of the ballots cast on the proposition shall be against adopting the new form of government as proposed in the petition, the City Council shall take no action on the petition.

No initiative petition shall be valid, nor shall any be registered, between the time of the first reading of an ordinance of the Council initiating a new plan of government and the time such plan takes effect unless the ordinance fails of passage on second reading or fails of passage in a referendum called pursuant to Section 4 of this Act, unless more than 60 days shall have elapsed between the time for first reading and second reading.

Sec. 6. Registration and Priority of Petitions. Any person or group of persons proposing to circulate an initiative petition under Section 5 of this Act shall register the petition with the City Clerk before attempting to obtain signatures thereon. The Clerk shall retain a copy of the petition and shall note thereon the date and hour of registration. Petitions shall be assigned priority in the order in which they are registered. Any change in the form of government proposed in the petition subsequent to registration shall cancel its registration. Unless a registered petition is submitted with the requisite number of signatures within sixty days following its registration, such petition shall not be valid.

Sec. 7. Plan to Continue for Two Years. Should any new form of government be adopted as provided in this Act, it shall continue in force for at least two years after the beginning of the term of office of the officers elected thereunder; and no ordinance or petition proposing a different plan shall be adopted or filed during the period of one year and six months after such adoption.

Sec. 8. City Officers to Carry out Plan. It shall be the duty of the Mayor, the City Council, the City Clerk, and other City officials in office, and the Guilford County Board of Elections and all election officials, when any plan of government is adopted as provided by this Act or is proposed for adoption, to comply with all requirements of this Act, to the end that all things may be done which are necessary for the nomination and election of the officers first to be elected under the new plan so adopted.

Sec. 9. Submission of Plan; Effective Date. The City Council may submit a new form of government proposed under this Act at any regular or special municipal election, or at a special election called for that sole purpose. If a plan is submitted at a special election held at least 180 days prior to a regular City election, any new form of government adopted shall take effect for the next succeeding regular City election. If a plan is submitted at a special election held within 180 days before a regular City election, any new form of government adopted shall take effect for the regular City election held two years after the regular City election next succeeding the special election. If a plan is submitted at a regular City election, any new form of government adopted shall take effect for the next succeeding regular City election.

Sec. 10. Municipal Corporation Continued. Should the City of Greensboro adopt a new form of government as provided in this Act, the City shall thereafter be governed by the provisions thereof, and the inhabitants of the City shall continue to be a municipal corporation and shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties, liabilities,
and obligations pertaining to or incumbent upon the City as a municipal corpo-
ration.

Sec. 11. Ordinances Remain in Force. All ordinances, resolutions, orders, and
other regulations of the City of Greensboro or of any authority, body, or officer
thereof existing at the time when the City adopts a new form of government as
provided in this Act shall continue in full force and effect until annulled, repealed,
modified, or superseded.

Sec. 12. Charter to Remain in Force. All special, local, and private acts of the
General Assembly applicable to the City of Greensboro shall continue in full force
and effect notwithstanding adoption of a new form of government, except to the
extent modified by an ordinance adopted under the authority conferred and pur-
suant to the procedures prescribed by this Act.

Sec. 13. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 14. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June,
1969.

H. B. 745

CHAPTER 697

AN ACT ENABLING THE CITY OF LINCOLNTON AND THE CITY OF CHERRY-
VILLE TO JOINTLY ESTABLISH AN AIRPORT AND PROVIDING FOR THE
MAINTENANCE OF A JOINT AIRPORT BY SAID CITIES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Lincolnton-Cherryville Airport Authori-
ty with a Charter as follows:

ARTICLE I. AIRPORT DEFINED.

"Airport or landing field", for the purpose of this and the Sections following,
is defined as any plot of land or water formally set aside and designated as a place
where aircraft may land or take off.

ARTICLE II. JOINT OPERATION OF AIRPORT - AUTHORIZED.

The governing bodies of the City of Lincolnton and the City of Cherryville are
hereby authorized to jointly acquire, establish, construct, own, control, lease, equip,
improve, maintain, operate and regulate airports or landing fields for the use of
airplanes and other aircraft without the limits of said cities and within the limits
of Lincoln and Gaston Counties or either of them and may use for such purpose
or purposes any properties suitable therefor that are now or may at any time here-
after be jointly owned or controlled by said cities.

ARTICLE III. SAME - EMINENT DOMAIN, JOINT POWER.

Any lands acquired, owned, controlled, or equipped by said cities, for the purpose
enumerated in Section Two hereof, shall and are hereby declared to be acquired,
owned, controlled and occupied for a public purpose, and said cities shall have the
right to acquire property for such purpose or purposes under the power of eminent
domain as and for a public purpose.

ARTICLE IV. SAME - APPROPRIATION OF FUNDS.

Private property needed by said cities for an airport or landing field may be
acquired by gift or devise or shall be acquired by purchase if said cities are able
to agree with the owners on the terms thereof, and otherwise by condemnation as provided by law for the acquirement of private property for municipal parks or streets. The purchase price, or award, for property acquired for an airport or landing field may be paid for by appropriation of monies available therefor, or by the application of any funds derived by either of said cities from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes, or other purposes, or wholly or partly from the proceeds of the sale of bonds of either of said cities as the governing bodies of such cities shall determine.

ARTICLE V. FINANCING.

To carry out the purposes of this as to the establishment, maintenance and operation of an airport, the governing bodies of the said cities are each hereby authorized to appropriate non-tax funds, to appropriate funds derived from ad valorem taxes pursuant to G. S. 63-8.1, and to issue bonds pursuant to the Municipal Finance Act or the Revenue Bond Act of 1938.

ARTICLE VI. LINCOLNTON-CHERRYVILLE AIRPORT AUTHORITY

APPOINTMENT.

The joint board to be appointed by the governing bodies of said cities shall be known as the "Lincolnton-Cherryville Airport Authority" (hereinafter referred to as the "Airport Authority"), and shall have the powers and jurisdiction hereinafter enumerated and such additional powers as shall be conferred upon it by future Acts of the General Assembly.

The Airport Authority shall consist of six members to be appointed in the following manner for the following terms: One member to be appointed by the Board of Aldermen of the City of Lincolnton for a term of three years, one member for a term of two years and one member for a term of one year. Such members to be appointed by said City of Lincolnton shall be qualified voters of the City of Lincolnton. One member to be appointed by the Board of Aldermen of the City of Cherryville for a term of three years, one member for a term of two years, and one member for a term of one year. Said members to be appointed by the Board of Aldermen of the City of Cherryville shall be qualified voters of the City of Cherryville. All vacancies shall be filled in the same manner as the original appointment. Each member and his successor so appointed shall take and subscribe before the City Clerk of the Appointing City an oath of office and file the same with the City Clerk of that City.

Powers: compensation of members. The airport authority so appointed by the governing bodies of said cities shall act in an administrative capacity, and shall be vested with the authority to control, lease, maintain, construct, improve, operate and regulate the joint airport or landing field. It shall have complete authority over any airport or landing field jointly acquired by the governing bodies represented on said board. Provided, that said airport authority shall have no authority to pledge the credit of either of said cities. The said airport authority shall have power and authority to deal with the Civil Aeronautics Authority of the United States Government or State Government, relative to the grading, constructing, equipping, improving, maintaining and operating of airports or land fields established under the authority of this Act. A majority of said board shall control its decisions, and in the event of a tie, the same shall be decided or broken as outlined in Section Seven hereof. At the first meeting of said board, and annually thereafter, it shall elect a chairman from among its members. The airport authority shall meet at
such place and time as the chairman of said airport authority shall designate. The members of the said board shall serve without compensation but may be reimbursed for out of pocket expenses. Members of said airport authority shall not be personally liable in any manner for their acts as members, except for misfeasance or malfeasance.

Additional powers. The said airport authority shall have the following additional powers and authority:

(a) To charge and collect reasonable and adequate fees for concessions and rents for the use of the airport property or for services rendered in the operation thereof.

(b) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of said airport—to provide penalties for the violation of such rules and regulations; provided said rules and regulations and schedule of fees are not in conflict with the laws of the State of North Carolina and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

(c) To employ such agents, engineers and attorneys and other persons whose services may be deemed by the airport authority to be necessary or useful in carrying out the provisions of this Act.

Report. Said airport authority shall make an annual report to the governing bodies of the City of Lincolnton and the City of Cherryville, setting forth in detail the operations and transactions conducted by it pursuant to this Act.

Sec. 2. This Act shall be considered and construed as an Act, to amend and extend the charters of the City of Lincolnton and the City of Cherryville.

Sec. 3. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 780

CHAPTER 698

AN ACT RELATING TO THE TERMS OF OFFICE AND SALARIES OF THE COUNTY COMMISSIONERS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the election of county officers to be held in Avery County in 1970 and biennially thereafter there shall be elected two county commissioners. The candidate in each such election receiving the highest number of votes shall serve for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years.

Sec. 2. From and after the first Monday in December 1970, the Avery County Board of Commissioners shall consist of three members.

Sec. 3. Each member of the Board of County Commissioners of Avery County shall receive as compensation for his services the sum of twenty-five dollars ($25.00) for each of twelve regular meetings of said board and fifteen dollars ($15.00) for each of six additional meetings of said board. Each member of the board shall receive
ten dollars ($10.00) for attending any meeting of the board which lasts for four hours or less. Each member of the board shall also receive as compensation for his services while the board is sitting as a board of equalization and review the sum of twenty-five dollars ($25.00) per day but the number of days for which such compensation is paid shall not exceed ten days in any fiscal year.

Sec. 4. Chapter 564 of the 1963 Session Laws and all other laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 180, Session Laws of 1969.

Sec. 5. This Act shall become effective on April 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 844

CHAPTER 699

AN ACT TO AMEND THE CHARTER OF THE CITY OF FAYETTEVILLE, CHAPTER 28 OF THE PRIVATE LAWS OF 1925 AS AMENDED, TO REMOVE THE THREE MILE LIMITATION ON UTILITY EXTENSIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 28 of the Private Laws of 1925, as amended by Chapter 190 of the Private Laws of 1929, is hereby amended by striking out of Section 4 of Article II thereof the words and punctuation "water, sewerage, and".

Sec. 2. Nothing in this Act shall be construed so as to re-enact any provision of Chapter 28 of the Private Laws of 1925 or any provision of the Private Laws of 1929 which was repealed by enactment of Chapter 554 of the Public-Local Laws of 1937.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 871

CHAPTER 700

AN ACT AUTHORIZING SANITARY DISTRICTS TO ACCEPT GIFTS OF LAND FOR CEMETARY PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 130-128 of the General Statutes of North Carolina is amended by adding a new subdivision to the end thereof as follows:

"(19) To accept gifts of real and personal property for the purpose of operating a non-profit cemetery; to own, operate, and maintain cemeteries with the property so donated; and to establish perpetual care funds for such cemeteries in the manner provided by Sections 160-258 through 160-260 of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.
CHAPTER 701

AN ACT TO FILL A VACANCY ON THE ORANGE COUNTY BOARD OF EDUCATION.

WHEREAS, A. B. Coleman, Jr., resigned as a member of the Orange County Board of Education; and

WHEREAS, Belton Edwards was appointed pursuant to G.S. 115-24 to fill the vacancy thereby created until the meeting of this session of the General Assembly; and

WHEREAS, G.S. 115-24 requires that the General Assembly shall make an appointment to fill such vacancy for the residue of the unexpired term;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. Belton Edwards is hereby appointed to fill the above described vacancy on the Orange County Board of Education for the residue of the unexpired term which expires on the first Monday in December, 1972.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

CHAPTER 702

AN ACT TO AMEND THE CHARTER OF THE CITY OF EDEN, CHAPTER 967 OF THE SESSION LAWS OF 1967, TO AUTHORIZE A RETIREMENT SYSTEM FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Eden, as enacted by Section 6 of Chapter 967 of the Session Laws of 1967, is hereby amended by inserting therein a new Article VIII to read as follows:

"ARTICLE VIII. RETIREMENT SYSTEM

"Sec. 8.1. Retirement System Authorized. The City Council is hereby authorized to establish by ordinance a retirement plan and fund for its employees which shall be known as the City of Eden Employees' Retirement System, hereinafter referred to as the Retirement System. The City Council may consolidate and merge into the Retirement System the retirement plans and funds covering employees of the former City of Leaksville and the former Town of Spray.

"Sec. 8.2. Benefits. The Retirement System shall provide for the payment of benefits to employee members at retirement because of age, and may, in the discretion of the City Council, provide additional benefits to employee members, or to their beneficiaries, on account of the member's disability or death. The ordinance may provide benefits which are based upon personal services rendered prior to the establishment of the Retirement System to the City of Eden, the Town of Draper, the City of Leaksville, the Town of Spray, the Meadow Greens Sanitary District, the Eden Metropolitan Sewerage District, and any other governmental units, and the City shall contribute the entire cost of benefits based on any such prior service."
"Sec. 8.3. Membership; Contributions. Membership shall include such officers and employees of the City as the ordinance shall designate. Employee members shall contribute to the Retirement System in such amounts as shall be stated in the ordinance, and any employee's contributions, upon his written election, may be deducted from the employee member's pay by payroll deduction. The City shall contribute to the Retirement System such amounts as shall be determined annually by qualified actuarial consultants in order to meet the liabilities accruing against the Retirement System because of personal service rendered to said City by employee members after the establishment of the Retirement System. The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than thirty years from the date of the establishment of the Retirement System.

"Sec. 8.4. Actuarial Basis of System; Administrative Expenses. The Retirement System shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the date of the inauguration of the Retirement System, excepting the present value of benefits based on prior service, and shall employ for this purpose qualified actuarial consultants. The expenses of administering the Retirement System shall be paid as designated in the ordinance, and the City Council shall appropriate each year sufficient funds to cover the expenses of administration.

"Sec. 8.5. Board of Trustees. The ordinance shall provide for the appointment of a Retirement System Board of Trustees, and for the delegation to such Board of such powers and duties as may be deemed necessary by the City Council to carry out the intent and purpose of the Retirement System. The Board of Trustees shall consist of a member of the City Council, an employee member of the Retirement System, an attorney licensed to practice law in North Carolina, a certified public accountant, and the City Manager.

"Sec. 8.6. Contracting Authority. The City Council may provide for the payment of one or more of the benefits enumerated in Sec. 8.2 by contracting with any other municipality or municipalities within the State of North Carolina, with the United States Government, with departments or other agencies of the State of North Carolina, with any insurance company licensed to conduct business in North Carolina, with any national or state banking corporation or association providing corporate retirement plan trust services, or with any other person or corporation, for the performance of any service in connection with the establishment of the Retirement System, or for the investment, care, or administration of funds contributed to the Retirement System or for any other service relating thereto.

"Sec. 8.7. Investments. The City Council, or the Retirement System Board of Trustees, or any governing body, department, agency, insurance company, or national or state banking corporation or association contracting with the City for the investment, care, or administration of funds contributed to the Retirement System may invest and reinvest the funds constituting the Retirement System in accordance with the investment powers specifically granted in the ordinance establishing the Retirement System, such powers being limited to those that are customarily granted to national or state banking corporations or associations serving as fiduciaries for private or public employee retirement funds.

"Sec. 8.8. Article Not to Limit Other Authority. Nothing in this Article shall be construed to prohibit the City from providing or continuing to provide Old Age and Survivors' Insurance coverage, or Social Security coverage, for its officers and
employees as the same may be authorized by Federal and State laws, either separately or in addition to the Retirement System herein authorized, or from participating in or permitting its employees to participate in any other retirement or pension system, plan, or fund authorized by general or local law."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 1021

CHAPTER 703

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM, BEING CHAP-
TER 142, PRIVATE LAWS OF 1921, AS AMENDED, BY AMENDING SECTION
24 THEREOF TO AUTHORIZE THE CITY COUNCIL TO APPOINT THE
DIRECTOR OF FINANCE AS CITY TREASURER.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Durham, being Chapter 142, Private Laws of 1921, as amended, is hereby again amended by amending Section 24 thereof by changing the period to a comma at the end of the second sentence of said Section and after said comma adding the following words:

"and the City Council may appoint and designate the Director of Finance as City Treasurer."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 1080

CHAPTER 704

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE FIREMEN'S
RELIEF FUND OF THE CITY OF NEW BERN TO PURCHASE GROUP
INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of New Bern is hereby authorized and empowered to pay from the moneys belonging to the Local Firemen's Relief Fund premiums on group insurance policies which would cover the paid and volunteer firemen of the City of New Bern for accidents and illnesses contracted while fighting fires, going to or from a fire or fire alarm, fire training drills, fire schools, and other authorized and official meetings of the fire department.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.
CHAPTER 705  SESSION LAWS—1969

H. B. 1096  CHAPTER 705

AN ACT TO AMEND G.S. 105-345, AS AMENDED BY CHAPTER 334 OF THE SESSION LAWS OF 1959 RELATING TO THE DISCOUNT ALLOWABLE FOR PREPAYMENT OF TAXES IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 334 of the Session Laws of 1959 is hereby repealed.
Sec. 2. Chapter 822 of the Session Laws of 1951 is hereby repealed.
Sec. 3. G. S. 105-345 as amended is hereby amended by adding the following subsection at the end thereof:

"(8) However, subsections one (1), two (2) and six (6) shall not apply to taxes levied by Union County and should any taxpayer of Union County make payment of his taxes in the months of August through October following the levy thereof, he shall be entitled to the following discounts: If paid during the months of August or September, a deduction of two percent (2%); if paid during the month of October, a deduction of one percent (1%). If said tax is paid on or before the first day of February next after the tax becomes due and payable, the tax shall be paid at par or face value."

Sec. 4. This Act shall apply to Union County only.
Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 6. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 1097  CHAPTER 706

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN UNION COUNTY, AND TO AUTHORIZE THE DIVISION, OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners for the County of Union is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Union County, and to prescribe regulations relating to the listing of property for taxation by agents and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G. S. 105-308 or G. S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement be subject to the same penalties as if he had taken the oath prescribed by G. S. 105-308 and G. S. 105-310.

Sec. 3. Authority is hereby granted to the Board of County Commissioners for the County of Union to divide, or combine townships in Union County for tax listing purposes. The Tax Supervisor of Union County, with the approval of the Board
of County Commissioners, may appoint one or more list takers for each such unit so combined or divided.

Sec. 4. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Union County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Union County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Union County. If the Board of County Commissioners of Union County has adopted regulations relating to any matter covered by this Act, the listing in Union County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 6. This Act shall apply only to Union County.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 1107

CHAPTER 707

AN ACT TO DELETE UNION COUNTY FROM THOSE EXEMPTED FROM CERTAIN WORKMEN'S COMPENSATION ACT PROVISIONS REGARDING SHERIFF'S DEPUTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97.2 (2) is hereby amended by striking the word "Union" from line 42 thereof so as to bring the deputy sheriffs of Union County within the provisions of the Workmen's Compensation Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. B. 672

CHAPTER 708

AN ACT TO PROVIDE FOR GARNISHMENT AND ATTACHMENT IN COLLECTION OF DELINQUENT AMBULANCE SERVICE CHARGES DUE TO CERTAIN COUNTIES AND MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. Whenever ambulance services are provided by a county or by a municipally-owned and operated ambulance service and a recipient of such ambulance services or one legally responsible for the support of a recipient of such services fails to pay charges fixed for such services for a period of ninety (90) days after the rendering of such services, the county or municipality providing the ambulance services may treat the amount due for such services as if it were a tax due to the county or municipality and may proceed to collect the amount due through the use of Attachment and Garnishment proceedings as set out in G. S. 105-385(d).
CHAPTER 708  SESSION LAWS—1969

Sec. 2. There is hereby created a general lien upon the real property of any person who has been furnished ambulance service by a county or municipal agency or at the expense of a county or municipal government or upon the real property of one legally responsible for the support of any person who has been furnished such ambulance service.

Sec. 3. No lien created by Section 2 of this Act shall be valid but from the time of filing in the Office of the Clerk of Superior Court a statement containing the name and address of the person against whom the lien is claimed, the name of the county or municipality claiming the lien, the amount of the unpaid charge for ambulance service, and the date and place of furnishing the ambulance service for which charges are asserted and the lien claimed. No lien under this Act shall be valid unless filed after ninety (90) days of the date of furnishing of ambulance service, and within one hundred eighty (180) days of the date of the furnishing of ambulance service.

Sec. 4. Liens created by this Act may be discharged as follows:

"(1) By filing with the Clerk of Superior Court a receipt of acknowledgment, signed by the county treasurer, that the lien has been paid or discharged;

"(2) By depositing with the Clerk of Superior Court money equal to the amount of the claim, which money shall be held for the benefit of the claimant; or

"(3) By an entry in the lien docket that the action on the part of the lien claimant to enforce the lien has been dismissed, or a judgment has been rendered against the claimant in such action."

Sec. 5. The provisions of this Act shall apply only to Anson, Bladen, Brunswick, Buncombe, Caldwell, Caswell, Catawba, Columbus, Davidson, Edgecombe, Forsyth, Franklin, Gaston, Granville, Guilford, Greene, Halifax, Hoke, Johnston, Jones, Lee, Lenoir, Lincoln, Madison, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Person, Pitt, Richmond, Robeson, Rockingham, Scotland, Vance, Warren, Watauga, Wilkes, Wilson, and Yancey Counties.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be effective on and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1969.

S. B. 656  CHAPTER 709

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF DOBSON IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Police Department of the Town of Dobson in Surry County are hereby authorized and empowered to make arrests within a radius of three miles from the corporate limits of said Town for the violation of any law or ordinance or the commission of any crime within the corporate limits of said Town.

Sec. 2. Chapter 1201 of the Session Laws of 1963 and any other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.
CHAPTER 710

AN ACT TO AMEND G. S. 160-402 RELATING TO THE LIMITATION OF THE
MAXIMUM TAX RATE FOR GENERAL PURPOSES, AS THE SAME APPLIES
TO THE TOWN OF ELIZABETHTOWN IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-402 as the same appears in the 1964 Replacement Volume
3D of the General Statutes is hereby amended by deleting in line 5 thereof the
words and numbers "one dollar and fifty cents ($1.50)" and substituting in lieu there-
of the words and figures "one dollar and seventy-five cents ($1.75)."

Sec. 2. This Act shall apply only to the Town of Elizabethtown in Bladen County.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 5th day of June.
1969.

CHAPTER 711

AN ACT TO CLARIFY THE SMALL WATERSHED LAWS WITH RESPECT TO
PROJECT MAINTENANCE, THE FORM OF THE BALLOT IN COUNTY
WATERSHED ELECTIONS, AND COORDINATION OF COUNTY WATERSHED PROGRAMS WITH RELATED ACTIVITIES.

The General Assembly of North Carolina do enact:

Section 1. (a) General Statutes 139-8 is hereby amended by inserting in line 1
of paragraph (6) of said Section, after the word "structures" and before the word
"as", the words and punctuation ", works and projects"; and paragraph (6) of said
Section is further amended by adding at the end of said paragraph, before the period,
the following: ", including watershed improvement structures, works, and projects
as well as any other structures, works, and projects which the district is authorized
to undertake"; so that said paragraph (6) as so amended will read as follows:

"(6) To construct, improve, operate, and maintain such structures, works and
projects as may be necessary or convenient for the performance of any of the
operations authorized in this chapter, including watershed improvement struc-
tures, works, and projects as well as any other structures, works, and projects
which the district is authorized to undertake."
(b) It is hereby declared that the provisions of General Statutes Chapter 139
were intended to authorize the maintenance of watershed improvement works and
projects, as well as watershed improvement structures. All expenditures heretofore
incurred by any local watershed sponsor for any such maintenance of works, pro-
jects, or structures are hereby validated and confirmed.
(c) The proceeds of any tax heretofore approved by the voters of a county for
a county watershed improvement program, or authorized by special or local act
for a county watershed improvement program, may be expended for such mainte-
nance of works and projects, as well as structures, if the board of county commis-
sioners or other watershed governing body after a public hearing determines that the
proceeds should be so expended. Notice of such hearing shall be published as provid-
ed for notices under Article 2 of General Statutes Chapter 139.
(d) The proceeds of any tax hereafter approved by the voters of a county for
a watershed improvement program may be expended for such maintenance of works
and projects, as well as structures, with or without the holding of a public hearing as designated by subsection (c) of this Section, even though any election procedures preliminary to the vote approving the tax may have been initiated prior to the ratification of this Act.

(c) No action based on the alleged invalidity of the expenditures herein confirmed or of the use of tax proceeds herein authorized shall lie after January 1, 1970, to enjoin or contest any such expenditure or any such use of tax proceeds.

Sec. 2. General Statutes 139-40(b) is hereby amended by inserting before the period at the end of the first sentence thereof the following: "provided, the board of county commissioners may vary the aforesaid form of the question to be placed upon the ballot for the watershed improvement tax election in such manner as the board deems appropriate, and the board of elections shall cause to be placed upon the ballot such form of the question as may be requested by the board of county commissioners"; so that such sentence as so amended will read as follows:

"The form of the question shall be substantially the words 'For Watershed Improvement Tax of Not More Than ... Cents Per One Hundred Dollar ($100) Valuation', and 'Against Watershed Improvement Tax of Not More Than ... Cents Per One Hundred Dollar ($100) Valuation', which alternates shall appear separated from each other on one ballot containing opposite, and to the left of each alternate, squares of appropriate size in one of which squares the voter may make a mark 'X' to designate the voter's choice for or against such tax, provided, the board of county commissioners may vary the aforesaid form of the question to be placed upon the ballot for the watershed improvement tax election in such manner as the board deems appropriate, and the board of elections shall cause to be placed upon the ballot such form of the question as may be requested by the board of county commissioners."

Sec. 3. General Statutes 139-41 is hereby amended by adding thereto at the end thereof a new subsection to be designated subsection (f) and to read as follows:

"(f) The board of county commissioners may provide for county watershed improvement programs and any or all other related activities (such as water supply systems, sewage systems, water resources programs, beach erosion control programs, and conservation programs) to be coordinated, to be jointly undertaken by two or more local agencies, or to be assigned to a single county agency designated by such name and organized in such manner as the board deems appropriate."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

H. B. 946

CHAPTER 712

AN ACT TO PROHIBIT THE ANNEXATION OF PLEASANT HILL BY THE CITY OF ELKIN EXCEPT BY A VOTE OF THE RESIDENTS THEREIN.

The General Assembly of North Carolina do enact:

Section 1. The City of Elkin in Surry County shall not annex, except as provided in G.S. 160-452, a part of, or all of the area in Wilkes County known as "Pleasant
His nature, unless a majority of the qualified voters in Edwards Township 3 in Wilkes County voting in an election called for such purpose vote in favor of such annexation. "Pleasant Hill", for the purposes of this Act, is that portion of Edwards Township #3 in Wilkes County located within two miles of the Wilkes-Surry County line.

Sec. 2. The governing body of the City of Elkin, upon its own motion, is authorized to hold a referendum in Edwards Township #3 in Wilkes County at such time as the governing body may determine, and the referendum shall be held and conducted as provided in G.S. 160-448 through G.S. 160-451 except that the voters of Elkin shall not participate in such election.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

H. B. 947

CHAPTER 713

AN ACT TO AMEND G.S. 11-7.1 TO AUTHORIZE MAYORS TO ADMINISTER OATHS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 11-7.1, as the same appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by changing the period at the end thereof to a semicolon and by inserting therein a new subsection (9) to read as follows:

"(9) A Mayor of any city, town, or incorporated village."

Sec. 2. Any and all oaths of office administered by any mayor of any city, town or incorporated village prior to the date of the ratification of this Act, which would be valid hereunder if administered after ratification are hereby confirmed, ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

H. B. 1011

CHAPTER 714

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BELHAVEN AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Belhaven is hereby revised and consolidated to read as follows:

THE CHARTER OF THE TOWN OF BELHAVEN

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Belhaven shall continue to be a body politic and corporate under the name and style of the "Town of Belhaven", and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal
and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Aldermen and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Belhaven shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

Sec. 1.4. Form of Government. The form of government of the Town of Belhaven shall be the Council-Manager form, as specified in this Charter.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Belhaven shall be as follows until changed in accordance with law:

Beginning at the North corner of the Independent Order of Odd Fellows Cemetery, running thence Westwardly with the Cemetery Road to the New Bullock Road; thence with said road to the Bullock Railroad Crossing; thence South forty-seven degrees West to the channel of Pantego Creek; thence with said channel of Pantego Creek Eastwardly to the channel of Pungo River; thence Northwardly with the said channel of Pungo River to the mouth of Baker's Creek at its channel; thence up the channel of said Baker's Creek to its head and to the mouth of the canal that crosses Federal Highway Number two hundred and sixty-four just South of what is known as Harry Crandall's filling station; thence from the head of Baker's Creek up the said canal and to Federal Highway Number two hundred and sixty-four; thence with the said public road to a black gum in a branch at the North corner of J. G. Jackson's line; thence a direct course to the Northeast corner of the back line of the Interstate Cooperage Company's tenement property; thence with said back line to the Northwest corner of said company's tenement property; thence a direct line from said Northwest corner of said company's tenement property to the point of Beginning.

Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND BOARD OF ALDERMEN

Sec. 3.1. Composition of Board of Aldermen. The Board of Aldermen shall consist of five members to be elected by the qualified voters of the Town voting at large in the manner provided in Article IV.

Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Aldermen. Where there is an equal division
on a question, or upon the appointment of officers, the Mayor shall determine the matter by his vote, but he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Aldermen shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

Sec. 3.3. Terms; Qualifications; Vacancies. (a) Except as provided in Section 4.1, the Mayor and members of the Board of Aldermen shall serve for terms of four years, and the Mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Aldermen or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) In the event a vacancy occurs in the office of Mayor or Alderman, the Board of Aldermen shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

Sec. 3.4. Compensation of Mayor and Aldermen. The Mayor shall receive for his services such salary as the Board of Aldermen shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Board may establish a salary for its members which may be increased or reduced.

Sec. 3.5. Organization of Board of Aldermen; Oaths of Office. The Board of Aldermen shall meet and organize for the transaction of business at the first regularly scheduled meeting of the Board following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Alderman shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: "I, ____________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ____________________, on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 3.6. Meetings of Board. (a) The Town Board shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Board, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Board shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Town Board shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Three affirmative votes, which may include the vote of the Mayor in the event of equal division among the Aldermen shall be necessary to adopt any ordi-
nance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clauses of all ordinances shall be: "Be it ordained by the Board of Aldermen of the Town of Belhaven". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE

Sec. 4.1. Wards. For the purpose of electing members of the Board of Aldermen, the Town shall be divided into two wards designated as the East Belhaven ward and the West Belhaven ward. The East Belhaven ward shall consist of all that territory within the corporate limits lying east of Haslin Street, and the West Belhaven ward shall consist of all that territory within the corporate limits lying west of Haslin Street. Three Aldermen shall reside in the East Belhaven ward and two Aldermen shall reside in the West Belhaven ward, but all Aldermen shall be elected by all the qualified voters of the Town.

Sec. 4.2. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the Town voting at large a Mayor to serve for a term of two years, or until his successor is elected and qualified. In the 1969 election, there shall be elected for terms of two years three Aldermen from the East Belhaven ward and two Aldermen from the West Belhaven ward. In the 1971 election, the two candidates for Aldermen from the East Belhaven ward and the candidate from the West Belhaven ward who receive the largest numbers of votes cast for Aldermen from their respective wards shall be declared elected for terms of four years, and the candidate from each ward who receives the next highest number of votes cast for Alderman from their respective wards shall be declared elected for terms of two years. In the 1973 election and quadrennially thereafter, there shall be elected one Alderman from each ward for terms of four years. In the 1975 election and quadrennially thereafter, there shall be elected two Aldermen from the East Belhaven ward and one candidate from the West Belhaven ward for terms of four years.

Sec. 4.3. Voting. Each voter shall be entitled to vote for one candidate for Mayor and for as many candidates for Alderman as there are offices to be filled. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected. The candidates for Alderman who receive the largest numbers of votes cast for Alderman from their respective wards shall be declared elected.

Sec. 4.4. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Alderman as there are offices to be filled. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected. The candidates for Alderman who receive the largest numbers of votes cast for Alderman from their respective wards shall be declared elected.

Sec. 4.4. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Alderman shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty (60) days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the Town Clerk of his designee, and shall be substantially in the following form: "I do hereby give notice that I am a candidate for election to the office of (Mayor) (Alderman, Ward___), to be voted on at the election
to be held on __________________, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the Town of Belhaven, residing at ____________________________

Date: ____________________________  (Signature) ________________

Sec. 4.5. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

Sec. 4.6. Marking of Ballots. In all municipal elections, each voter shall mark his ballot for as many candidates as there are offices to be filled, and where a voter marks his ballot for any number of candidates less than the number of offices to be filled, such ballot shall not be counted for any of the candidates. There shall be printed on all ballots for candidates for Alderman the number of candidates to be voted for.

Sec. 4.7. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

ARTICLE V. TOWN MANAGER

Sec. 5.1. The Board of Aldermen shall appoint a Town Manager who shall be the administrative head of the Town government responsible for the supervision and administration of all departments and employees except the Town Attorney and the Fire Chief and Fire Department. The Town Manager shall be appointed with regard to merit only, and he need not be a resident of the Town at the time of his appointment. He shall hold office during the pleasure of the Board of Aldermen and shall receive such compensation as it shall fix by ordinance.

The Town Manager so appointed shall (1) be the administrative head of the Town government; (2) see that within the Town the laws of the State and the ordinances, resolutions and regulations, of the Board of Aldermen are faithfully executed; (3) attend all meetings of the Board of Aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the Board of Aldermen from time to time upon the affairs of the Town, and keep the Board fully advised of the Town's financial condition and its future financial needs; (5) appoint and remove all employees of the Town, except the Town Attorney, the Fire Chief, and other employees of the Fire Department; and all appointments and removals of department heads made by the Manager shall be reported to the Board of Aldermen at its next succeeding meeting; and, (6) perform all other duties as may be required by the Board of Aldermen.

ARTICLE VI. TOWN ATTORNEY

Sec. 6.1. Appointment; Qualifications; Term; Compensation. The Board of Aldermen shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board and shall receive such compensation as the Board shall determine.

Sec. 6.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Aldermen, Town Manager, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may
be concerned; to attend all meetings of the Board of Aldermen; and to perform such other duties as may be required of him by virtue of his position of Town Attorney.

ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Sec. 7.1. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Board of Aldermen and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Town Manager may direct.

Sec. 7.2. Town Tax Collector. The Town Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Sec. 7.3. Town Accountant. The Town Manager may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Sec. 7.4. Consolidation of Functions. The Town Manager may, with the approval of the Board of Aldermen, consolidate any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Town Manager may also, with the approval of the Board of Aldermen, himself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

ARTICLE VIII. FINANCE

Sec. 8.1. Custody of Town Money. All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository or depositories. Such institutions shall be designated by the Town Board in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall accrete to the benefit of the Town. All moneys belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Sec. 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Aldermen shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Aldermen.

Sec. 8.3. Construction Contracts. No contract of the Town for construction or repair work shall be subject to the provisions of G. S. 143-129 or G. S. 143-132 unless the estimated cost of such contract exceeds ten thousand dollars ($10,000.00), and any such contracts involving the expenditure of more than five hundred dollars ($500.00) and not more than ten thousand dollars ($10,000.00) shall be let in accordance with the provisions of G. S. 143-131. Article 8 of Chapter 143 of the General Statutes shall not apply to any repairs, project, building, or structure performed or to be performed by or through duly elected officers or agents of the Town using
force account labor on the payroll of the Town when the estimated cost thereof does not exceed fifty thousand dollars ($50,000.00).

ARTICLE IX. DISPOSAL OF PROPERTY

Sec. 9.1. Disposal of Surplus Real Property: Subject to the provisions of subsection (c) of this Section, the Board of Aldermen shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the Board has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars ($2,000.00);

(b) without bids or advertisement, by exchange for real property of like or greater market value.

(c) No sale or exchange of real property authorized by this Section shall be ordered by the Board of Aldermen unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the Town a notice of their intention to consider such sale or exchange.

Sec. 9.2. Disposal of Surplus Personal Property: The Board of Aldermen shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the Board has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Board may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Board;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Board.

ARTICLE X. POLICE

Sec. 10.1. Jurisdiction Extended: (a) The jurisdiction of the police force is hereby extended to include all territory outside and within two miles of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all Town owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Sec. 10.2. Effect of Ordinances on Town Property: All applicable ordinances of the Town shall have full force and effect upon and within all property and facilities owned by the Town, whether located within or outside the corporate limits.

ARTICLE XI. STREET AND SIDEWALK IMPROVEMENTS

Sec. 11.1. Street Improvements; Assessment of Costs: In addition to any authority which is now or may hereafter be granted by general law to the Town for making
street improvements, the Board of Aldermen is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Sec. 11.2. *When Petition Unnecessary.* The Board of Aldermen may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Board as a fact:

(a) That the street improvement project does not exceed 1,200 linear feet, and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

Sec. 11.3. *Street Improvement Defined.* For the purposes of this Article, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Sec. 11.4. *Sidewalks: Assessment of Costs.* In addition to any authority which is now or may hereafter be granted by general law to the Town for making sidewalk improvements, the Board of Aldermen is hereby authorized to order to be made or to make sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners; provided, however, that the Board of Aldermen may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street. In ordering sidewalk improvements or repairs under authority of this Section, the Board of Aldermen shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof. The effect of levying assessments under authority of this Section shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

Sec. 11.5. *Assessment Procedure.* In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the Board of Aldermen shall comply with the procedure provided by Article 9 of Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Sec. 11.6. *Effect of Assessments.* The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9 of Chapter 160 of the General Statutes.
Sec. 11.7. Maintenance of Sidewalks. It shall be the duty of every property owner in the Town to maintain in good repair and to keep clean and free of debris, trash, and other obstacles or impediments the sidewalks abutting his property. The Board of Aldermen may by ordinance establish a procedure whereby Town forces may repair or clean any sidewalk or remove therefrom any debris or trash after failure of the abutting property owner after ten days notice to do so. In such event, the cost of such repair or cleaning or removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the Town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs, and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes. The authority and procedure of this Section as to repair of sidewalks shall be supplementary to the authority and procedure of Section 11.4 and the Board of Aldermen may, in its discretion, proceed under either Section in causing sidewalks to be repaired.

Sec. 11.8. Acceptance of Conveyance in Satisfaction of Assessments. The Town Tax Collector or other official or employee of the Town having charge of the collection of special assessments, shall have the right, power, and authority, by and with the approval of the Board of Aldermen first had and obtained, to receive and accept a fee simple conveyance to the Town of any lot or parcel of land in the Town, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power, and authority, however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and such right, power, and authority exercised as to a part, only, of the property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the Town, upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property, as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

ARTICLE XII. WATER AND SEWER

Sec. 12.1. Laterals included in Cost. In ordering water or sewer line extensions, or both, and the assessment of the costs thereof under authority of G.S. 160-241 or any other law, the Board of Aldermen is hereby authorized to include in such extensions water and sewer line laterals, and to include the cost of such laterals in the total cost to be assessed upon abutting properties.

Sec. 12.2. Corner Lot Exemptions. The Board of Aldermen is hereby authorized to establish, by ordinance or resolution, schedules of exemptions for assessments for water and sewer line extensions for corner lots when water or sewer lines, or both, are installed along both sides of such lots and when the cost of such installation along both sides were or are financed in whole or in part by assessments. The schedules of exemptions may be classified as to land uses (residential, commercial, industrial, institutional, or agricultural) and shall be uniform for each such classification used; provided, however, that no schedule of exemptions may provide for exemption of more than fifty per cent (50%) of the frontage on any side of a corner lot, or 150 feet, whichever is greater.

Sec. 12.3. Alternative Methods of Assessment. In addition to, and as alternatives, to the method provided in G.S. 160-241 for assessing the costs of water and sewer
lines and laterals, the Board of Aldermen, if in its opinion it would be more equitable to do so, is hereby authorized in its discretion to levy any such assessments according to either of the following methods: (1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the footage of land upon a public street by an equal rate per foot of such frontage.

In lieu of assessing the total cost of a particular project as herein provided, the governing body may annually, between the first days of January and July of each year, determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It may also include the anticipated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this Section is to distribute more equitably the cost of the installation of water and sewer lines throughout the Town: to permit a property owner to know in advance what the cost of installation of water and sewer lines benefiting his property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights-of-way may also be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

Sec. 12.4. Water Connections. In addition to the authority granted by G.S. 160-240, the Board of Aldermen may require owners of improved property which may be located upon or near any water line of the Town to connect with the Town water system, and may establish and collect reasonable charges for such connections.

ARTICLE XIII. REFUSE, WEEDS, AND TRASH

Sec. 13.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the Town to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

Sec. 13.2. Removal of Offensive Matter; Charges a Lien. The Board of Aldermen may by ordinance establish a procedure whereby Town forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the Town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

ARTICLE XIV. REGULATORY POWERS

Sec. 14.1. Subdivision Regulations. Any subdivision control ordinance enacted by the Board of Aldermen pursuant to general law may also provide for the more orderly development of subdivisions by requiring the construction of community
service facilities, including water lines; sewer lines; street paving, curbing, and guttering; and street and storm drainage facilities in accordance with Town standards and specifications and, to assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

Sec. 14.2. **Regulatory Codes.** The Board of Aldermen is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the Town regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200(28) relating to unsafe buildings. In addition, the Board of Aldermen is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the Town; provided, that the Board of Aldermen may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

**ARTICLE XV. CLAIMS AGAINST THE TOWN**

Sec. 15.1. **Presentation of Claims; Suit Upon Claims.** (a) All claims or demands against the Town of Belhaven arising in tort or in contract shall be presented to the Board of Aldermen in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the Town on account of damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejectment of the Town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Aldermen of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred.
CHAPTER 714  SESSION LAWS—1969

if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The Town may at any time request the appointment of a next friend to represent any person having a potential claim against the Town and known to be suffering from physical or mental incapacity.

Sec. 15.2. Settlement of Claims by Town Manager. The Town Manager may, with the approval of the Board of Aldermen, settle claims against the Town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the Town Manager pursuant to this Section shall constitute a complete release of the Town from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements, and all such releases, shall be approved in advance by the Town Attorney.

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Belhaven and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the Town of Belhaven;

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. (a) The following acts or portions of acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed: Chapter 366, Private Laws, 1899; Chapter 263, Private Laws, 1903; Chapter 225, Private Laws, 1907; Chapter 246, Private Laws, 1907; Chapter 437, Private Laws, 1913 (Regular Session); Chapter 454, Private Laws, 1913 (Regular Session); Chapter 205, Private Laws, 1915; Chapter 233, Private Laws, 1921 (Regular Session); Chapter 67, Private Laws, 1923; Chapter 147, Private Laws, 1927; Chapter 119, Private Laws, 1933; Chapter 19, Private Laws, 1935; Chapter 35, Session Laws, 1945; Chapter 367, Session Laws, 1945; Chapter 911, Session Laws, 1945; Chapter 774, Session Laws, 1947; Chapter 150, Session Laws, 1951; Chapter 644, Session Laws, 1957; Chapter 99, Session Laws, 1963; Chapter 50, Session Laws, 1965; Chapter 60, Session Laws, 1969.

(b) The following acts, which have been superseded by application of the Judicial Department Act of 1965 in the County of Beaufort, are hereby repealed: Chapter 735, Public Laws, 1909; Chapter 98, Public-Local Laws, 1913; Chapter 76, Public-Local Laws, 1920 (Extra Session); Chapter 114, Private Laws, 1931; Chapter 285, Public-Local Laws, 1939; Chapter 44, Session Laws, 1947; Chapter 627, Session Laws, 1949; Chapter 1135, Session Laws, 1949.
Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Belhaven, and all existing rules or regulations of departments or agencies of the Town of Belhaven, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the Town of Belhaven or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

H. B. 1032

CHAPTER 715

AN ACT TO PROVIDE FOR VOLUNTARY ANNEXATION BY THE CITY OF FAYETTEVILLE OF AREAS, TERRITORIES OR SUBDIVISIONS NOT CONTIGUOUS TO THE MUNICIPAL BOUNDARIES OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the owner or owners of any area, territory or subdivision within the boundaries of Cumberland County but not within the boundaries or extraterritorial jurisdiction of any other municipality, whose property is not contiguous to the municipal boundaries of the City of Fayetteville, may, by petition directed to the City Council of the City of Fayetteville, request that the property described in the petition be annexed and made a part of the City of Fayetteville as hereinafter set out; provided any property annexed as herein provided must be located at the closest point not more than three miles from the City of Fayetteville municipal limits wherein is located and situated the City Hall.
CHAPTER 715  SESSION LAWS—1969

Sec. 2. That said petition shall be directed to the City Council of the City of Fayetteville and shall contain:

(1) The names of the owners of the real property for which a request to annex is made.

(2) A description of the area to be annexed by metes and bounds.

(3) The signatures of all property owners of the area, territory or subdivision requesting annexation.

In the case of annexing a subdivision under this Act, the petition must be signed by all owners of property within the subdivision; provided nothing herein shall be construed to authorize the annexation of a portion of a subdivision.

Upon the receipt of the petition, the City Council of the City of Fayetteville shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the results of his investigation.

Upon receipt of the certification and petition, the City Council shall fix dates for two public hearings on the question of annexation and shall cause notice of the public hearings to be published twice in a newspaper having general circulation in the municipality at least ten (10) days prior to the date of the first public hearing, and published in like manner preceding the second public hearing. The second public hearing shall be held at least twenty (20) days after the first public hearing. At such public hearings, all residents of Cumberland County opposing or favoring the annexation or alleging an error in the petition shall be given an opportunity to be heard. The City Council shall then determine whether the petition meets the requirements of this Act.

Upon further finding and determination by the City Council that:

(1) The public health, safety and welfare of the inhabitants of the City of Fayetteville, as well as those of the area, territory or subdivision requesting such annexation will best be served by such annexation, and

(2) The City of Fayetteville will be able to provide the same services to the annexed area, territory or subdivision in the same manner in which other areas within the municipal boundaries of said city are served, the City Council of the City of Fayetteville may adopt an ordinance annexing that area described in the petition, provided the ordinance annexing the area, territory or subdivision shall be passed at each meeting of the City Council where a public hearing is held as hereinbefore provided. From and after the effective date of said ordinance, which date shall not be less than ninety (90) days from and after the final passage of said ordinance, unless an election is required as hereinafter provided, the area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Fayetteville and shall be entitled to the same benefits and privileges of other parts of said city. The newly annexed area, territory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 3. The City Council of the City of Fayetteville may make said annexation contingent on such conditions as it may desire in order to insure that the area, territory or subdivision proposed to be annexed will not receive preferential treatment.
Sec. 4. The City Council in its discretion may charge in any noncontiguous area, territory or subdivision annexed water or sewer rates in excess of those charged within the municipal limits wherein is located the City Hall, and from time to time the council shall review the expenses related to any noncontiguous area to determine that said expenses are not in excess of taxes and revenues derived therefrom.

Sec. 5. If, before the effective date of an annexation as provided herein, a petition is filed by at least ten per cent (10%) of the qualified voters of the City of Fayetteville requesting a referendum on the question of annexation of that property described in the petition, the City Council of the City of Fayetteville shall submit the question of annexation to an election to be held as hereinafter provided or in the City Council's discretion said council may adopt an ordinance revoking its prior action and request for annexation. If the petition for annexation is not denied and a petition for a referendum is filed as provided herein, the City Council shall order the Board of Elections of Cumberland County to call an election to determine whether or not the proposed area, territory or subdivision shall be annexed to the City of Fayetteville. Said order to the Board of Elections shall set forth that date on which the election shall be held but, in no event, shall said date be less than sixty (60) days from the date of the adoption of the order.

Sec. 6. Such election shall be called by resolution or resolutions of the Cumberland County Board of Elections which shall:

1. Describe the area, territory or subdivision petitioning to be annexed as set out in the order of said City Council.

2. Provide that the matter of annexation shall be, submitted to the vote of the qualified voters of the City of Fayetteville.

3. Designate the precincts and voting places for such election.

4. Name the registrars and judges of such election.

5. Make all other necessary provisions for the conducting and holding of such election, the canvassing of returns and the declaration of the results of such election.

Said resolution or resolutions of the Cumberland County Board of Elections shall be published in one or more newspapers of such county once a week for thirty (30) days prior to the opening of the registration books. All the cost of holding such election shall be paid by the City of Fayetteville. Except as herein provided, said election shall be held under the same statutes, rules and regulations as are applicable to other elections in the City of Fayetteville.

Sec. 7. At such election, those qualified voters of the City of Fayetteville who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "for extension" and "against extension". If, at such election, the majority of votes cast shall be "for extension", then from and after the date of the declaration of the result of such election, the area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Fayetteville and shall be entitled to the same benefits and privileges of other parts of said city. The newly elected area, territory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 8. Any ordinance adopted pursuant to this Act shall be subject to referendum only as herein provided, notwithstanding any laws or parts of laws to the contrary.

713
Sec. 9. Whenever the limits of the City of Fayetteville are enlarged in accordance with the provisions of this Act, it shall be the duty of the Mayor of the City of Fayetteville to cause an accurate map of the said area, territory or subdivision, newly annexed, together with a copy of the ordinance duly certified and the official results of the election, if conducted, to be recorded in the office of the Register of Deeds of Cumberland County and in the office of the Secretary of State of North Carolina.

Sec. 10. Any area, territory or subdivision annexed pursuant to this Act shall cease to be noncontiguous for all intents and purposes when and in the event said area shall touch the municipal limits of the City of Fayetteville pursuant to the extension of the boundaries of said city pursuant to Article 36, Chapter 160, of the General Statutes of North Carolina.

Sec. 11. Any area, territory or subdivision annexed pursuant to this Act shall not be included in that area of the municipal boundaries used for determining any extraterritorial jurisdiction of the City of Fayetteville and further shall not be considered within the municipal boundaries for the purposes of defining an area as contiguous to the city limits within the provision of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina with reference to further annexation unless and until the area, territory or subdivision annexed pursuant hereto shall, by extension of the municipal boundaries pursuant to Article 36 of Chapter 160 of the General Statutes of North Carolina, touch and become a part of the municipal boundaries of the City of Fayetteville wherein is located the City Hall. Any area, territory or subdivision annexed pursuant hereto may be included at only forty per cent (40%) of the normal rate for the purposes of population density or character of any larger area, territory or subdivision to be annexed at any time in the future pursuant to the provisions of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina.

Sec. 12. The total area of all noncontiguous portions of the city annexed pursuant to this Act shall at no time exceed ten per cent (10%) of the total area of the City of Fayetteville wherein is located City Hall.

Sec. 13. This Act shall be supplemental and in addition to any other methods or procedure for annexation heretofore available or hereafter provided for the City of Fayetteville.

Sec. 14. If any clause, sentence, paragraph, subsection, Section or any part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the part thereof directly involved in said judgment.

Sec. 15. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 16. This Act shall be full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.
H. B. 1083  

CHAPTER 716

AN ACT TO VALIDATE ACTS OF NOTARIES PUBLIC IN CERTAIN INSTANCES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 10-12, as it appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes, is hereby rewritten to read as follows:

"G. S. 10-12. Acts of notaries public in certain instances validated. (a) The acts of any person heretofore performed after appointment as a notary public and prior to qualification as a notary public:

(1) In taking any acknowledgment, or

(2) In notarizing any instrument, or

(3) In performing any act purportedly in the capacity of a notary public are hereby declared to be valid and of the same legal effect as if such person had qualified as a notary public prior to performing any such acts.

(b) All instruments with respect to which any such person as is described in subsection (a) of this Section has purported to act in the capacity of a notary public shall have the same legal effect as if such person acting as a notary public had in fact qualified as a notary public prior to performing any acts with respect to such instruments."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

S. B. 43  

CHAPTER 717

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF ANY COUNTY TO MODIFY THE COMPOSITION AND MODE OF ELECTION OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. Sec. 153-16, 153-17, 153-18, and 153-19 are repealed and the following sections inserted in lieu thereof:

"Sec. 153-16. Modification of form of government. (1) It is hereby declared to be the policy of the General Assembly that the qualified voters of each county may alter the composition and mode of election of the board of commissioners for their county within the options and according to the procedures prescribed by this Article.

(2) The voters may alter the number of members of the board of commissioners to any number not less than 3 nor more than 7, except that an even number may not be adopted if option (d) of paragraph (3) is adopted.

(3) The voters may alter the terms of office of members of the board of commissioners by adopting one of the following options:

(a) members of the board shall be elected for terms of two years;

(b) members of the board shall be elected for terms of four years;

(c) members of the board shall be elected for overlapping terms of four years;"
(d) the board shall consist of three, five, or seven members serving a combination of four- and two-year terms so that a majority of the board is elected every two years.

If the board consists of three members and option (c) is adopted as hereinafter provided, at the first election following such adoption the two members receiving the highest number of votes shall be elected for a term of four years, and the member elected with the lowest number of votes for a term of two years. Thereafter, all candidates shall be elected for terms of four years. If the board consists of five or seven members and option (c) is adopted as hereinafter provided, at the first election following such adoption three members of a five-member board or four members of a seven-member board receiving the highest number of votes shall be elected for terms of four years and the remaining members for terms of two years. Thereafter, all candidates shall be elected for terms of four years. If the board consists of four or six members, and option (c) is adopted as hereinafter provided, at the first election following such adoption the two members of a four-member board and the three members of a six-member board receiving the highest number of votes shall be elected for terms of four years, and the remaining members shall be elected for terms of two years. Thereafter, all candidates shall be elected for terms of four years.

If option (c) is adopted in conjunction with either option (b) or (c) of paragraph (4), members of the board first elected under option (c) shall at their first meeting determine by lot which of them will serve four-year terms, and the remainder shall serve two-year terms. The number of four-year terms shall be one-half of the membership of a board with an even number of members, and a simple majority of a board with an odd number of members. After the expiration of these initial terms, all members shall be elected for terms of four years.

If option (d) is adopted with a three-member board, at the first election following such adoption, the candidate receiving the highest number of votes shall be elected for a term of four years, and the two candidates receiving the next highest number of votes shall be elected for terms of two years. Thereafter, the candidate receiving the highest number of votes shall be elected for a term of four years and the candidate receiving the next highest number of votes shall be elected for a term of two years. If option (d) is adopted with a five-member board, at the first election following such adoption the two members receiving the highest number of votes shall be elected for a term of four years and the three members receiving the next highest number of votes shall be elected for terms of two years. Thereafter, the two candidates receiving the highest number of votes shall be elected for a term of four years, and the candidate receiving the next highest number of votes shall be elected for a term of two years. If option (d) is adopted with a seven-member board, at the first election following such adoption the three candidates receiving the highest number of votes shall be elected for terms of four years, and the four candidates receiving the next highest number of votes shall be elected for terms of two years. Thereafter, the three candidates receiving the highest number of votes shall be elected for terms of four years, and the candidate receiving the next highest number of votes shall be elected for a term of two years.

(4) The voters may alter the mode of election of members of the board of commissioners by adopting one of the following options:
(a) all candidates shall be nominated and elected by all the qualified voters of the county;

(b) the county shall be divided into districts; commissioners shall be apportioned to the districts so that each member represents the same number of persons as near as may be, except for members apportioned to the county at large; the qualified voters of each district shall nominate candidates for the seats apportioned to that district; all the qualified voters of the county shall nominate candidates for seats apportioned to the county at large, if any; and all candidates shall be elected by all the qualified voters of the county;

(c) the county shall be divided into districts; commissioners shall be apportioned to the districts so that each member represents the same number of persons as near as may be, except for members apportioned to the county at large; the qualified voters of each district shall nominate and elect candidates for seats apportioned to that district; and all the qualified voters shall nominate and elect candidates for seats apportioned to the county at large, if any;

(d) the county shall be divided into districts; commissioners shall be apportioned to the districts so that each member represents the same number of persons as near as may be, except for members apportioned to the county at large; and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the county.

Options (b) and (c) may not be adopted by a board which has adopted option (d) of paragraph (3).

(5) the voters may alter the mode of selecting the chairman of the board of county commissioners by adopting one of the following options:

(a) the board shall select a chairman from among its membership to serve at its pleasure;

(b) chairmanship of the board of commissioners shall be a distinct and separate office with candidates for that office nominated and elected by all of the qualified voters of the county separate and apart from other members of the board."

Option (b) may not be selected by a board which has adopted option (d) of paragraph (3).

"Sec. 153-17. How change may be made. (a) The board of commissioners of any county may submit to the qualified voters thereof a resolution altering the composition or mode of election of the board within any of the options set out in G. S. Sec. 153-16. If the resolution provides for commissioner districts, it shall define the districts and apportion members among them. If the resolution alters the number of members of a board then serving overlapping four-year terms and makes no change in the term of office, it shall specify how many vacancies shall be filled at each of the next two succeeding general elections and the length of term to be served by the candidates first elected to fill those vacancies, in order that not more than one half of the membership of a board with an even number of members, or not more than a simple majority of a board with an odd number of members, shall be elected at the same general election. Such a resolution shall be adopted not later than 30 days before the deadline for filing notice of candidacy for county offices, and shall be published in full in some newspaper having a general circulation in the county.

717
(b) A resolution adopted under this Section shall be submitted to the qualified voters of the county at the next general election following adoption thereof. The ballot shall be in substantially the following form:

☐ FOR the resolution (briefly describe the change proposed).

☐ AGAINST the resolution (briefly describe the change proposed).

If a majority of the ballots cast shall be in favor of the resolution, it shall take effect at the next succeeding general election.

(c) The board of commissioners shall cause all resolutions adopted pursuant to this Section to be recorded in an ordinance book which shall be separate and distinct from the commissioners' minute book, which book shall be appropriately indexed. The clerk to the board shall file a certified copy of all resolutions adopted pursuant to this Section in the office of the Secretary of State within 30 days after approval by the voters.

Sec. 2. G.S. Sec. 153-24 and 153-25 are repealed.

Sec. 3. All public, local, and special acts relating to the election of boards of county commissioners shall continue in full force and effect until altered in accordance with the procedures prescribed by this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 5. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified this the 6th day of June, 1969.

S. B. 152

CHAPTER 718

AN ACT TO CREATE CHAPTER 55B OF THE GENERAL STATUTES RELATING TO THE FORMATION OF CORPORATIONS BY PERSONS DUTY LICENSED TO RENDER PROFESSIONAL SERVICES AND DEFINING THE POWERS AND RESPONSIBILITIES OF SUCH CORPORATIONS AND ITS MEMBERS, AND IMPLEMENTING CHAPTER 55B OF THE GENERAL STATUTES BY AMENDING G.S. 90-125, G.S. 93-8, G.S. 83-12, G.S. 89-13, G.S. 84-4, and G.S. 84-5 TO CONFORM.

The General Assembly of North Carolina do enact:

Section 1. Title. This Act may be cited as "The Professional Corporation Act".

Sec. 2. Definitions. As used in this Chapter, the following words shall, unless the context requires otherwise have the following meanings:

(a) "Professional Corporation" means a corporation which is engaged in rendering the professional services as herein specified and defined pursuant to a certificate of registration issued by the licensing board regulating the profession or practice, and which has as its shareholders only individuals who themselves are duly licensed to render the same professional service as the corporation, and which designates itself as may be required by this statute, and which is organized under the provisions of this Chapter and of Chapter 55, The Business Corporation Act.

(b) The term "professional service" means any type of personal or professional service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license from a licensing board as herein defined, and pursuant to the following provisions of the General Statutes: Chapter 83, "Architects"; Chapter 84, "Attorneys at Law"; Chapter 93, "Public Accountants"; and Article 1, "Practice of Medicine", Article 2, "Dentistry", Article 6, "Optometry", Article 7, "Osteopathy", Article 8, "Chiropractic", Article 11, "Veterinarians", Article 12.
"Podiatrists", of Chapter 90; Article 18A, "Practicing Psychologist", of Chapter 90; Chapter 89, "Engineering and land surveying".

(c) "Licensing Board" means a Board which is charged with the licensing and regulating of the profession or practice in this State in which the professional corporation is organized to engage.

(d) The term "licensing board", as the same applies to attorneys at law, shall mean the Council of the North Carolina State Bar, and it shall include the North Carolina State Board of Law Examiners only to the extent that the North Carolina Board of Law Examiners is authorized to issue licenses for the practice of law under the supervision of the Council of the North Carolina State Bar.

(e) "Licensee" means any natural person who is duly licensed by the appropriate licensing board to render the same professional services which will be rendered by the professional corporation of which he is, or intends to become, an officer, director, shareholder or employee.

(f) "Disqualified Person" means a licensed person who for any reason becomes legally disqualified to render the same professional services which are or were being rendered by the professional corporation of which such person is an officer, director, shareholder or employee.

Sec. 3. Business Corporation Act Applicable. The Business Corporation Act shall be applicable to such professional corporations, including their organization, and professional corporations shall enjoy the powers and privileges and shall be subject to the duties, restrictions and liabilities of other corporations, except insofar as the same may be limited or enlarged by this Act. If any provision of this Act conflicts with the provisions of the Business Corporation Act, the provisions of this Act shall prevail.

Sec. 4. Formation of Corporation. A professional corporation under this Act may be formed pursuant to the provisions of Chapter 55, The Business Corporation Act, with the following limitations:

(a) At least one incorporator shall be a "Licensee" as hereinabove defined in Sec. 2(e).

(b) All of the shares of stock of the corporation shall be owned and held by a licensee, or licensees, as hereinabove defined in Sec. 2(e).

(c) At least one Director and one officer shall be a "Licensee" as hereinabove defined in Sec. 2(e).

(d) The Articles of Incorporation, in addition to the requirements of Chapter 55, shall designate the personal services to be rendered by the professional corporation and shall be accompanied by a certification by the appropriate licensing board that each of the owners of shares of stock is duly licensed to render such professional services.

Sec. 5. Corporate Name. The corporate name used by professional corporations under this Act, except as limited by the Licensing Acts of the respective professions, shall be governed by the provisions of Chapter 55, The Business Corporation Act; provided that professional corporations may use the words "Professional Association" or "P.A." in lieu of the corporate designations specified in Chapter 55; and provided further that Licensing Boards by regulations may make further corporate name requirements or limitations for the respective professions, but such regulations may not prohibit the continued use of any corporate name duly adopted in
conformity with the General Statutes and with the pertinent Licensing Board regulations in effect at the date of such adoption.

Sec. 6. Capital Stock. A professional corporation may issue shares of its capital stock only to a licensee as hereinabove defined, and such shareholders may voluntarily transfer such shares of stock issued to him only to another such licensee. No share or shares of any stock of such corporation shall be transferred upon the books of the corporation unless and until the corporation has received a certification of the appropriate licensing board that the transferee of such shares is a licensee as here defined. Any share of stock of such corporation issued or transferred in violation of this Section shall be null and void. No shareholder of a professional corporation shall enter into a voting trust agreement or any other type of agreement vesting in another person the authority to exercise the voting power of any or all of his stock.

Sec. 7. Death or Disqualification of a Stockholder or Employee. (a) If any officer, shareholder, agent or employee of a corporation organized under this Act who is a licensee becomes legally disqualified to render professional services within this State, he shall sever all employment with, and financial interest in, such corporation forthwith. A corporation's failure to comply with this provision shall constitute grounds for the forfeiture of its certificate of incorporation and its dissolution. When a corporation's failure to comply with this provision is brought to the attention of the Secretary of State, the Secretary of State shall forthwith certify that fact to the Attorney General for appropriate action to dissolve the corporation.

(b) A professional corporation shall report to the appropriate licensing board the death of any of its shareholders within 30 days thereafter. Within one year of the date of such death, all of the shares owned by such deceased shareholder shall be transferred to and acquired by the professional corporation or persons qualified to own such shares. In the absence of an agreement which determines the equitable value of the shares, then the price for such shares shall be the fair market value of the stock, but not less than the book value as of the end of the month immediately preceding the death or disqualification. Notwithstanding any other provisions of this Act, the shares of stock owned by such deceased shareholder may be owned and held by the person or persons who may be legally entitled to receive such shares for a period of one year after the death of such deceased shareholder, or in the case of the death of the owner of all the shares of such corporation, for such period of time as may be necessary to liquidate the corporation.

Sec. 8. Rendition of Professional Services. A professional service corporation may render professional services only through its officers, employees and agents who are duly licensed to render such professional services; provided, however, this provision shall not be interpreted to include in the term "employee", as used herein, clerks, secretaries, bookkeepers, technicians and other assistants who are not considered by law to be rendering professional services to the public.

Sec. 9. Professional Relationship and Liability. Nothing in this Act shall be interpreted to abolish, modify, restrict, limit or alter the law in this State applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional service, or the standards of professional conduct applicable to the rendering therein of such services.

Sec. 10. Registration With Licensing Board. No professional corporation shall open, operate, or maintain an establishment for any of the purposes set forth in this Act without first having obtained a certificate of registration from the licensing board or boards. Applications for such registration shall be made to the licensing
board or boards in writing and shall contain the name and address of the corporation and such other information as may be required by the licensing board or boards. If the board finds that no disciplinary action is pending before the Board against any of the licensed incorporators, officers, directors, shareholders or employees of such corporation, and if it appears that such corporation will be conducted in compliance with the law and the regulations of the board, the board shall issue, upon the payment of a registration fee, not to exceed fifty dollars ($50.00), a certificate of registration which shall remain effective until January 1 following the date of such registration or until such other expiration or renewal date as may be established by law or by the regulations of the licensing board.

Sec. 11. Renewal of Certificate of Registration. Upon written application of the holder, accompanied by a fee not to exceed the sum of twenty-five dollars ($25.00), the licensing board shall renew the certificate of registration of a professional corporation as required by law or the regulations of the licensing board if the board finds that the corporation has complied with its regulations and the provisions of this Act. If the corporation does not apply for renewal of its certificate or registration within thirty (30) days after the date of the expiration of such certificate, the certificate or registration shall be automatically suspended and may be reinstated within the calendar year upon the payment of the required renewal fee plus a penalty of ten dollars ($10.00), if such corporation is then otherwise qualified and entitled to a renewal of its certificate of registration.

Sec. 12. Application of Regulations of Licensing Boards. A professional corporation shall be subject to the applicable rules and regulations adopted by, and all the disciplinary powers of, the licensing board as herein defined. Nothing in this Act shall impair the disciplinary powers of any licensing board applicable to a licensee as herein defined. No professional corporation may do any act which its shareholders as licensees are prohibited from doing.

Sec. 13. Suspension or Revocation of Certificate of Registration. A licensing board may suspend or revoke a certificate of registration issued by it to a professional corporation for any of the following reasons:

(a) Upon the failure of such corporation to promptly remove or discharge an officer, director, shareholder or employee who becomes disqualified by reason of the revocation or suspension of his license to practice;

or

(b) Upon a finding by the licensing board that the professional corporation has failed to comply with the provisions of this Act or the regulations of the licensing board.

Upon the suspension or revocation of a certificate of registration issued to a professional corporation, such corporation shall cease forthwith to render professional services, and the Secretary of State shall be notified to the end that the corporation may be removed from active status and remain as such until reinstatement.

Sec. 14. Types of Professional Services. A professional corporation shall render only one specific type professional service, and such services as may be ancillary thereto, and shall not engage in any other business or profession; provided, however, such corporation may own real and personal property necessary or appropriate for rendering the type of professional services it was organized to render and it may invest in real estate, mortgages, stocks, bonds, and any other type of investments; provided further, that in the case of architectural, engineering or land surveying
services, as defined in Chapter 83 and 89 respectively, one corporation may be au-
thorized to provide such of these services where such corporation, and at least one
corporate officer who is a stockholder thereof, is duly licensed by the licensing board
of each such profession.

Sec. 15. Applicability of Act. This Act shall not apply to any corporation which
prior to the ratification of this Act was permitted by law to render professional
services as herein defined; provided, however, any such corporation rendering "pro-
fessional service" as defined in Sec. 2(c) of this Act may be brought within the provi-
sions of this Act by the filing of an amendment to its Articles of Incorporation
declaring that its shareholders have elected to bring the corporation within the
provisions of this Act and to make the same conform to all of the provisions of
this Act.

Sec. 16. The provisions of G. S. 90-125 are amended by adding at the beginning
of the sentence which starts on the second line the following: "Except as provided
for in Chapter 55-B of the General Statutes of North Carolina," and by changing
the word "It" to read "it" as the same appears on line 2.

Sec. 17. The provisions of G. S. 93-8 are hereby rewritten to read as follows:
"93.8. Public practice of accounting by corporations prohibited. - Except as provided
for in Chapter 55-B of the General Statutes of North Carolina, it shall be unlawful
for any corporation to engage in the public practice of accountancy in this State."

Sec. 18. The provisions of G. S. 89-13 are amended by striking the period in
line 6, by substituting in lieu thereof a semicolon, and by inserting after the semi-
olon the following: "provided further, that all corporations hereunder shall be subject
to the provisions of Chapter 55-B of the General Statutes of North Carolina."

Sec. 19. The provisions of G. S. 84-4 are amended by adding at the end thereof
the following: "provided, however, this Section shall not apply to corporations au-
thorized to practice law under the provisions of Chapter 55B of the General Statutes
of North Carolina."

Sec. 20. The provisions of G. S. 84-5 are amended by adding at the end thereof
the following: "provided, however, this Section shall not apply to corporations au-
thorized to practice law under the provisions of Chapter 55B of the General Statutes
of North Carolina."

Sec. 21. The provisions of G. S. 83-12 are amended by adding at the end thereof
a new paragraph to read as follows: "Except as provided for in Chapter 55-B of
the General Statutes of North Carolina, it shall be unlawful for any corporation
to practice or offer to practice architecture in this State."

Sec. 22. All laws and clauses of laws in conflict with this Act are hereby
repealed.

Sec. 23. This Act shall be in full force and effect upon and after January 1, 1970.

In the General Assembly read three times and ratified, this the 5th day of June,
1969.
S. B. 479

CHAPTER 719

AN ACT TO AMEND G.S. 130-13 AND 130-14, SO AS TO AUTHORIZE THE ADDITION OF MEMBERS TO COUNTY AND DISTRICT BOARDS OF HEALTH.

The General Assembly of North Carolina do enact:

Section 1. G.S. 130-13, as it appears in the 1967 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended by adding a proviso immediately after the word "citizen" in line 12 thereof, to read as follows:

"Provided, that the ex-officio members are authorized and directed, when requested by the Board of County Commissioners, to appoint two additional members to the County Board of Health who shall be public-spirited citizens and who shall not be of the same profession or occupation as any of the other public members."

Sec. 2. G.S. 130-14 is hereby amended by substituting for the sentence which begins on line 29: "If more than four counties form a district......" etc., the following sentence: "The ex-officio members are authorized and directed, when requested by the Boards of County Commissioners of each county composing the District, to appoint two additional members to the District Board of Health who shall be public-spirited citizens and who shall not be of the same profession or occupation as any of the other public members."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

S. B. 484

CHAPTER 720

AN ACT TO EXTEND TO VIETNAM VETERANS AND THEIR DEPENDENTS THOSE ENTITLEMENTS HERETOFORE GRANTED THE VETERANS OF PREVIOUS WARS; TO PROVIDE FOR REVOKING SCHOLARSHIPS IN CASES OF CAMPUS DISORDERS; AND TO MAKE CERTAIN EDITORIAL CHANGES IN G.S. 165.

The General Assembly of North Carolina do enact:

Section 1. G.S. 165-44 relating to Korean veterans, as the same now appears in the 1964 Replacement Volume 3D of the General Statutes, is hereby redesignated as "G.S. 165-44(1)", and the second paragraph of said Section is rewritten as follows:

"For the purposes of this Section, the term 'Veterans of the Korean conflict' means those persons serving in the Armed Forces of the United States during the period beginning on June 27, 1950, and ending on January 31, 1955."

Sec. 2. There is hereby added to G.S. 165-44 as amended by Section 1, above, a new subsection to be designated as "(2)", which shall read as follows:

"(2) Vietnam veterans; benefits and privileges. All benefits and privileges now granted by the laws of this State to veterans of World War I, World War II, the Korean Conflict, and their dependents and next of kin are hereby extended and granted to veterans of the Vietnam era and their dependents and next of kin.

"For purposes of this Section, the term 'Veterans of the Vietnam era' means those persons serving in the Armed Forces of the United States during the period beginning August 5, 1964, and ending on such dates as shall be prescribed by Presidential proclamation or concurrent resolution of the Congress."
CHAPTER 720   SESSION LAWS—1969

Sec. 3. Sub-paragraph (d) of G. S. 165-20(4), relating to scholarships for the children of veterans, as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby redesignated as "(e)" and a new subsection to be designated as "(d)" is inserted, which shall read as follows:

"(d) Vietnam Era, meaning the period beginning on August 5, 1964, and ending on such date as shall be prescribed by Presidential proclamation or concurrent resolution of the Congress."

Sec. 4. The first paragraph of G. S. 165-22.1, as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby designated as "(a)" and is rewritten to include provision for the suspension or revocation of scholarships, so that the amended paragraph shall read as follows:

"(a) The administration of the scholarship program shall be vested in the North Carolina Department of Veterans Affairs, and the disbursing and accounting activities required shall be a responsibility of the Department of Administration. The Department of Veterans Affairs shall determine the eligibility of applicants, select the scholarship recipients, establish the effective date of scholarships, and may suspend or revoke scholarships if the said Department of Veterans Affairs finds that the recipient does not maintain an adequate academic status, or if the recipient wilfully engages in riots, unlawful demonstrations, the seizure of educational buildings, or otherwise engages in disorderly conduct, breaches of the peace or unlawful assemblies. The Department of Veterans Affairs shall maintain the primary and necessary records, and promulgate such rules and regulations not inconsistent with the other provisions of this Article as it deems necessary for the orderly administration of the program. It may require of State educational institutions, as defined in this Article, such reports and other information as it may need to carry out the provisions of this Article. The Department of Administration shall disburse scholarship payments for recipients certified eligible by the Department of Veterans Affairs upon certification of enrollment by the enrolling institution."

Sec. 5. The second and third paragraphs of G. S. 165-21.1 as the same appear in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, are hereby designated as "(b)" and "(c)" respectively.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

S. B. 590   CHAPTER 721

AN ACT TO AMEND G. S. 62-266(a) AND G. S. 62-300(a)(12) TO REQUIRE REGISTRATION OF INTERSTATE MOTOR VEHICLES TRANSPORTING COMMODITIES FOR HIRE UNDER INTERSTATE COMMERCE COMMISSION EXEMPTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-266(a) is hereby amended by inserting between the words "authority," and "and" in line seven of said subsection the words "or register their exempt operation".

Sec. 2. G. S. 62-300(a)(12) is hereby amended by inserting between the words "authority" and "of" in line two of said subsection (a)(12) the words "or for registration of interstate exempt operation".
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after September 15, 1969.
In the General Assembly read three times and ratified, this the 5th day of June, 1969.

S. B. 591

CHAPTER 722

AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO PROMULGATE RULES AND REGULATIONS FOR THE SAFETY OF OPERATION OF INTERSTATE COMMON CARRIER MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 62 of the General Statutes is hereby amended by adding a new Section at the end of Article 12 of said Chapter to read as follows:
"G. S. 62-281. Safety Regulations Applicable to Interstate Common Carrier Vehicles. The Utilities Commission is hereby authorized to promulgate highway safety rules and regulations for common carrier motor vehicles engaged in interstate commerce over the highways of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after September 15, 1969.
In the General Assembly read three times and ratified, this the 5th day of June, 1969.

S. B. 592

CHAPTER 723

AN ACT TO AMEND G. S. 40-5 TO CORRECT CROSS-REFERENCE TO THE PUBLIC UTILITIES ACT AND TO AMEND G. S. 62-261 TO CORRECT THE WORDS "INTERSTATE COMMERCE COMMISSION" TO READ "U. S. DEPARTMENT OF TRANSPORTATION".

The General Assembly of North Carolina do enact:

Section 1. G. S. 40-5 is hereby amended by striking out the words "G. S. 62-45" appearing in line four thereof, and by inserting in lieu thereof the words "G. S. 62-232".

Sec. 2. G. S. 62-261(3) is hereby amended by striking out the words "Interstate Commerce Commission" appearing in line eight of said subsection, and by inserting in lieu thereof the words "U. S. Department of Transportation".

Sec. 3. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after September 15, 1969.
In the General Assembly read three times and ratified, this the 5th day of June, 1969.
AN ACT TO IMPLEMENT STATE COOPERATION IN NORTH CAROLINA - FEDERAL WATER RESOURCES DEVELOPMENT PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. Article 21 of Chapter 143 of the North Carolina General Statutes is hereby amended by adding at the end thereof a new Part to be designated as "Part 4" and reading as follows:


Subsection 143-215.40. Short Title. This part shall be known as and may be cited as the Federal Water Resources Development Law of 1969.

Subsection 143-215.41. Public Policy: It is hereby declared the public policy of the State of North Carolina to encourage development of such river and harbor, flood control and other similar civil works projects as will accrue to the general or special benefit of any county or municipality of North Carolina or to any region of the State. To this end, it is also hereby declared that within the meaning of the North Carolina Constitution expenditures for such projects and obligations incurred for such projects are for public purposes, that county and municipal and other local government expenditures and obligations incurred therefor are necessary expenses, and that county expenditures therefor are for special purposes for which the special approval of the General Assembly is hereby given.

Subsection 143-215.42. Resolutions and ordinances assuring local cooperation. (a) The boards of commissioners of the several counties, in behalf of their respective counties, the governing bodies of the several municipalities, in behalf of their respective municipalities, the governing bodies of any other local government units, in behalf of their units, and the North Carolina Board of Water and Air Resources, in behalf of the State of North Carolina, subject to the approval of the Governor and the Advisory Budget Commission, are hereby authorized to adopt such resolutions or ordinances as may be required giving assurances to any appropriate agency of the United States Government for the fulfillment of the required items of local cooperation as expressed in acts of Congress or congressional documents, as conditions precedent to the accomplishment of river and harbor, flood control or other such civil works projects, when it shall appear, and is determined by such board or governing body that any such project will accrue to the general or special benefit of such county or municipality or to a region of the State. In each case where the subject of such local cooperation requirements comes before a board of county commissioners or the governing body of any municipality or other local unit a copy of its final action, whether it be favorable or unfavorable, shall be sent to the Director of the Department of Water and Air Resources for the information of the Governor.

(b) Within the meaning of this part, a "local government unit" means any local subdivision or unit of government or local public corporate entity (other than a county or municipality), including any manner of special district or public authority.

Subsection 143-215.43 Items of cooperation to which localities and the State, acting through the Board of Water and Air Resources, may bind themselves. Such resolutions and ordinances may irrevocably bind such county, municipality, other local unit, of the State of North Carolina, acting through the Board of Water and
Air Resources, to the following when included as requirements of local cooperation for a Federal water resources development project.

(1) To provide, without cost to the United States, all lands, easements, and rights-of-way required for construction and subsequent maintenance of the project and for aids to navigation, if required, upon the request of the Chief of Engineers, or other official to be required in the general public interest for initial and subsequent disposal of spoil, and also necessary retaining dikes, bulkheads, and embankments therefor, or the costs of such retaining works.

(2) To hold and save the United States free from damages due to the construction works and subsequent maintenance of the project.

(3) To provide firm assurances that riverside terminal and transfer facilities will be constructed at the upper limit of the modified project to permit transfer of commodities from or to plants and barges.

(4) To provide and maintain, without cost to the United States, depths in berthing areas and local access channels serving the terminals commensurate with depths provided in related project areas.

(5) To accomplish, without cost to the United States, such alterations, if any, as required in sewer, water-supply, drainage, electrical power lines, and other utility facilities, as well as their maintenance.

(6) To provide, without cost to the United States, all lands, easements, rights-of-way, utility relocations and alterations, and, with the concurrence and under the direction of the State Highway Commission, highway or highway bridge construction and alterations necessary for project construction.

(7) To adjust all claims concerning water rights.

(8) To maintain and operate the project after completion, without cost to the United States, in accordance with regulations prescribed by the Secretary of the Army or other responsible Federal official, board, or agency.

(9) To provide a cash contribution for project costs assigned to project features other than flood control.

(10) To prevent future encroachment which might interfere with proper functioning of the project for flood control.

(11) To provide or satisfy any other items or conditions of local cooperation as stipulated in the congressional or other Federal document covering the particular project involved.

This Section shall not be interpreted as limiting but as descriptive of the items of local cooperation, the accomplishment of which counties, municipalities and the State are herein authorized to irrevocably bind themselves; it being intended to authorize counties, municipalities and the Board of Water and Air Resources in behalf of the State to comply fully and completely with all of the items of local cooperation as contemplated by Congress and as stipulated in the congressional acts or documents concerned, or project reports by the Army Chief of Engineers, the Administrator of the Soil Conservation Service, the Board of Directors of the Tennessee Valley Authority, or other responsible Federal official, board or agency.

Subsection 143-215.43. Acquisition of lands. (a) For the purpose of complying with the terms of local cooperation as specified in Chapter 143, Article 21, Part
CHAPTER 724  SESSION LAWS—1969

4, and as stipulated in the Congressional document covering the particular project involved, any county, municipality, or other local government unit may acquire the necessary lands, or interest in lands, by lease, purchase, gift or condemnation. A municipality, county or other local government unit may acquire such lands by any of the aforesaid means outside as well as inside its territorial boundaries, if the local governing body finds that substantial benefits will accrue to property inside such territorial boundaries as a result of such acquisition.

(b) The power of condemnation herein granted may be exercised only after:

(1) The municipality, county or other local unit makes application to the Board of Water and Air Resources, identifying the land sought to be condemned and stating the purposes for which said land is needed; and

(2) The Board of Water and Air Resources finds that the land is sought to be acquired for a proper purpose within the intent of Chapter 143, Article 21, Part 4. The findings of the Board of Water and Air Resources will be conclusive in the absence of fraud, notwithstanding any other provision of law.

(c) The Board of Water and Air Resources shall certify copies of its findings to the applicant municipality, county, or other local unit, and to the Clerk of Superior Court of the county or counties wherein any of the land sought to be condemned lies for recordation in the special proceedings thereof.

(d) For purposes of this Section:

(1) The term 'interest in land' means any land, right-of-way, rights of access, privilege, easement, or other interest in or relating to land. Said 'interest in land' does not include an interest in land which is held or used in whole or in part for a public water supply, unless such 'interest in land' is not necessary or essential for such uses or purposes.

(2) A 'description' of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant, boundaries may be described by any of the following methods or by any combination thereof: by reference to a map; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.

(e) The procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in G.S. Chapter 40, Article 2, and all acts amatory thereof.

(f) Interests in land acquired pursuant to this Section may be used in such manner and for such purposes as the local governing body deems best. If, in the opinion of the local governing body, such lands should be sold, leased or rented, this may be done, subject to the approval of the Board of Water and Air Resources.

(g) This Section is intended to confer supplementary and additional authority, and not to confer exclusive authority nor to impose cumulative requirements. If a municipality, county or other local government unit is authorized to acquire lands or interests in lands by some other law (such as by General Statutes Chapter 139, 153, 160, or 162A) as well as by this Section, compliance with the requirements of this Section or the requirements of such other law will be sufficient.
(h) This Section shall not authorize acquisition by condemnation of interests in land within the boundaries of any project to be constructed by the Tennessee Valley Authority, its agents or sub-division or any project licensed by the Federal Power Commission or interests in land owned or held for use by a public utility, as defined in G.S. 62-3. No Commission created pursuant to G. S. 158-8 shall condemn or acquire any property to be used by the Tennessee Valley Authority, its agents or sub-division.

Subsection 143-215.44. Additional powers. For the purpose of complying with requirements of local cooperation as described in this Part, county and municipal governing bodies shall also have the power to accept funds, and to use general tax funds for necessary project purposes, including project maintenance.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 367 chapter 725

AN ACT TO PERMIT DEDUCTION OF CONTRIBUTIONS TO EMERGENCY RESCUE ORGANIZATIONS FOR INCOME TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-147(15) as the same appears in the 1967 Cumulative Supplement to 1965 Replacement Volume 2D of the General Statutes is hereby amended by inserting in line 20 thereof the following words immediately after the word "individual" and immediately before the punctuation and word ":\Provided":

"; or rescue squads, volunteer fire departments and the Civil Air Patrol, if such organization is not operated for profit and no part of the net earnings of such organization inures to the benefit of any private shareholder, member or individual."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective for the taxable years beginning on and after January 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

H. B. 660 chapter 726

AN ACT FIXING THE SALARY OF THE REGISTER OF DEEDS AND THE SALARY AND EXPENSE ALLOWANCES OF THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 510 of the 1956 Session Laws as amended by Chapter 901 of the 1967 Session Laws is amended as follows:

(a) by striking from Line 2 of Section 2 thereof the words and figures "sixty-five hundred dollars ($6,500.00)" and substituting in lieu thereof the words and figures "not less than eighty-five hundred dollars ($8,500.00)".

(b) by striking from Line 3 and Line 5, respectively, the words and figures "twenty dollars ($20.00)" and "seven cents (7¢)" and substituting in lieu thereof the words and figures "twenty-five dollars ($25.00)" and "ten cents (10¢)."
CHAPTER 726 SESSION LAWS—1969

Sec. 2. Nothing in this Act shall impair the authority of the Board of Commissioners of Brunswick County to fix their own compensation and allowances in accordance with G. S. 153-13, as amended by Chapter 180, Session Laws of 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapters 180 and 358, Session Laws of 1969.

Sec. 4. This Act shall become effective upon July 1, 1969.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

S. B. 383 CHAPTER 727
AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MARTIN COUNTY AND THE BOARD OF EDUCATION OF MARTIN COUNTY TO CONVEY CERTAIN LANDS TO MARTIN TECHNICAL INSTITUTE AT PRIVATE SALE.

WHEREAS, certain lands now owned by Martin County and the Board of Education of Martin County are necessary for the establishment and development of Martin Technical Institute; and

WHEREAS, the establishment of such institute will be of great benefit not only to the citizens of Martin County but to the surrounding area as well; and

WHEREAS, the Board of Commissioners of Martin County and the Board of Education of Martin County desire to assist Martin Technical Institute in its establishment and development;

NOW, THEREFORE,
The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Martin County and the Board of Education of Martin County are hereby authorized and empowered to convey to the Board of Trustees of Martin Technical Institute at private sale certain lands in Martin County now owned by Martin County and the Board of Education which are necessary for the establishment and development of Martin Technical Institute.

Sec. 2. Such lands may be conveyed upon such consideration as is deemed adequate and fair by the Board of Commissioners of Martin County and the Board of Education of Martin County, or may in their discretion be conveyed upon nominal consideration with a reversionary interest in favor of Martin County or the Board of Education of Martin County requiring property so conveyed to be used for educational purposes.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after the date that the Board of Trustees of Martin Technical Institute becomes a Corporate Body within the meaning of G S. 115 A-9.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.
S. B. 452  CHAPTER 728

AN ACT TO AMEND G.S. 18-129 RELATING TO REGULATION OF SALE AND DISTRIBUTION OF WINE AND MALT BEVERAGES TO ESTABLISH CRITERIA FOR ISSUANCE OF PERMITS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-129 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by adding at the end of the second paragraph thereof the following provision to read as follows:

"The State Board of Alcoholic Control is further authorized to refuse to issue a permit in any locality where the sale of malt beverages is authorized when the issuance of such permit would be inimical to the morals or welfare of the locality in which the premises are located, or the community generally. In passing on any application for a permit, the Board shall consider the number of licensed premises within the locality, the available parking facilities, traffic conditions, crime rate in the area, and the proximity of the premises to schools, churches and public transportation facilities, and other factors which the Board might consider pertinent.

"If the County or Municipal authorities file a written objection with the State Board of Alcoholic Control within ten days after the notice has been given as required by G.S. 18-134, the State Board shall not issue the license or permit until it has fully investigated the grounds of objection filed by the local governing authorities, and if requested to do so, give the objecting authorities and the applicant an opportunity to be heard. The Board is also authorized to make further investigations of its own, which may be reported at the public hearing if requested.

"It shall not be mandatory for the County or Municipality to issue its license or permit as required under G. S. 18-77, until after the Board has considered the written objections filed by the County or Municipality and has granted the State license or permit to the applicant."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall apply to Cumberland, Hoke, Moore and Onslow Counties only.

Sec. 4. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

H. B. 576  CHAPTER 729

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE HENDERSONVILLE CITY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Hendersonville City Administrative Unit and described in such petition, praying that bonds and/or notes be issued under the provisions of this Act, the Board of County Commissioners of Henderson County shall order a special election to be held in such school
district for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $________________ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $________________ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Henderson County and referred to the Board of Elections of Henderson County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Henderson County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Henderson County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Henderson County as aforesaid and the other filed with the Clerk
of the Superior Court of Henderson County. The Board of County Commissioners of Henderson County shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of Commissioners of Henderson County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Henderson County may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Henderson County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty (30) years after such date. No such installment shall be more than two and one-half (2 1/2) times as great in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding eight per cent (8%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Henderson County, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Henderson County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other
taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Sec. 6. In the event the boundary lines of the territory embracing the Hendersonville City Administrative Unit are hereafter changed or altered, this Act shall apply to and within the territory embracing said unit at the time of the filing of the petition and the holding of the election as provided for in this Act. No change or alteration of the boundary lines of said unit shall in any way affect the validity of this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Hendersonville City Administrative Unit.

Sec. 9. This Act shall apply only to Hendersonville City Administrative Unit and Henderson County.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

H. B. 577

CHAPTER 730

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE HENDERSON COUNTY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten percent (10%) of the qualified voters of the territory embraced within the Henderson County Administrative Unit (said unit being hereinafter defined), or upon receipt of ten percent (10%) of the qualified voters in any of the three separate school districts comprising the Henderson County Administrative Unit, and described in such petition, praying that bonds and/or notes be issued under the provisions of this Act, the Board of County Commissioners of Henderson County shall order a special election to be held in such school district or unit for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping.
school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty (30) days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $________ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $________ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark: The petition herein provided for shall be filed with the Board of County Commissioners of Henderson County and referred to the Board of Elections of Henderson County to determine the sufficiency thereof, and upon a finding by said Board that the petition meets the requirements of this Section, the chairman of said Board shall file a certificate to that effect with the chairman of said Board of Commissioners of Henderson County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Henderson County, which Board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said Board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Henderson County as aforesaid and the other filed with the Clerk of the Superior Court of Henderson County. The Board of County Commissioners of Henderson County shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the Board and attested by
the clerk, who shall record it in the minutes of the Board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of Commissioners of Henderson County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Henderson County may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Henderson County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding eight percent (8%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registrable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said Board. They shall be signed by the chairman of the Board of County Commissioners of Henderson County, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds or by the clerk of said Board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Henderson County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officers collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.
Sec. 6. The Henderson County Administrative Unit is defined as being all of the territory embraced within the boundary lines of Henderson County, North Carolina, except that portion of said county embraced within the boundary lines of the Hendersonville City Administrative Unit as said City Administrative Unit is constituted at the time of the petition and the holding of the election as provided for in this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Henderson County Administrative Unit.

Sec. 9. This Act shall apply only to the Henderson County Administrative Unit as herein defined.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification. In the General Assembly read three times and ratified, this the 6th day of June, 1969.

H. B. 605

CHAPTER 731

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE RANDOLPH COUNTY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Randolph County Administrative Unit (said unit being hereinafter defined), and described in such petition, praying that bonds and/or notes be issued under the provisions of this Act, the Board of County Commissioners of Randolph County shall order a special election to be held in such school district or unit for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election.
upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty (30) days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $_________ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof;" and "Against the issuance of $_________ School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark: The petition herein provided for shall be filed with the Board of County Commissioners of Randolph County and referred to the Board of Elections of Randolph County to determine the sufficiency thereof, and upon a finding by said Board that the petition meets the requirements of this Section, the chairman of said Board shall file a certificate to that effect with the chairman of said Board of Commissioners of Randolph County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Randolph County, which Board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said Board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Randolph County as aforesaid and the other filed with the Clerk of the Superior Court of Randolph County. The Board of County Commissioners of Randolph County shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the Board and attested by the clerk, who shall record it in the minutes of the Board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district
or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of Commissioners of Randolph County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Randolph County may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Randolph County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding eight per cent (8%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registrable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said Board. They shall be signed by the chairman of the Board of County Commissioners of Randolph County, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds or by the clerk of said Board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Randolph County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officers collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Sec. 6. The Randolph County Administrative Unit is defined as being all of the territory embraced within the boundary lines of Randolph County, North Carolina, except that portion of said county embraced within the boundary lines of the Asheboro City Administrative Unit as said City Administrative Unit is constituted at the time of the petition and the holding of the election as provided for in this Act.
Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Randolph County Administrative Unit.

Sec. 9. This Act shall apply only to the Randolph County Administrative Unit as herein defined.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

S. B. 715

CHAPTER 732

AN ACT TO AMEND SECTION 67 OF CHAPTER 18 OF THE GENERAL STATUTES RELATING TO THE SALE OF BEER IN NORTH CAROLINA BY RESIDENT BREWERS OR MANUFACTURERS.

The General Assembly of North Carolina do enact:

Section 1. Section 67 of Chapter 18 of the General Statutes of North Carolina is hereby amended by striking out the words "for resale" as they appear in the third sentence thereof, and substituting therefor the words "to sell at wholesale".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

S. B. 719

CHAPTER 733

AN ACT TO PROVIDE RELOCATION ASSISTANCE TO INDIVIDUALS, FAMILIES AND BUSINESS DISPLACED BY HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina do enact:

Section 1. This Act may be cited as the Highway Relocation Assistance Act.

Sec. 2. Declaration of Purpose

The General Assembly hereby finds and declares that it is in the public interest that the State Highway Commission be authorized to fairly compensate those persons displaced by the construction of highways for certain expenses incurred and for certain inconveniences suffered as a result of highway programs designed for
the benefit of the public as a whole and to provide relocation assistance in order to insure that a few individuals do not suffer disproportionate injuries as a result of displacement caused by the highway program, and to insure adequate housing for those persons displaced, and further to insure continuing eligibility for federal aid highway funds to the State in accordance with the provisions of the Federal Aid Highway Act of 1968. The General Assembly further finds and declares that relocation assistance and assistance in the acquisition of adequate replacement housing are proper costs for the acquisition of right-of-way for highways and the construction of designated highways on the State Highway System.

Sec. 3. Definitions as used in this Act

(a) "Person" shall mean (1) any individual, partnership, corporation or association which is the owner of a business; (2) any owner, part owner, tenant, or sharecropper operating a farm; (3) an individual who is the head of a family; or (4) an individual not a member of a family.

(b) "Family" shall mean two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

(c) "Displaced person" shall mean any person who moves from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for highway purposes or as the result of the acquisition for highway purposes of other real property on which such person conducts a business or farm operation.

(d) "Business" shall mean any lawful activity conducted primarily (1) for the purchase and resale, manufacture, processing, or marketing of products, commodities or any other personal property; (2) for the sale of services to the public; or (3) by a nonprofit organization.

(e) "Farm operation" shall mean any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Sec. 4. Administration of Relocation Assistance Program

In order to prevent unnecessary expenses and duplication of functions, the State Highway Commission may make relocation payments or provide relocation assistance or otherwise carry out the functions authorized under this Act by utilizing the facilities, personnel, and services of any other Federal, State or local governmental agency having an established organization for conducting relocation assistance programs. Cities furnishing right of way for a State Highway Project may utilize services of the State or Federal Government. In the acquisition of right of way for any State Highway System street, the municipality shall be vested with the same authority to render such services and make such payments as is given the State Highway Commission in this Article.

Sec. 5. Relocation Services

The State Highway Commission is authorized to provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate:

(a) To determine the needs for relocation, if any, of families, individuals, business concerns, and farm operators to be relocated by reason of a State Highway Project;
CHAPTER 733  SESSION LAWS—1969

(b) To assure that within a reasonable period of time prior to displacement, there will be available to the extent as can be reasonably accomplished a sufficient amount of housing meeting the standards to satisfy the State Highway Commission for decent, safe and sanitary dwellings, reasonably accessible to the places of employment of the families and individuals displaced and in areas which are generally at least as desirable as the areas in which they are displaced, in regard to public utilities and public and commercial utilities and at rent or prices within the financial means of families and individuals displaced from their homes;

(c) To assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations; and

(d) To supply information concerning the Federal Housing Administration home acquisition program under Section 221(d)(2) of the National Housing Act, the small business disaster loan program under Section 7(b)(3) of the Small Business Act, and other programs of the Federal Government and the State.

Sec. 6. Relocation Payments

(a) Payments for Actual Expenses: As part of the cost of right of way acquisition for a highway construction project, the State Highway Commission may compensate displaced persons for the actual and reasonable expenses for the relocation of a household and for the relocation of a business including farm operations and non-profit organizations.

(b) Optional Payments (Dwellings): Any person displaced from a dwelling who moves and elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this Section may receive:

(1) A moving expense allowance, determined according to a schedule established by the State Highway Commission not to exceed two hundred dollars ($200.00) and;

(2) A dislocation allowance in the amount of one hundred dollars ($100.00).

(c) Optional Payments (Business and Farm Operations): Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this Section in lieu of the payment authorized by subsection (a) of this Section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation or five thousand dollars ($5,000.00), whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the State Highway Commission is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business. For purposes of this subsection the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period. To be eligible for the payment authorized by this subsection, the business or farm operation must make its State income tax returns available and its financial statements and accounting records available for audit for confidential use to determine the payment authorized by this subsection.
Sec. 7. Replacement Housing

(a) In addition to amounts otherwise authorized by this Article, as part of the cost of right of way acquisition, the State Highway Commission may make a payment to the owner of real property acquired for a project which is improved by a single-, two-, or three-family dwelling actually occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed five thousand dollars ($5,000.00), shall be the amount, if any, which when added to the acquisition payment, equals the average price required for a comparable dwelling determined in accordance with standards established by the State Highway Commission to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project.

(b) In addition to payments otherwise authorized by this Act, the State Highway Commission is authorized to make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this Section which dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed fifteen hundred dollars ($1,500.00) shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed two years or to make the down payment on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such individuals or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

Sec. 8. Expenses Incidental to Transfer of Property

(a) In addition to amounts otherwise authorized by this Article, the State Highway Commission is authorized to reimburse the owners of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record as provided by law on the date of approval by the State Highway Commission of the location of such project; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State, or the effective date of possession of such real property by the State Highway Department, whichever is earlier.

Sec. 9. Status of Payments

No payment received under this Act shall be considered as income for purposes of the State Income Tax Law; nor shall such payments be considered as income or resources to any recipient of public assistance and such payment shall not be deducted from the amount of aid to which the recipient would otherwise be entitled to under the State Welfare Act.

Sec. 10. Delegation of Authority to Adopt Rules and Regulations
The State Highway Commission is authorized to adopt such rules and regulations as it deems necessary and appropriate to carry out the provisions of this Article. The State Highway Commission is authorized and empowered to adopt all or any part of applicable Federal rules and regulations which are necessary or desirable to implement this Article. Such rules and regulations shall include, but not limited to, provisions relating to:

(a) Payments authorized by this Article to assure that such payments shall be fair and reasonable and as uniform as possible on those highway projects to which this Act is applicable.

(b) Prompt payment after a move to displaced persons who make proper application and are entitled to payment, or, in hardship cases, payment in advance.

(c) Moving expense allowances as provided for in Section 6, subsections (a) and (b) of this Article.

(d) Standards for decent, safe and sanitary dwellings.

(e) Eligibility of displaced persons for relocation assistance payments, the procedure for such persons to claim such payments, and the amounts thereof.

(f) Procedure for an aggrieved displaced person to have his determination of eligibility or amount of payment reviewed by the State Highway Commission or its administrative officers.

(g) Projects or classes of projects on which payments as herein provided will be made.

Sec. 11. Eminent Domain

Nothing contained in this Article shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of this Article. Payments made and services rendered under this Article are administrative payments and in addition to just compensation as provided by the law of eminent domain. Nothing contained in this Article shall be construed as creating any right enforceable in any court and the determination of the State Highway Commission under the procedure provided for in subsection (f) of Sec. 10 of this Act shall be conclusive and not subject to judicial review.

Sec. 12. Separability

If any provision of this Article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this Article which can be given effect without such invalid provision or application, and to this end the provisions of this Article shall be severable.

Sec. 13. Section 19.2 of Chapter 136 of the General Statutes and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall become effective January 1, 1970.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.
S. B. 723

CHAPTER 734

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF SUNSET BEACH TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID TOWN AND TO PRESCRIBE THE METHOD OF OPERATION AND THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Sunset Beach may on its own motion and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Sunset Beach order an election to be held on the question of whether or not town alcoholic beverage control stores may be operated in the Town of Sunset Beach and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for alcoholic beverage control stores to be set up and operated in the Town of Sunset Beach, but if a majority of the votes cast in said election shall be against the operation of said alcoholic beverage control stores, no such stores shall be set up and operated in the Town of Sunset Beach under the provisions of this Act.

Sec. 2. The Board of Commissioners of the Town of Sunset Beach may submit the questions herein above mentioned and call a special election for the purpose of submitting said questions on or before November 1, 1969. In the event said special election is called, same shall be held and conducted on the dates fixed by the Board of Commissioners of the Town of Sunset Beach. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to the registration for the election and those who register in said alcoholic beverage control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed upon separate lines for each proposition "For Town Alcoholic Beverage Control Stores", "Against Town Alcoholic Beverage Control Stores". Those favoring setting up and operating alcoholic beverage control stores in the Town of Sunset Beach shall mark in the voting square to the left of the words "For Town Alcoholic Beverage Control Stores" printed on the ballot and those opposed to town alcoholic beverage control stores shall mark in the voting square to the left of the words "Against Town Alcoholic Beverage Control Stores". Except as otherwise provided herein, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Board of Commissioners of the Town of Sunset Beach and the cost thereof shall be paid from the general fund of the Town of Sunset Beach.

Sec. 3. If a subsequent election shall be held and at such election a majority of the voters shall be cast "Against Town Alcoholic Beverage Control Stores", the Town Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and declaration of the results thereof close such stores and shall thereafter cease to operate the same and within said three months the Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all public, public local and private laws applicable to the sale of intoxicating beverages within said Town of Sunset Beach in force and effect prior to the authorization to operate town alcoholic beverage control stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under
the provisions of this Act in which a majority of the votes shall be cast "For Town Alcoholic Beverage Control Stores". No election shall be called and held in the Town of Sunset Beach under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Sunset Beach to order the alcoholic beverage control election in its own motion or within sixty (60) days after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Sunset Beach requesting the same.

Sec. 4. If the operation of town alcoholic beverage control stores is authorized under the provisions of this Act, the Board of Commissioners of the Town of Sunset Beach shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said Board shall be known and designated as "The Town of Sunset Beach Board of Alcoholic Control". The members and chairman of said board shall be designated by the mayor and governing body of the town and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the Board of Commissioners for the unexpired term. Compensation of the members of said Town Board of Alcoholic Control shall be fixed by the Board of Commissioners of the Town of Sunset Beach.

Sec. 5. The said Town of Sunset Beach Board of Alcoholic Control shall have all of the powers and duties imposed by G.S. 18-45 on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in G.S. 18-39. The said Town of Sunset Beach Board of Alcoholic Control and the operation of any town alcoholic beverage control stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include the Town of Sunset Beach Board of Alcoholic Control. The Town of Sunset Beach Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 6. Out of the gross profits derived from the operation of said alcoholic beverage control stores and after the payment of all costs and operating expenses and after retaining sufficient and proper working capital, the amount thereof to be determined by the Town of Sunset Beach Board of Alcoholic Control, said board shall further expend an amount as necessary for law enforcement purposes of not less than five per cent (5%) nor more than ten per cent (10%) thereof, to be determined by quarterly audit, which amount shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Sunset Beach. In the expenditure of said funds, the Town Board of Alcoholic Control shall employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Brunswick County as other peace officers. And any such person or persons
so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said Board of Alcoholic Control and any other peace officer are hereby authorized, upon request of the sheriff or other lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting, shall have such powers as a peace officer as are granted to him in Brunswick County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the net profits derived from the operation of said alcoholic beverage control stores, the Town of Sunset Beach Board of Alcoholic Control, shall, on a quarterly basis, pay over to the following named governing bodies, departments, boards, and agencies amounts equal to the percentages of the net profits which shall be expended by said governing bodies, departments, boards, and agencies for these purposes and none other as follows:

(a) Fifteen per cent (15%) to be given to the Shallotte Volunteer Rescue Squad, Inc.
(b) Sixty-five per cent (65%) to go to the general fund of the Town of Sunset Beach.
(c) Twenty per cent (20%) to go to the Board of Education of Brunswick County.

Sec. 7. The Town of Sunset Beach Board of Alcoholic Control may authorize the establishment and operation of additional stores within the municipality if, in its discretion, it finds the same desirable.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 727

CHAPTER 735

AN ACT TO AMEND G. S. 108-44 TO PROVIDE FOR FURNISHING THE SERVICES OF ATTORNEYS FOR WELFARE APPLICANTS OR RECIPIENTS TO THE EXTENT REQUIRED BY FEDERAL LAWS OR REGULATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-44, as it appears in Chapter 546 of the Session Laws of 1969, is hereby amended by adding a new section therein as follows:

"(f) If and when any federal law or regulation requires, as a condition of federal participation in public assistance payments, that public assistance applicants or recipients be furnished with the services of attorneys for the purpose of appeals described in this Section or for the purpose of litigation arising out of such appeals, the services of attorneys shall be provided as required by the federal law or regulation, to the extent that funds are made available as hereinafter provided, in accordance with rules and regulations approved by the Governor, the Advisory Budget Commission, the State Board of Social Services and the North Carolina State Bar Council. To the extent permitted by the rules and regulations thus approved, payment for the services of attorneys shall be made by the State Board of Social Services
from funds transferred from contingency and emergency appropriations until such time as funds are appropriated for the services of attorneys."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

S. B. 76

CHAPTER 736

AN ACT TO PROVIDE FOR INSTRUMENTS TO SECURE FUTURE ADVANCES AND FUTURE OBLIGATIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 45 of the General Statutes, entitled "Mortgages and Deeds of Trust," is hereby amended by adding at the end thereof a new article to read as follows:


"Sec. 45-67. Definition. As used in this Article, 'security instrument' means a mortgage, deed of trust, or other instrument relating to real property securing an obligation or obligations to a person, firm, or corporation specifically named in such instrument, as distinguished from being included in a class of security holders referred to therein, for the payment of money.

"Sec. 45-68. Requirements. A security instrument, otherwise valid, shall secure future obligations which may from time to time be incurred thereunder so as to give priority thereto as provided in G. S. 45-70, if:

(1) Such security instrument shows:
   a. That it is given wholly or partly to secure future obligations which may be incurred thereunder;
   b. The amount of present obligations secured, and the maximum amount, including present and future obligations, which may be secured thereby at any one time;
   c. The period within which such future obligations may be incurred, which period shall not extend more than ten years beyond the date of the security instrument; and

(2) At the time of incurring any such future obligations, each obligation is evidenced by a written instrument or notation, signed by the obligor and stipulating that such obligation is secured by such security instrument; and

(3) At any time a security instrument securing future advances is transferred or assigned by the owner thereof that the amount, date and due date of each note, bond, or other undertaking for the payment of money representing a future obligation secured by such security instrument be noted in writing thereon.

"Sec. 45-69. Fluctuation of obligations within maximum amount. Unless the security instrument provides to the contrary, if the maximum amount has not been advanced or if any obligation secured thereby is paid or is reduced by partial payment, further obligation may be incurred from time to time within the time limit fixed by the security instrument, provided the unpaid balance of principal outstanding shall never exceed the maximum amount authorized pursuant to G. S. 45-
68(1)(b). Such further obligations shall be secured to the same extent as original obligations thereunder, if the provisions of G. S. 45-68(2) and (3) are complied with.

"Sec. 45-70. Priority of security instrument. (a) Any security instrument which conforms to the requirements of this Article and which on its face shows that the making of future advances is obligatory, shall, from the time and date of registration thereof, have the same priority to the extent of all obligatory future advances secured by it, as if all the advances had been made at the time of the execution of the instrument.

"(b) Any security instrument which conforms to the requirements of this Article, which on its face does not show that the making of future advances is obligatory, shall, from the time and date of registration thereof, have the same priority to the extent of all obligations secured by it, as if all the advances had been made at the time of the execution of the instrument, except that when an intervening lienor or encumbrancer gives actual notice as hereinafter provided that an intervening lien or encumbrance has been perfected on the property covered by the security instrument, or is being incurred and when perfected will relate back to the time when incurred, any future advances made subsequent to the receipt of such notice shall not take priority over such intervening perfected lien or encumbrance. Such notice shall be in writing and shall be given to the secured creditor named in the security instrument; but if the security instrument is registered and if any assignment of the security instrument has been noted on the margin of the record showing the name and address of the assignee, such notice shall be given to the last assignee so noted at the address so shown.

"(c) Payments made by the secured creditor for fire and extended coverage insurance, taxes, assessments, or other necessary expenditures for the preservation of the security shall be secured by the security instrument and shall have the same priority as if such payments had been made at the time of the execution of the instrument, whether or not notice has been given as provided in subsection (b) of this Section. The provisions of G. S. 45-68(2) and (3) shall not be applicable to such payments, nor shall such payments be considered in computing the maximum amount which may be secured by the instrument.

"Sec. 45-71. Satisfaction of the security instrument. Upon payment of all the obligations secured by a security instrument which conforms to the requirements of this Article and upon termination of all obligation to make advances, and upon written demand made by the maker of the security instrument, his successor in interest, or anyone claiming under him, the holder of the security instrument is hereby authorized to and shall make a written entry upon the security instrument showing payment and satisfaction of the instrument, which entry he shall date and sign. When the security instrument secures notes, bonds, or other undertakings for the payment of money which have not already been entered on the security instrument as paid, the holder of the security instrument, unless payment was made to him, may require the exhibition of all such evidences of indebtedness secured by the instrument marked paid before making his entry showing payment and satisfaction.

"Sec. 45-72. Termination of future optional advances. (a) The holder of a security instrument conforming to the provisions of this Article, which on its face does not show that the making of future advances is obligatory, shall, at the request of the maker of the security instrument or his successor in title promptly furnish to him
a statement duly executed and acknowledged in such form as to meet the requirements for the execution and acknowledgment of deeds, setting forth in substance the following:

'This is to certify that the total outstanding balance of all obligations, the payment of which is secured by that certain instrument executed by __________________________, dated ___________, recorded in book ______ at page _______ in the office of the Register of Deeds of ________________________________
County, North Carolina, is $____________________, of which amount $__________________ represents principal.

'No future advances will be made under the aforesaid instrument, except such expense as it may become necessary to advance to preserve the security now held.

This ______ day of __________, 19__.

(Signature and Acknowledgment)

"(b) Such statement, when duly executed and acknowledged, shall be entitled to probate and registration, and upon filing for registration shall be effective from the date of the statement. It shall have the effect of limiting the lien or encumbrance of the holder of the security instrument to the amount therein stated, plus any necessary advances made to preserve the security, and interest on the unpaid principal. It shall bar any further advances under the security instrument therein referred to except such as may be necessary to preserve the security then held as provided in G. S. 45-70(c).

"Sec. 45-73. Cancellation of record; presentation of notes described in security instrument sufficient. The provisions of G. S. 45-37 apply to discharge of record of instruments executed under this Article except that in cases of cancellation by exhibition or presentation under G. S. 45-37(a)(2) or G. S. 45-37(a)(3), only notes or bonds described in the body of the instrument or noted in writing thereon as provided in G. S. 45-68(3) need be exhibited or presented.

"Sec. 45-74. Article not exclusive. The provisions of this Article shall not be deemed exclusive, and no security instrument securing future advances or future obligations which is otherwise valid shall be invalidated by failure to comply with the provisions of this Article."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective October 1, 1969.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 404

CHAPTER 737

AN ACT TO PROVIDE AS AUTHORIZED INVESTMENTS FOR SAVINGS AND LOAN ASSOCIATIONS IMPROVEMENTS TO REAL PROPERTY AND MOBILE HOME FINANCING.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, any building and loan association or savings and loan association incorporated under the laws of this State or any federal savings and loan association having its principal office in North Carolina is authorized, without being required to take or receive any security, to make:
(a) Any loan not exceeding five thousand dollars ($5,000.00) which is made for the improvement, alteration, repairing and equipping real property, subject to the rules and regulations governing such loans as adopted by the Commissioner of Insurance; provided, however, that the combined total amount of the outstanding loans made under this Section and the amount of the outstanding loans made on non-residential real property as the term "non-residential real property loan" is defined in the United States Income Tax Regulations Section 301.7701-13, shall not exceed 19% of the total amount of the outstanding loans of any savings and loan association making loans under the provisions of this Section;

(b) Any loan for the purpose of purchasing or refinancing a mobile home, subject to the rules and regulations governing such loans as adopted by the Commissioner of Insurance.

Sec. 2. The loans authorized to be made by savings and loan associations under the provisions of this Act shall be subject to such regulations and limitations as the Commissioner of Insurance shall prescribe.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 405

CHAPTER 738

AN ACT TO INCORPORATE THE TOWN OF FLETCHER IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following provisions of law shall constitute the Charter of the Town of Fletcher in Henderson County:

"THE CHARTER OF THE TOWN OF FLETCHER

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Town of Fletcher', and shall be vested with all property which may be acquired by the Town, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition
to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Fletcher shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES"

"Sec. 2.1. Corporate Boundaries. The corporate boundaries of the Town of Fletcher shall be as follows until changed in accordance with law:

BEGINNING at the point where U. S. Highway No. 25 intersects with the Henderson-Buncombe Counties line; and runs thence westwardly to the center of Interstate Highway No. 26; thence southwardly along and with the center of said Interstate Highway No. 26 to the center of Cane Creek; thence northeasterly along and with the center of Cane Creek to the Henderson-Buncombe Counties line; thence westwardly along and with said Henderson-Buncombe Counties line to the place of BEGINNING.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS"

"Sec. 3.1. Temporary Officers. Until the initial election provided for by Section 4.1 of this Charter, Robert Parrish is hereby appointed Mayor, and Charles Jones, Overton Price, William Bagwell, John Bagwell, and Kenneth Green are hereby appointed Commissioners of the Town of Fletcher, and they shall possess and may exercise the powers granted to the Mayor and Board of Commissioners until their successors are elected and qualify pursuant to this Charter.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 3.3. Composition of Board of Commissioners. The Board of Commissioners shall consist of five (5) members to be elected by and from the qualified voters of the Town voting at large in the manner provided by Article IV.

"Sec. 3.4. Terms; Qualifications; Vacancies.

"(a) Except for the initial terms of office hereinbefore specified, the Mayor and the members of the Board of Commissioners shall serve for terms of four (4) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners, or to serve in such capacity, unless he is a resident and a qualified voter of the Town.
"(c) If any elected Mayor or Commissioner shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Commissioner after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Commissioner so appointed shall have the same authority and powers as if regularly elected.

"Sec. 3.5. Compensation of Mayor and Commissioners. The Mayor shall receive for his services such salary as the Board of Commissioners shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Board of Commissioners may establish and from time to time change the salaries of its members.

"Sec. 3.6. Organization of Board; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: 'I, __________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of __________, on which I am about to enter, according to my best skill and ability; so help me, God.'

"Sec. 3.7. Meetings of Board.

"(a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Commissioners, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the Board of Commissioners shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Sec. 3.8. Quorum; Votes.

"(a) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the members of the Board of Commissioners shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Sec. 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Fletcher.' All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.
"ARTICLE IV. ELECTION PROCEDURE"

"Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971. In the regular election in 1971 and biennially thereafter, there shall be elected a Mayor for a term of two years. In the regular election in 1971, there shall be elected five Commissioners, and the three candidates for Commissioner who receive the largest numbers of votes shall be elected for terms of four years, and the two candidates for Commissioner who receive the next largest numbers of votes shall be elected for terms of two years. In the regular election in 1973 and quadrennially thereafter, there shall be elected two Commissioners to serve for terms of four years. In the regular election in 1975 and quadrennially thereafter, there shall be elected three Commissioners to serve for terms of four years.

"Sec. 4.2. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy. shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the Town Clerk, and shall be substantially in the following form: 'I, ______________, do hereby give notice that I am a candidate for election to the office of ______________, Town of Fletcher, to be voted on at the election to be held on ______________, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Fletcher, residing at ______________.

(Signature) ______________
(Date) ______________

Sec. 4.3. Regulation of Elections. All municipal elections shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. TOWN ATTORNEY"

"Sec. 5.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

"Sec. 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES"

"Sec. 6.1. Town Clerk. The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.
"Sec. 6.2. Town Tax Collector. The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other monies belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Sec. 6.3. Town Accountant. The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Sec. 6.4. Consolidation of Functions. The Board of Commissioners may, in its discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Board may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Sec. 6.5. Other Employees. The Board of Commissioners may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the Town's affairs, and may, in its discretion, appoint a person to supervise all Town departments and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney.

"ARTICLE VII. FINANCE

"Sec. 7.1. Custody of Town Money. All monies received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository. Such institution shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on monies belonging to the Town shall accrue to the benefit of the Town. All monies belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Sec. 7.2. Issuance of Bonds. The Town may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Sec. 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Sec. 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Commissioners.

"Sec. 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Town for the fiscal year 1969-1970 and subsequent years. The Town may obtain from Henderson County, and the Henderson County Tax Supervisor shall provide upon request, a record
of property within the corporate limits which was listed for taxation as of January 1, 1969.

"ARTICLE VIII. CLAIMS AGAINST THE TOWN

"Sec. 8.1. Tort Claims. All claims or demands against the Town arising in tort shall be presented to the Board of Commissioners in writing, signed by the claimant or his attorney or agent, within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim or demand is so presented within ninety (90) days, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

"ARTICLE IX. POLICE

"Sec. 9.1. Jurisdiction Extended. (a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have, and may with approval of the Board of Commissioners exercise, within such territory all rights, power and authority as they have within the corporate limits."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification. In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 725

CHAPTER 739

AN ACT TO PROVIDE FOR A WORK INCENTIVE PROGRAM FOR CERTAIN RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN WELFARE ASSISTANCE.

The General Assembly of North Carolina do enact:

Section 1. SHORT TITLE. This Act shall be known as the Public Welfare Work Incentive Program Act of 1969.

Sec. 2. Part 2 of Article 2 of Chapter 108 of the General Statutes, as it appears in Chapter 546 of the Session Laws of 1969, is hereby amended by adding a new section therein, immediately following G.S. 108-39 and immediately before Part 3 of Article 2, as follows:

"108-39.1. Work Incentive Program adopted; evidence of refusal to participate in special work projects; protective and vendor payments. (a) The provisions of Part C of Title IV of the Federal Social Security Act pertaining to the Work Incentive Program for recipients of Aid to Families With Dependent Children assistance, and the benefits thereunder, are hereby accepted and adopted.

(b) The Work Incentive Program provided for by this Section is a part of, and subject to all the same provisions of law as, the Aid to Families With Dependent Children program provided for in this Article; except that in the case of inconsistent
provisions, the provisions of this Section shall be deemed exceptions to other provisions of law in this Article.

(c) Written notice of a finding by the United States Secretary of Labor, or the United States Department of Labor, the Employment Security Commission, or other authorized agent of the Secretary of Labor as to whether a person has refused without good cause to accept employment or participate in a project shall be binding upon the State and its agencies and the political subdivisions of the State. Any other provision of law to the contrary notwithstanding, the original or copy of such a notice bearing the certification of a State or county agency that it is the original or true copy of the original in or from the records of the agency shall be admissible in evidence without the appearance of a witness, and it shall be prima facie evidence that it was duly received by the agency from the Secretary of Labor or his authorized agent.

(d) In accordance with the provisions of Title IV of the Federal Social Security Act, the Governor shall appoint the members of, and designate the chairman of, at least one panel to be designated Special Work Projects Panel. The Governor may create as many such panels as in his judgment are necessary and the members shall serve at his pleasure. The panels shall review applications tentatively approved by the Secretary of Labor for the Special Work Projects to be established by the Secretary of Labor under the program established by Section 432 (b) (3) of Title IV of the Social Security Act. Each panel shall consist of not more than five (5) and not less than three (3) members. The members shall include one (1) representative of employers and one (1) representative of employees, and the remainder shall be representatives of the general public. No Special Work Project under a program developed by the Secretary pursuant to an agreement under Section 433 (e) (1) of the Social Security Act shall be established or maintained under such program unless the project has first been approved by a panel created under this Section.

(e) The times, frequency, places and duration of the meetings of the panels shall be as required by the Governor, except as modified by authority delegated by the Governor to the panels or their chairmen. Compensation of the panel members shall be in accordance with the provisions of G.S. 108-35 as in the case of other Boards and Committees.

(f) The Governor may enter into agreements with the United States Secretary of Labor for the creation and operation of the panels. The agreements and the provisions of this Section shall be in accordance with and subject to the lawful requirements of the Secretary of Labor in accordance with the Social Security Act.

(g) Protective and vendor payments required to be made under the Work Incentive Program shall be made in accordance with the rules and regulations of the State Board of Social Services, which rules and regulations shall be subject to the lawful requirements of the Secretary of Labor."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.
CHAPTER 740  SESSION LAWS—1969

H. B. 134  CHAPTER 740
AN ACT TO AMEND G. S. 14-132.1 SO AS TO INCREASE THE MAXIMUM PUNISHMENT FOR DEMONSTRATIONS OR ASSEMBLIES OF PERSONS KNEELING OR LYING DOWN IN PUBLIC BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-132.1, as the same appears in the 1967 Cumulative Supplement to 1953 recompiled Volume 1B of the General Statutes is hereby amended by striking out the last two lines and inserting in lieu thereof the words, "shall be punished by a fine of not more than five hundred dollars (S500.00) or imprisonment of not more than six months, or both, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 588  CHAPTER 741
AN ACT TO AMEND ARTICLE 4 OF CHAPTER 165 OF THE GENERAL STATUTES TO PROVIDE SCHOLARSHIPS FOR ELIGIBLE RECIPIENTS FOR THE PURPOSE OF ATTENDING PRIVATE EDUCATIONAL INSTITUTIONS OF HIGHER LEARNING.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (5) of G. S. 165-20, as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby rewritten to read as follows:

"(5) 'State educational institution' means any educational institution of higher learning which is owned and operated by the State of North Carolina, or any community college operated under the provisions of Chapter 115A and Article 3 of Chapter 116 of the General Statutes of North Carolina, or the college program of the North Carolina School of the Arts."

Sec. 2. G. S. 165-20 is hereby amended by adding to said Section a new subsection to be designated as "(7)", which shall read as follows:

"(7) 'Private Educational Institution' means any junior college, senior college or university which is operated and governed by private interests not under the control of the Federal, State or any local government, which is located within the State of North Carolina, which does not operate for profit, whose curriculum is primarily directed toward the awarding of associate, baccalaureate or graduate degrees, which agrees to the applicable administration and funding provisions of Sec. 165-22.1 of this Article, and which is otherwise approved by the State Board of Veterans Affairs."

Sec. 3. G. S. 165-21, as the same appears in the 1967 Cumulative Supplement to Volume 3D, is hereby rewritten to read as follows:

"Sec. 165-21. Scholarship. A scholarship granted pursuant to this Article shall consist of the following benefits in either a State or private educational institution:

(a) With respect to State educational institutions, unless expressly limited elsewhere in this Article, a scholarship shall consist of:
"(1) Tuition.

"(2) A reasonable board allowance.

"(3) A reasonable room allowance.

"(4) Such other items and institutional service as are embraced within the so-called institutional matriculation fees and other special fees and charges required to be paid as a condition to remaining in said institution and pursuing the course of study selected.

"(b) With respect to private educational institutions, a scholarship shall consist of a monetary allowance as prescribed in Sec. 165-22.1(d).

"(c) Only one scholarship may be granted pursuant to this Article with respect to each child and it shall not extend for a longer period than four academic years, which years, however, need not be consecutive."

Sec. 4. G. S. 165-22.1, as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby rewritten to read as follows:

"Sec. 165-22.1. Administration and funding. (a) The administration of the scholarship program shall be vested in the North Carolina Department of Veterans Affairs, and the disbursing and accounting activities required shall be a responsibility of the Department of Administration. The Department of Veterans Affairs shall determine the eligibility of applicants, select the scholarship recipients, establish the effective date of scholarships, and may suspend or revoke scholarships if the said Department of Veterans Affairs finds that the recipient does not maintain an adequate academic status, or if the recipient engages in riots, unlawful demonstrations, the seizure of educational buildings, or otherwise engages in disorderly conduct, breaches of the peace or unlawful assemblies. The Department of Veterans Affairs shall maintain the primary and necessary records, and promulgate such rules and regulations not inconsistent with the other provisions of this Article as it deems necessary for the orderly administration of the program. It may require of State or private educational institutions, as defined in this Article, such reports and other information as it may need to carry out the provisions of this Article. The Department of Administration shall disburse scholarship payments for recipients certified eligible by the Department of Veterans Affairs upon certification of enrollment by the enrolling institution.

"(b) Funds for the support of this program shall be appropriated to the Department of Administration as a reserve for payment of the allocable costs for room, board, tuition, and other charges, and shall be placed in a separate budget code from which disbursements shall be made. In the event the said appropriation for any year is insufficient to pay the full amounts allocable under the provisions of this Article, such supplemental sums as may be necessary shall be allocated from the Contingency and Emergency Fund. The method of disbursing and accounting for funds allocated for payments under the provisions of this Act shall be in accordance with those standards and procedures prescribed by the Director of the Budget, pursuant to the Executive Budget Act.

"(c) Allowances for room and board in State educational institutions shall be at such rate as the Director of the Budget may determine to be reasonable.

"(d) Scholarship recipients electing to attend a private educational institution shall be granted a monetary allowance for each term or other academic period attended under their respective scholarship awards. All recipients under Class I-
CHAPTER 741  SESSION LAWS—1969

B scholarship shall receive an allowance at one rate, irrespective of course or institution; all recipients under Classes I-A, II and III shall receive an uniform allowance at a rate higher than for Class I-B, irrespective of course or institution. The amount of said allowances shall be determined by the Director of the Budget and made known prior to the beginning of each fall quarter or semester; provided that the Director of the Budget may change the allowances at intermediate periods when in his judgment such changes are necessary. Disbursements by the State shall be to the private institution concerned, for credit to the account of each recipient attending said institution. The manner of payment to any private institution shall be as prescribed by the Department of Administration. The participation by any private institution in the program shall be subject to the applicable provisions of this Article and to examination by State auditors of the accounts of scholarship recipients attending or having attended private institutions. The Department of Veterans Affairs may defer making an award or may suspend an award in any private institution which does not comply with the provisions of this Article relating to said institutions."

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 989  CHAPTER 742

AN ACT TO CLARIFY THE STATUTE RELATING TO THE CONSOLIDATION AND MERGER OF COUNTY AND CITY SCHOOL ADMINISTRATIVE UNITS LOCATED IN THE SAME COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph (6) of the second paragraph of G.S. 115-74.1, as the same appears in the 1967 Supplement to Volume 3A, is hereby rewritten to read as follows:

"(6) Whether or not there shall be continued in force any supplemental school tax which may be in effect in either or all administrative units involved".

Sec. 2. G.S. 115-74.1, as the same appears in the 1967 Supplement to Volume 3A of the General Statutes, is hereby amended by adding thereto another paragraph, which shall read as follows:

"Upon approval of the plan of consolidation or merger by the State Board of Education, or upon approval of the plan of consolidation or merger by the voters in a referendum or election called for such purpose, and as soon as a provisional or interim board of education of the merged unit, or a permanent board of education of the merged unit, enters in and upon the duties of the administration of the public schools of the consolidated or merged unit, then the former boards of education and all public officers of the former boards of education of the separate units thus merged shall stand abolished, and said separate boards of education or administrative units thus merged shall stand dissolved and shall cease to exist for any and all purposes. All consolidations and mergers of county and city boards of education and of county and city administrative units heretofore agreed to and finally approved, and all consolidation or merger proceedings entered into prior to the effective date of this Act are hereby declared to be effective, legal and according to law
notwithstanding any defect in the merger or consolidation proceedings and notwithstanding any dissolution of the separate boards of education and public officers of the former, separate school units."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 1045

CHAPTER 743

AN ACT TO AUTHORIZE CONTRACTUAL AGREEMENTS AMONG UNITS OF LOCAL GOVERNMENT FOR THE USE OF COMMON CONFINEMENT FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 153-53.7 is amended by designating the present paragraph as subsection (a) and adding at the end thereof subsection (b) as follows:

"Any two or more units of local government (county or municipal) may enter into service contracts with one another whereby one such unit may own and operate a local confinement facility or jail and the other unit or units may use such facility for the confinement of any or all persons that such unit or units may lawfully confine. Terms and conditions for such service contracts shall be those which the governing bodies of the contracting units may deem to be proper."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 1109

CHAPTER 744

AN ACT TO MAKE MOTOR VEHICLE ASSIGNED RISK POLICIES AVAILABLE TO COUNTY AND MUNICIPAL AMBULANCE OR RESCUE SQUAD SYSTEMS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 58-248, as the same appears in the 1967 Cumulative Supplement to Volume 2B of the General Statutes, is hereby amended by striking the last paragraph thereof and by substituting in lieu thereof the following:

"The provisions of G.S. 58-246 through G.S. 58-248 shall not apply to publicly owned vehicles except ambulances and rescue squad vehicles which are owned or operated by a county or municipality."

Sec. 2. G.S. 20-279.34, as the same appears in the 1967 Cumulative Supplement to Volume 1C, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"The provisions of this section shall apply to vehicles operated by a county or municipality as an ambulance service or as a rescue squad, and the assigned risk plan shall provide for the assignment of policies on such vehicles."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

761
CHAPTER 744  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 1110  CHAPTER 745

AN ACT RELATING TO ACCIDENT AND HEALTH INSURANCE POLICIES, MEDICAL SERVICE POLICIES AND HOSPITAL SERVICE POLICIES AND PROVIDING THAT COVERAGE UNDER SUCH POLICIES SHALL CONTINUE AS TO MENTALLY RETARDED CHILDREN WHO HAVE PASSED THE LIMITING AGE FOR DEPENDENT CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Article 26 of Chapter 58 of the General Statutes is hereby amended by inserting after the present Section 58-251.2 a new section to be designated as 58-251.3 and reading as follows:

"G.S. 58-251.3. Policy coverage to continue as to mentally retarded children. An individual accident and health insurance policy, hospital service policy, or medical service plan policy, delivered or issued for delivery in this State after July 1, 1969, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the policy or contract, shall also provide in substance that attainment of such limiting age shall not operate or terminate the coverage of such child while the child is and continues to be (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap; and (b) chiefly dependent upon the policyholder or subscriber for support and maintenance: Provided, proof of such incapacity and dependency is furnished to the insurer, hospital service plan corporation, or medical service plan corporation by the policyholder or subscriber within 31 days of the child's attainment of the limiting age and subsequently as may be required by the insurer or corporation, but not more frequently than annually after the child's attainment of the limiting age."

Sec. 2. This Act shall apply to medical service plan policies and hospital service plan policies issued under provisions of Chapter 57 as fully as the same applies to accident and health policies issued under Chapter 58 of the General Statutes.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 113  CHAPTER 746

AN ACT TO RECODIFY AND SIMPLIFY THE LAW CONCERNING DISCHARGE OF RECORD OF MORTGAGES, DEEDS OF TRUST AND OTHER INSTRUMENTS INTENDED TO SECURE THE PAYMENT OF MONEY OR THE PERFORMANCE OF ANY OTHER OBLIGATION.

The General Assembly of North Carolina do enact:

Section 1. G.S. 45-37 is rewritten to read as follows:

"Sec. 45-37. Discharge of record of mortgages, deeds of trust and other instruments. (a) Subject to the provisions of G.S. 45-73 relating to secured instruments which secure future advances, any deed of trust or mortgage or other instrument
intended to secure the payment of money or the performance of any other obligation registered as required by law may be discharged and released of record in the following manner:

(1) By acknowledgment of the satisfaction of the provisions of such deed of trust, mortgage or other instrument in the presence of the Register of Deeds by
   a. the trustee,
   b. the mortgagee,
   c. the legal representative of a trustee or mortgagee, or
   d. a duly authorized agent or attorney of any of the above.

Upon acknowledgment of satisfaction, the Register of Deeds shall forthwith make upon the margin of the record of such deed of trust, mortgage or other instrument an entry of such acknowledgment of satisfaction which shall be signed by the trustee, mortgagee, legal representative, agent or attorney and witnessed by the Register of Deeds who shall also affix his name thereto.

(2) By exhibition of any deed of trust, mortgage or other instrument accompanied with the bond, note, or other instrument thereby secured to the Register of Deeds, with the endorsement of payment and satisfaction appearing thereon by
   a. the obligee,
   b. the mortgagee,
   c. the trustee,
   d. an assignee of the obligee, mortgagee, or trustee; or
   e. any chartered banking institution, national or state, qualified to do business in and having an office in the State of North Carolina, when so endorsed in the name of the institution by an officer thereof.

Upon exhibition of the instruments, the Register of Deeds shall cancel the mortgage, deed of trust or other instrument by entry of satisfaction on the margin of the record. The person so claiming satisfaction, performance or discharge of the debt or other obligation may retain possession of all of the instruments exhibited. The exhibition of the mortgage, deed of trust or other instrument alone to the Register of Deeds, with endorsement of payment, satisfaction, performance or discharge shall be sufficient if the mortgage, deed of trust or other instrument itself sets forth the obligation secured or the performance of any other obligation and does not call for or recite any note, bond or other instrument secured by it. The Register of Deeds may require the person exhibiting the instruments for cancellation to furnish him an acknowledgment of cancellation of the mortgage, deed of trust or other instrument for the purpose of showing upon whose request and exhibition the mortgage, deed of trust or other instrument was cancelled.

(3) By exhibiting to the Register of Deeds by:
   a. the grantor,
   b. the mortgagor, or
   c. an agent, attorney or successor in title of the grantor or mortgagor
of any mortgage, deed of trust or other instrument intended to secure the payment of money or the performance of any other obligation, together with the bond, note or other instrument secured thereby, or by exhibition of the mortgage, deed of trust or other instrument alone if such instrument itself sets forth the obligation secured or other obligation to be performed and does not call for or recite any note, bond or other instrument secured by it, if at the time of exhibition, all such instruments are more than ten (10) years old counting from the maturity date of the last obligation secured. If the instrument or instruments so exhibited have an endorsement of partial payment, satisfaction, performance or discharge within the said period of ten (10) years, the period of ten (10) years shall be counted from the date of the most recent endorsement.

The Register of Deeds shall make proper entry of cancellation and satisfaction of said instrument on the margin of the record where the same is recorded, whether there be any such entries on the original papers or not.

(4) By exhibition to the Register of Deeds of any deed of trust given to secure the bearer or holder of any negotiable instruments transferable by delivery, together with all the evidences of indebtedness secured thereby, marked paid and satisfied in full and signed by the bearer or holder thereof.

Upon exhibition of the deed of trust, and the evidences of indebtedness properly marked, the Register of Deeds shall cancel such deed of trust by entry of satisfaction upon the margin of the record, which entry shall be valid and binding upon all persons, if no person rightfully entitled to the deed of trust or evidences of indebtedness has previously notified the Register of Deeds in writing of the loss or theft of the instrument or evidences of indebtedness and has caused the Register of Deeds to record the notice of loss or theft on the margin of the record of the deed of trust.

Upon receipt of written notice of loss or theft of the deed of trust or evidences of indebtedness the Register of Deeds shall make on the record of the deed of trust concerned a marginal entry in writing thereof, with the date of receipt of the notice. The deed of trust shall not be cancelled after such marginal entry until the ownership of said instrument shall have been lawfully determined. Nothing in this subdivision (4) shall be construed to impair the negotiability of any instrument otherwise properly negotiable, nor to impair the rights of any innocent purchaser for value thereof.

Every entry of acknowledgment of satisfaction or of satisfaction made or witnessed by the Register of Deeds as provided in subdivision (a)(1) shall operate and have the same effect to release and discharge all the interest of such trustee, mortgagee or representative in such deed or mortgage as if a deed of release or reconveyance thereof had been duly executed and recorded.

"(b) It shall be conclusively presumed that the conditions of any deed of trust, mortgage or other instrument securing the payment of money or securing the performance of any other obligation or obligations have been complied with or the debts secured thereby paid or obligations performed, as against creditors or purchasers for valuable consideration from the mortgagor or grantor, from and after the expiration of fifteen (15) years from whichever of the following occurs last:

a. The date when the conditions of such instrument were required by its terms to have been performed, or
b. The date of maturity of the last installment of debt or interest secured thereby;
Provided that the holder of the indebtedness secured by such instrument or party secured by any provision thereof may file an affidavit with the Register of Deeds which affidavit shall specifically state:

1. the amount of debt unpaid, which is secured by said instrument; or
2. in what respect any other condition thereof shall not have been complied with;

may make on the margin of the record of the instrument a notation signed by the holder or party secured and witnessed by the Register of Deeds stating:

1. any payments that have been made on the indebtedness or other obligation secured by such instrument including the date and amount of payments and
2. the amount still due or obligations not performed under the instrument.

The effect of the filing of the affidavit or of the notation made as herein provided shall be to postpone the effective date of the conclusive presumption of satisfaction to a date fifteen (15) years from the filing of the affidavit or from the making of the notation. There shall be only one postponement of the effective date of the conclusive presumption provided for herein. The Register of Deeds shall record the affidavit provided for herein and shall make a reference on the margin of the record of the instrument referred to therein to the filing of such affidavit and to the book and page where the affidavit is recorded. This subsection shall not apply to any deed, mortgage, deed of trust or other instrument made or given by any railroad company, or to any agreement of conditional sale, equipment trust agreement, lease, chattel mortgage or other instrument relating to the sale, purchase or lease of railroad equipment or rolling stock, or of other personal property.

"(c) In any county in which deeds of trust and mortgages are recorded in the office of the Register of Deeds by microphotographic process or any other method or process which renders impractical or impossible the subsequent entry of marginal notations upon the records of instruments, the Register of Deeds, in lieu of making entries of acknowledgment, of satisfaction or of cancellation and satisfaction, shall require the submission for recordation of a notice of satisfaction sufficient to comply with the provisions of G. S. 45-37.2.

"(d) For the purposes of this section 'Register of Deeds' means the Register of Deeds, his deputies or assistants of the county in which the mortgage, deed of trust, or other instrument intended to secure the payment of money or performance of other obligation is registered."

"(e) Any transaction subject to the provisions of the Uniform Commercial Code, Chapter 25 of the General Statutes, is controlled by the provisions of that Act and not by this section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  Sec. 3. This Act shall become effective January 1, 1970.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.
S. B. 729

CHAPTER 747

AN ACT TO PROVIDE FOR VENDOR AND PROTECTIVE PAYMENTS UNDER PUBLIC ASSISTANCE PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-50 as it appears in Chapter 546 of the Session Laws of 1969 is hereby rewritten to read as follows:

"G. S. 108-50. Protective and vendor payments.—Instead of the use of personal representatives provided for by G. S. 108-49, when necessary to comply with any present or future Federal law or regulation in order to obtain Federal participation in public assistance payments, the payments may be made direct to vendors to reimburse them for goods and services provided to the applicants or recipients, and may be made to protective payees who shall act for the applicant or recipient for receiving and managing assistance. Payments to vendors and protective payees shall be made to the extent provided in, and in accordance with, rules and regulations of the State Board of Social Services, which rules and regulations shall be subject to applicable Federal laws and regulations."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 112

CHAPTER 748

AN ACT TO PROVIDE FOR THE CREATION OF A TENANCY BY THE ENTIRETY IN THE DIVISION OF LAND.

The General Assembly of North Carolina do enact:

Section 1. Chapter 39 of the General Statutes is hereby amended by inserting therein a new section to read as follows:

"Sec. 39-13.5. Creation of tenancy by entirety in partition of real property. When either a husband or a wife owns an undivided interest in real property as a tenant in common with some person or persons other than his or her spouse and there occurs an actual partition of the property, a tenancy by the entirety may be created in the husband or wife who owned the undivided interest and his or her spouse in the manner hereinafter provided:

(1) In a division by cross-deed or deeds, between or among the tenants in common provided that the intent of the tenant in common to create a tenancy by the entirety with his or her spouse in this exchange of deeds must be clearly stated in the granting clause of the deed or deeds to such tenant and his or her spouse, and further provided that whenever the tenant in common is a married woman, the deed or deeds to such tenant and her spouse is signed by them and is acknowledged before a certifying officer who shall make a private examination of the married woman in accordance with G. S. 52-6; or

(2) In a judicial proceeding for partition. In such proceeding, both spouses have the right to become parties to the proceeding and to have their pleadings state that the intent of the tenant in common is to create a tenancy by the entirety with his or her spouse. The order of partition shall provide that the real property assigned to such tenant and his or her spouse shall be owned by them as tenants
by the entirety; provided that whenever the tenant in common is a married woman, the pleading showing her intent to create a tenancy by the entirety is acknowledged before a certifying officer who shall make the private examination of the married woman in accordance with G. S. 52-6.*

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective October 1, 1969.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 134

CHAPTER 749

AN ACT TO AMEND THE LAWS RELATING TO THE EDUCATION OF DEAF AND BLIND CHILDREN IN STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. Sec. 115-172 through Sec. 115-175 is hereby rewritten to read as follows:

"Sec. 115-172. Deaf children and blind children to attend school; age limits; minimum attendance. Every deaf child and every blind child between the ages of six and eighteen years of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school that has an approved program for the deaf or the blind, or in the case of a blind child, such child may attend a public school, for a term of not less than nine months each year. Parents, guardians, or custodians of every such blind or deaf child between the ages of six and eighteen years shall send, or cause to be sent, such child to some school for the instruction of the blind or deaf or public school as herein provided. As to any deaf child, or any blind child not attending a public school as herein provided, the Superintendent of any school for the blind or deaf may exempt any such child from attendance at any session or during any year, and may discharge from his custody any such blind or deaf child whenever such discharge seems necessary or proper. Such discharge or exemption shall be reviewed by the Board of Directors upon petition by the parent, guardian, or other interested person or the child who has been exempted or discharged; provided, however, that such Board shall not be required to review such discharge or exemption more than once during each calendar year. Whenever a blind or deaf child shall reach the age of eighteen years and is still unable to become self-supporting because of his defects, such child shall continue in said school until he reaches the age of twenty-one, unless he becomes capable of self-support at an earlier date.

"Sec. 115-173. Parents, etc., failing to enroll deaf child in school guilty of misdemeanor; provisions. The parents, guardians, or custodians of any deaf child or children between the ages of six and eighteen years failing to enroll such deaf child or children in some school for instruction as provided herein, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court. Provided, that this Section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the Superintendent of any school for the instruction of the deaf shall in his discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution, advising such parents, guardians, or custodians of the legal requirements of this Section and provided, further, that the willful failure of such
parent, guardian, or custodian shall constitute a continuing offense and shall not be barred by the statute of limitations.

"Sec. 115-174. Parents, etc., failing to send blind child to school guilty of misdemeanor; provisos. The parents, guardians, or custodians of any blind child or children between the ages of six and eighteen years failing to send such child or children to some school for the instruction of the blind or public school shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court. This Section shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the Superintendent of some school for the instruction of the blind shall in his discretion serve written notice on such parents, guardians, or custodians directing that such child be sent to the said school or to a public school, advising such parents, guardians, or custodians of the legal requirements of this Section and provided, further, that the willful failure of such parents, guardians, or custodians shall constitute a continuing offense and shall not be barred by the statute of limitations. The authorities of The Governor Morehead School shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

"Sec. 115-175. School Superintendent to report blind and deaf children. It shall be the duty of the county and city school superintendents to report the names and addresses of parents, guardians, or custodians of any deaf or blind children residing within their respective school administrative units to the Superintendent of the institution provided for each. Such report also shall be made to the Department of Public Instruction."

Sec. 2. Article 40 of Chapter 115 of the General Statutes, to be designated "Article 40. Governor Morehead School", is hereby amended to read as follows:

"Article 40.

*Governor Morehead School

"Sec. 115-321. Incorporation, name and management. The institution for the education of the blind, located in the city of Raleigh, shall be a corporation under the name and style of The Governor Morehead School, and shall be under the management of a Board of Directors and Superintendent.

"Sec. 115-322. Directors; appointment; terms; vacancies. There shall be eleven directors of The Governor Morehead School at Raleigh, to be appointed by the Governor. The terms of the directors shall be six years from their appointment and until their successors are appointed and qualified except that:

(a) All directors previously appointed and presently serving shall continue to serve until the expiration of their respective terms.

(b) As the terms of the present Board expire, their successors shall be selected so that the terms of four directors shall expire two years from the date of appointment; the terms of four directors shall expire four years from the date of appointment; and the terms of three directors shall expire six years from the date of appointment.

(c) Thereafter, all terms shall be six years, beginning with the date of appointment for succeeding terms.

(d) The Governor shall transmit to the Senate during each session of the General Assembly the names of his appointees for confirmation. The Governor shall have the power to remove any member of the Board of Directors whenever in his opinion
it is to the best interest of the State to remove such person, and the Governor shall not be required to give any reason for such removal. The Governor shall fill all vacancies. All appointees by the Governor filling any vacancies shall be for the duration of the unexpired term of the office vacated.

"Sec. 115-323. Chairman, executive committee, and other officials; election, terms, and salaries. The Board of Directors shall organize by electing one of its members chairman, and in addition shall elect two additional members of the Board who shall serve with the chairman as the Executive Committee. The terms of office in each case shall be for two years. The Board shall elect a Superintendent who shall be ex officio secretary of the Board, and whose term of office shall be for three years; and such officers, agents and teachers as shall be deemed necessary. The compensation for officers, other than the Superintendent, agents and teachers shall be fixed by the State Personnel Department upon the recommendation of the Superintendent.

"Sec. 115-324. Meetings of the Board and compensation of the members. The Board shall meet at stated times and also at such other times as it may deem necessary. The members of the Board shall be paid traveling expenses incurred in the discharge of their official duties, and they shall also be paid the same per diem for attending meetings of the Board as is provided for Boards of other State institutions.

"Sec. 115-325. Admission of pupils; how admission obtained. The Board of Directors shall, on application, receive in the institution for the purpose of education all blind children who are residents of this State, not of confirmed immoral character, nor unsound in mind, nor incapacitated by physical infirmity for useful instruction, who are between the ages of six and eighteen years. Provided, that pupils who are not within the age limits above set forth may be admitted to said institution in cases in which the Board of Directors finds that the admission of such pupils will be beneficial to them and in cases in which there is sufficient space available for their admission in said institution. Provided, further, that the Board of Directors is authorized to make expenditures, out of any scholarship funds or other funds already available or appropriated, of sums of money for the use of out-of-State facilities for any student who, because of peculiar conditions or disability, cannot be properly educated at the School in Raleigh. Until schools for the deaf at Wilson and Morganton are complete and ready to receive deaf students, such deaf students who normally would attend The Governor Morehead School, shall be received and educated therein.

"Sec. 115-326. Admission of curable blind. It shall be the duty of the Directors of The Governor Morehead School to admit into such institution from time to time, provided space is available, such of the blind of the State as they may deem to be curable.

"Sec. 115-327. Admission of pupils from other states. The Board may, on such terms as it deems proper and upon the receipt of tuition and necessary expenses as prescribed by the Board, admit as pupils persons of like infirmity from any other state but such power shall not be exercised to the exclusion of any child of this State, and the person so admitted shall not acquire the condition of a resident of the State by virtue of such pupilage.
"Sec. 115-328. Board may confer diplomas. The Board may, upon the recommendation of the Superintendent and faculty, confer such diplomas or marks of achievement upon its graduates as it may deem appropriate to encourage merit.

"Sec. 115-329. Election of officers. The Board of Directors shall elect the Superintendent of the School for a term of three years. The term of the present Superintendent shall continue until July 1, 1969, and thereafter until his successor shall be elected and qualified. The Superintendent shall be a man of good moral character, and shall have such experience and training as in the opinion of the Board of Directors shall qualify such person for this position. He shall have charge of the institution, and he shall do and perform such duties and exercise such supervision as is incumbent upon such officer.

"Sec. 115-330. State Treasurer is ex officio treasurer of institution. The State Treasurer shall be ex officio treasurer of the institution. He shall report to the Board at such times as they may call on him, showing the amount received on account of the institution, amount paid out, and amount on hand.

"Sec. 115-331. Reports of Board to Governor. The Board shall make a written, informal, annual report to the Governor and shall furnish any information which the Governor shall desire from time to time.

"Sec. 115-332. Removal of officers. The Board shall have power to remove any officer, employee, or teacher for gross immorality, willful neglect of duty, or any good and sufficient cause; but in any such case notice in writing of the charges shall be served on the accused. The Superintendent with the approval of the Board shall fill all vacancies which may occur from any cause.

"Sec. 115-333. Employees. The Superintendent, subject to the control of the Board, shall have power to employ all employees and recommend their compensation to the State Personnel Department for approval, and to discharge them at pleasure.

"Sec. 115-334. When clothing, etc., for pupils paid for by county. Where it shall appear to the satisfaction of the Director of Public Welfare and the Chairman of the Board of County Commissioners of any county in this State that the parents of any blind child, residing in such county, are then unable to provide such child with clothing and/or traveling expenses to and from The Governor Morehead School, or where such child has no living parent, or any estate of its own, or any person, or persons, upon which it is legally dependent who are able to provide expenses for such transportation and clothing, then upon the demand of the institution which such child attends or has been accepted for attendance, said demand being made through the State Auditor, the Board of County Commissioners of the county in which such child resides shall issue or cause to be issued its warrant payable to the State Auditor, same to be credited to the proper institution, for the payment of an amount sufficient to clothe and pay traveling expenses of said child.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.
S. B. 457

CHAPTER 750

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REQUIRE THAT ALL COUNTIES ADOPT THE FULL-TIME REGISTRATION OF VOTERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-67(a) is amended by deleting it in its entirety and inserting in lieu thereof the following:

"G. S. 163-67(a). The County Boards of Elections shall establish, prior to January 1, 1971, a full-time system of registration, as prescribed by the State Board of Elections, under which the registration books, process, and records shall be open continuously for the acceptance of registration applications and for the registration of voters at all reasonable hours and time consistent with the daily function of all other county offices. In such counties no registration shall entitle a registrant to vote in any primary, general or special election unless the registrant shall have made application not less than 21 days, excluding Saturdays and Sundays, immediately preceding such primary, general or special election, provided that nothing shall prohibit registrants from registering to vote in future elections during such period.

When full-time registration has been established in a county, the official record of registration shall be made and kept in the form of an application to register which, as prescribed by the State Board of Elections, shall contain all information necessary to show the applicant's qualifications to register. In such a county, no person shall be registered to vote without first making a written, sworn, and signed application to register upon the form prescribed by the State Board of Elections. If the applicant cannot write because of physical disability, his name shall be written on the application for him by the election official to whom he makes application, but the specific reason for the applicant's failure to sign shall be clearly stated upon the face of the application.

Registrars and special registration commissioners appointed under the provisions of G. S. 163-41 may take registration applications from and administer registration oaths to qualified applicants without regard to the precinct residence of the registrar, special registration commissioner, or applicant: Provided, however, the County Board of Elections shall have power to limit the areas in which registrars and special registration commissioners may exercise the authority conferred in this paragraph.

Applications to register which have been completed by persons who have taken the required oath shall be forwarded promptly to the County Board of Elections. An application to register shall constitute a valid registration unless the County Board of Elections shall notify the applicant of its rejection within 30 days after its completion; provided that where the application is completed during the last 51 days prior to the election but at least 21 days prior to the election, the notification of rejection shall be made no less than 21 days prior to the election or the application shall constitute a valid registration. The loose-leaf binders containing the precinct records and the duplicate registration record, required by G. S. 163-65(a), shall be kept at all times in a safe place.

For the purpose of receiving registration applications, registrars shall attend the voting places in their precincts only on such days and at such hours as may be fixed by the County Board of Elections: Provided, the County Board of Elections
shall not require registrars to be present at the voting places for this purpose on any day less than 21 days, excluding Saturdays and Sundays, prior to a primary or election. In its discretion, the County Board of Elections may require no attendance by registrars at the voting places for the purpose of receiving registration applications.

The County Board of Elections is authorized to make reasonable rules and regulations, not inconsistent with law and State Board regulations, to insure full-time registration as provided in this Section.*

G. S. 163-67(b) is amended by deleting it in its entirety and inserting in lieu thereof the following:

"G. S. 163-67(b). In counties which have less than 14,001 registered voters the State Board of Elections shall prescribe reasonable regulations permitting such counties to operate a modified full-time office to the extent that the operation of such full-time office will not necessarily be required to be open such as is required in counties with total registered voters in excess of 14,000; provided, that nothing herein shall preclude such counties from maintaining office hours for registration consistent with the hours observed by all other offices within said county. In counties which operate under a modified full-time system as authorized by this Section, registration commissioners shall not be allowed."

G. S. 163-67.1—Executive Secretary, Appointment by County Board of Elections. The County Boards of Elections, whether operating under the provisions of G. S. 163-67(a) or (b) shall have authority to employ an Executive Secretary who shall be paid such compensation as recommended by the County Board of Elections and approved by the respective Boards of County Commissioners. The Executive Secretary may be empowered by the County Board of Elections to perform such administrative duties as might be assigned by the chairman. In addition to any administrative duties the Executive Secretary shall be authorized to receive applications for registration and in pursuit of such authority shall be given the oath required of all registrars. In addition, the Executive Secretary may be authorized by the chairman to execute the responsibilities devolving upon the chairman from G. S. 163-73 provided such authorization by any chairman shall in no way transfer the responsibility for compliance with the law. The chairman shall remain liable for proper execution of all matters specifically assigned to him by law.

Sec. 2. The cost of maintaining the registration and election processes required by this Act shall be allocated by the respective Boards of County Commissioners upon approval of budget requirements submitted by the respective County Board of Elections. The respective Boards of County Commissioners shall appropriate reasonable and adequate funds necessary for the legal functions of the County Boards of Elections, including reasonable and just compensation of the Executive Secretary.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.
S. B. 493

CHAPTER 751

AN ACT TO AMEND CHAPTER 55 AND RELATED PROVISIONS OF THE GENERAL STATUTES RELATING TO BUSINESS CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-6 is amended and rewritten to read as follows:

"Sec. 55-6. Incorporators. One or more natural persons, whether or not residents of this State, of the age of 21 years or more may act as incorporators of a corporation by signing and acknowledging articles of incorporation, which shall be filed in accordance with the provisions of G. S. 55-4. The acknowledgement shall be before an officer duly authorized under the laws of this State to take the proof or acknowledgment of deeds."

Sec. 2. G. S. 55-7(9) is hereby amended and rewritten to read as follows:

"(9) The number of directors constituting the initial board of directors (who may be classified in accordance with the provisions of G. S. 55-26) and the name and address, including street and number, if any, of each person who is to serve as a director until the first meeting of shareholders or until his successor be elected and qualified.

Sec. 3. G. S. 55-11 is hereby amended and rewritten to read as follows:

"Sec. 55-11. Organization meeting of directors. After the filing of the articles of incorporation in the office of the Secretary of State, an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this State, at the call of a majority of the directors, for the purpose of adopting by-laws, electing officers, and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least three days notice thereof by mail to each director so named, which notice shall state the time and place of the meeting, unless notice is waived as hereinafter provided. Any action permitted to be taken at the organization meeting may be taken without a meeting of the board of directors and shall be deemed board action if it complies with the requirements of G. S. 55-29."

Sec. 4. G. S. 55-12(c) is hereby amended and rewritten to read as follows:

"(c) The corporate name shall not, subject to the provisions of G. S. 55-137(c), be the same as, or deceptively similar to, the name of any domestic corporation or of any foreign corporation authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved or registered by some other person in the manner prescribed in this Section.

Sec. 5. G. S. 55-12(f) is hereby amended by inserting in the third line thereof immediately after the word "therefor" the words "stating the name and address of the applicant."

Sec. 6. G. S. 55-12 is hereby amended by renumbering subsection (h) thereof as subsection (i) thereof and by inserting at the end of subsection (g) thereof two new subsections numbered (h) and (i) to read as follows:

"(h) Any foreign corporation not transacting business in this State may register its corporate name, if not prohibited by this Section, by filing with the Secretary of State a verified application therefor setting forth the name and address of the principal office of the corporation, the jurisdiction in which it is incorporated, the date of its incorporation, a statement that it is organized and doing business in good standing under the laws of the jurisdiction in which it is incorporated, and
a brief statement of the business in which it is engaged; and the Secretary of State shall, upon tender of the fee prescribed by G. S. 55-155(a)(1), register the name exclusively for the use of such foreign corporation, unless he finds that the name is not available under the provisions of this Section. Such registration shall be effective for a period of one year, and it may be renewed from year to year, not to exceed ten years, by filing with the Secretary of State a verified renewal application setting forth the same facts required to be set forth in the original application for registration. Any renewal application filed after the expiration of the registration shall be treated as a new application for registration.

"(i) The Secretary of State may revoke any reservation or registration of a corporate name if he finds, upon a hearing held not less than five (5) days after written notice has been sent by registered mail to the person or corporation who made the reservation or registration, that the application therefor or any transfer thereof was not made in good faith or that any statement contained in the application for reservation or registration was false when such application was filed or has thereafter become false."

Sec. 7. G. S. 55-17(b)(3) is hereby amended and rewritten to read as follows:

"(3) To enter into contracts of guaranty or suretyship or make other financial arrangements for the benefit of any person, firm or corporation."

Sec. 8. G. S. 55-17(b)(4) is hereby amended and rewritten to read as follows:

"(4) To provide insurance for its benefit on the life or physical or mental ability of any of its officers or employees or on the life or physical or mental ability of any security holder for the purpose of acquiring at his death or disability its securities owned by such security holder, and for these purposes the corporation is deemed to have an insurable interest in its officers, employees, or security holders; and to provide insurance for its benefit on the life or physical or mental ability of any other person in whom it has an insurable interest."

Sec. 9. G. S. 55-22 is hereby amended and rewritten to read as follows:

"Sec. 55-22. Loans and Guaranties. (a) Subject to the provisions of subsection (b) hereof, except with the consent of the holders of a majority of all the shares outstanding, regardless of limitation on voting rights, other than the shares held by the adversely interested party, a corporation shall not, directly or indirectly, make any loan of money or property to, or guarantee or otherwise secure the obligation of:

(1) Any directors or officers of the corporation; or

(2) Any corporation of which the officers and directors of the lending or securing corporation own more than fifty percent (50%) of the outstanding securities of any class; or

(3) Any dominant shareholder or any other corporation of which said shareholder is a dominant shareholder, unless that corporation is a subsidiary of the lending or securing corporation; or

(4) Any person upon the security of the shares of any corporation mentioned in subdivisions (2) and (3) of this subsection. A sale on credit in the ordinary course of business is not a loan within the meaning of this Section.

"(b) If all shareholders, regardless of limitation on voting rights, are adversely interested in the proposed loan, guaranty, or other form of security, such transaction
may be entered into by the corporation only with the consent of all such shareholders.

"(c) The provisions of this Section do not apply to loans, guaranties, or other forms of security extended by banks, industrial banks, building and loan associations, land and loan associations, credit unions or insurance companies, or to loans permitted under any statute regulating any special class of corporations."

Sec. 10. G. S. 55-25(a) is amended and rewritten to read as follows:

"(a) The number constituting the board of directors shall not be fewer than three, except that the initial board of directors fixed by the Articles of Incorporation may be fewer than three (3) until the issuance of shares and except also that if and so long as all the shares of a corporation are owned of record by either one or two shareholders the number of directors may be fewer than three but not fewer than the number of such shareholders. The number constituting the initial board of directors shall be fixed by the Articles of Incorporation. In the absence of a provision in the Articles of Incorporation, the charter, or the by-laws fixing the number of directors, the number shall be the same as that fixed in the Articles of Incorporation for the initial board of directors, subject to the provisions of this Section. The Articles of Incorporation, the charter, or the by-laws may provide for a maximum and minimum number of directors, and, if so, shall designate the manner in which such number shall from time to time be determined. If the fixing of a maximum and minimum number of directors is authorized, the Articles of Incorporation, the charter, or the by-laws may provide that any directorships not filled by the shareholders shall be treated as vacancies to be filled by and in the discretion of the board of directors."

Sec. 11. G. S. 55-25 is hereby amended by adding at the end of subsection (e) a new subsection (f) to read as follows:

"(f) The number of votes necessary to elect a director and the procedure for election of directors are governed by the provisions of G. S. 55-67(c)."

Sec. 12. G. S. 55-28(d) is hereby amended and rewritten to read as follows:

"(d) A majority of the number of directors fixed by the charter or by-laws shall constitute a quorum for the transaction of business unless a greater number is required by the charter or the by-laws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by this chapter, the charter or the by-laws."

Sec. 13. G. S. 55-31 is hereby amended and rewritten to read as follows:

"Sec. 55-31. Executive and other committees. (a) Unless otherwise provided in the charter or a by-law adopted by the shareholders, the board of directors, by resolution adopted by a majority of the number of directors then in office may designate from among its members an executive committee and one or more other committees, each consisting of two or more directors, and each of which, to the extent provided in the resolution or in the charter or the by-laws of the corporation, shall have and may exercise all of the authority of the board of directors in the management of the corporation, except that no such committee shall have authority as to the following matters:

(1) The dissolution, merger or consolidation of the corporation; or the sale, lease or exchange of all or substantially all of the property of the corporation.
(2) The designation of any such committee or the filling of vacancies in the board of directors or in any such committee.

(3) The fixing of compensation of the directors for serving on the board or on any such committee.

(4) The amendment or repeal of the by-laws, or the adoption of new by-laws.

(5) The amendment or repeal of any resolution of the board which by its terms shall not be so amendable or repealable.

"(b) Any such committee, or any member thereof may be discharged or removed by action of a majority of the board of directors pursuant to the provisions of G. S. 55-28 (d) or G. S. 55-29.

"(c) The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors or any member thereof, of any responsibility or liability imposed upon it or him by law."

Sec. 14. Chapter 55 of the General Statutes is hereby amended by inserting a new section G. S. 55-37.1 therein to read as follows:

"Sec. 55-37.1. Form of Records. Any records maintained by a corporation in the regular course of its business, including its stock ledger, books of account, and minute books, may be kept on, or be in the form of, punch cards, magnetic tape, photographs, microphotographs, or any other information storage device; provided that the records so kept can be converted into clearly legible form within a reasonable time. Any corporation shall so convert any records so kept upon the request of any person entitled to inspect the same. Where records are kept in such manner, the cards, tapes, photographs, microphotographs or other information storage device together with a duly authenticated print-out or translation shall be admissible in evidence, and shall be accepted for all other purposes, to the same extent as an original written record of the same information would have been."

Sec. 15. G. S. 55-40(c) is hereby amended and rewritten to read as follows:

"(c) Notwithstanding the provisions of subsection (a)(2) of this Section, authorizing the issuance of shares entitling the holders thereof to noncumulative or partially cumulative dividends, noncumulative preferred shares of a class out of which shares were initially issued after June 30, 1957, and before October 1, 1969, shall be entitled to a dividend credit, as defined in this chapter, and until such dividend credit is fully discharged no dividend shall be paid to any shares that are subordinate to such preferred shares as to dividends."

Sec. 16. G. S. 55-40(d) is hereby amended and rewritten to read as follows:

"(d) Unless the provisions of the charter or of resolutions fixing the characteristics of shares clearly indicate otherwise, if noncumulative shares, whether issued before or after the enactment of this chapter, are entitled to preferential payments on liquidation or dissolution, the amount of any then existing dividend credit shall be added to the said preferential payment."

Sec. 17. G. S. 55-40(e) is hereby amended and rewritten to read as follows:

"(e) Except in cases falling within G. S. 55-52(b)(4) or (5), no shares shall be hereafter authorized which purport to be redeemable at the election of the holder or which at the election of the holder purport to change his status to that of a creditor either at a designated time or upon a designated contingency. Nothing herein shall invalidate mandatory sinking fund requirements for the application of net earnings to
the redemption of shares. This subsection shall not apply to building and loan associations or to land and loan associations."

Sec. 18. G. S. 55-43(e) is hereby amended by adding at the end of the first sentence of subsection (e) after the word "series", the words; provided, that nothing herein shall invalidate the provisions of written agreements falling within G. S. 55-52(b)(4)."

Sec. 19. Chapter 55 of the General Statutes is amended by inserting immediately after G. S. 55-44 and immediately preceding G. S. 55-45 a new section G. S. 55-44.1 to read as follows:

"Sec. 55-44.1. Rights of holders of debt securities. In addition to any rights otherwise lawfully conferred, the charter of the corporation may confer upon the holders of any bonds, debentures or other debt obligations issued or to be issued by the corporation any one or more of the following powers and rights upon such terms and conditions as may be prescribed in the charter:

(1) The power to vote on any matter either in conjunction with or to the full or partial exclusion of its shareholders.

(2) The right to inspect the corporate books and records.

(3) Any other rights concerning the corporation which its shareholders have or may have.

"Any such power or right shall not be diminished, as to bonds, debentures or other obligations then outstanding, except by an amendment of the charter approved by the vote or written consent of the holders of a majority in principal amount thereof or such larger percentage as may be specified in the charter."

Sec. 20. G. S. 55-46a(1) is hereby amended and rewritten to read as follows:

"(1) Money or property, tangible or intangible, received by, or inuring to the benefit of, the corporation."

Sec. 21. G. S. 55-49(d) is hereby amended and rewritten to read as follows:

"(d) Earned surplus is the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses, including gains and losses realized from the disposition or destruction of fixed assets (but not including unrealized appreciation in the value of any assets), from the date of incorporation, after deducting subsequent distributions to shareholders and transfers to stated capital and to capital surplus to the extent that such distributions and transfers are made out of earned surplus, and after adding all transfers made from capital surplus as permitted by subsection (i) of this Section, all computed in accordance with generally accepted principles of sound accounting practice applicable to the kind of business conducted by the corporation."

Sec. 22. G. S. 55-50(g) is hereby amended and rewritten to read as follows:

"(g) Concurrently with the payment of a dividend the corporation shall disclose to the shareholders receiving the same the source from which the dividend is paid if it is paid:

(1) Otherwise than out of earned surplus, or

(2) Out of earned surplus if within one year prior to the dividend payment a deficit in the earned surplus account has been reduced or eliminated as permitted by G. S. 55-49(i), or
(3) Out of earned surplus or net profits computed without deduction for depletion of natural resources."

Sec. 23. G. S. 55-52(b)(4) is hereby amended and rewritten to read as follows:

"(4) To perform its obligation or exercise its right to purchase shares of an employee or former employee under a written agreement relating to the employment, or to perform its obligation or exercise its right under a written agreement to purchase shares of a deceased or disabled shareholder upon death or disability."

Sec. 24. G. S. 55-52(c)(1) is amended and rewritten to read as follows:

"(1) If an offer is made to purchase pro rata from all its shareholders or all of a class of shareholders."

Sec. 25. G. S. 55-52(c)(2) is amended and rewritten to read as follows:

"(2) From any shareholder shares which at the time are listed on an organized securities exchange."

Sec. 26. G. S. 55-52(c)(3) is amended and rewritten to read as follows:

"(3) From any shareholder of any class, if the board of directors shall have obtained authorization so to purchase, within a period of one year preceding the purchase, by vote of a majority of the shares of the corporation entitled to vote after full disclosure to the holders of all such shares of the specific purpose of the proposed purchase, together with a statement of the number and class of shares proposed to be purchased. Such vote shall not be required for each specific purchase, provided the total number of shares purchased from any class shall not exceed the maximum number of shares of that class authorized to be purchased."

Sec. 27. G. S. 55-52(d) is hereby amended and rewritten to read as follows:

"(d) A corporation may acquire shares issued by a parent corporation by purchase from such parent corporation, gift, bequest, merger, consolidation, distribution of the assets of the parent or another corporation or otherwise, but not by purchase of the outstanding shares of the parent."

Sec. 28. G. S. 55-53(f) is hereby amended and rewritten to read as follows:

"(f) Every original holder of watered shares or of shares not fully paid as agreed shall continue liable thereon to the corporation notwithstanding any transfer of such shares. A transferee of such shares shall not be liable thereon if he acquired them in good faith without knowledge or notice that they were watered shares or shares not fully paid as agreed or if he acquired them from a transferor similarly free from liability. The burden of proof that the transferee did not so acquire the shares shall be upon the adverse party. No prior holder of such shares can improve his position by taking from a later holder who is free from liability."

Sec. 29. G. S. 55-56(c) is hereby amended by deleting from the second line thereof the words "with respect to" and inserting in lieu thereof the words "to acquire".

Sec. 30. G. S. 55-56(c)(1) is amended and rewritten to read as follows:

(1) Shares issued within one year or to be issued pursuant to subscriptions accepted within one year, after the filing of the articles of incorporation, or"

Sec. 31. G. S. 55-56(c) is amended by adding at the end thereof a new subdivision (7) to read as follows:

"(7) Shares with respect to which the notice required by subsection (g) of this Section has been given but which have not been purchased or subscribed within the prescribed time and which are thereafter sold or optioned to any other person or persons at a price no lower than and upon the other terms and conditions stated in such notice."
Sec. 32. G. S. 55-56 is amended by adding at the end thereof a new subsection (g) to read as follows:

"(g) The holders of shares entitled to preemptive rights under the charter or under this Section shall be given written or printed notice briefly describing the shares with respect to which such rights exist and the period of time (not less than 15 days) within which and the terms and conditions, including the price, upon which such rights may be exercised. Such notice shall be delivered to each such holder, either personally or by mail, not less than 20 or more than 180 days prior to the expiration of the stated period within which such rights may be exercised. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the holder at his address as it appears on the record of shareholders of the corporation, with postage thereon prepaid."

Sec. 33. G. S. 55-63(c) is hereby amended and rewritten to read as follows:

"(c) Any action which, under any provision of this chapter, is required or permitted to be taken at a meeting of the shareholders, may be taken without a meeting if consent in writing, setting forth the action so taken, shall be signed by all of the persons who would be entitled to vote upon such action at a meeting and filed with the secretary of the corporation as part of the corporate records, whether done before or after the action so taken. Such consent shall have the same force and effect as a unanimous vote of shareholders, and may be stated as such in any certificate or document filed with the Secretary of State under this chapter."

Sec. 34. G. S. 55-67(b) is amended and rewritten to read as follows:

"(b) Except as otherwise provided in this subsection, shares of its own stock owned by a corporation, directly or indirectly, through a subsidiary corporation or otherwise, shall not be voted and shall not be counted in determining the total number of shares entitled to vote.

"Notwithstanding any other provisions in this Chapter, shares of its own stock held by a corporation or by its subsidiary corporation in a fiduciary capacity shall not be voted in the election of directors and shall not be counted in determining the total number of shares entitled to vote in the election of directors if such corporation is the sole fiduciary, unless the instrument or court order establishing the fiduciary relationship provides that such shares may be voted as directed by some person other than the fiduciary and unless such person actually directs how such shares shall be voted; but if such corporation is not the sole fiduciary, then such shares may be voted in the election of directors by the other fiduciary or fiduciaries in accordance with the provisions of G. S. 55-69, and such shares shall be counted in determining the total number of shares entitled to vote in the election of directors. In all other matters, shares of its own stock held directly or indirectly by a corporation or through a subsidiary thereof as sole fiduciary or as a co-fiduciary may be voted by the registered owner or owners, unless the instrument creating the fiduciary relationship provides otherwise."

Sec. 35. G. S. 55-67(c) is amended and rewritten to read as follows:

"(c) Except where some inconsistent agreement exists for choosing directors, valid under the provisions of G. S. 55-73, directors shall be elected by a plurality of the votes cast and at each election for directors every shareholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares standing of record in his name for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his votes
by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same
principle among any number of such candidates. This right of cumulative voting
shall not be exercised unless some shareholder or proxy holder announces in open
meeting, before the voting for directors starts, his intention so to vote cumulatively;
and if such announcement is made, the chair shall declare that all shares entitled
to vote have the right to vote cumulatively and shall announce the number of shares
present in person and by proxy, and shall thereupon grant a recess of not less than
one hour nor more than four hours, as he shall determine, or of such other period
of time as is unanimously then agreed upon. Stockholders in any corporation now
in existence under a charter which does not grant the right of cumulative voting
may not exercise this right of cumulative voting when at the time of the election
the stock transfer book of such corporation discloses, or it otherwise appears, that
there is no stockholder who owns or controls more than one fourth of the voting
stock of such corporation. Shares represented at a meeting by revocable proxy rela-
ting to that meeting or adjourned meetings thereof shall not be deemed shares 'con-
trolled' within the meaning of this subsection."

Sec. 36. G.S. 55-101(a)(12) is amended and rewritten to read as follows:

"(12) Authorize a new class of shares having prior or superior rights or prefer-
ences or confer voting rights on holders of debt securities as permitted by the provi-
sions of G.S. 55-44.1, or"

Sec. 37. G.S. 55-106(b)(4) is hereby amended and rewritten to read as follows:

"(4) The manner and basis of converting the shares of each merging corporation
into shares or other securities or obligations of the surviving corporation, and if
any shares of any merging corporation are not to be converted solely into shares
or other securities or obligations of the surviving corporation, the amount of cash
or shares or other securities or obligations of any other corporation which the hold-
ers of such shares are entitled to receive in exchange for such shares or upon their
conversion and the surrender of the certificates evidencing such shares, which cash
or shares or other securities or obligations of any other corporation may be in addi-
tion to or in lieu of the shares or securities or obligations of the surviving corpo-
ration; or, if any merging corporation is the wholly-owned subsidiary of the surviving
corporation and no cash or shares or other securities or obligations will be distribut-
ed or issued upon conversion or cancellation of the shares of any such merging
corporation, a statement to that effect."

Sec. 38. G.S. 55-107(b)(3) is amended and rewritten to read as follows:

"(3) The manner and basis of converting the shares of each corporation into
shares or other securities or obligations of the new corporation, and, if any shares
of any consolidating corporation are not to be converted solely into shares or other
securities or obligations of the surviving corporation, the amount of cash or shares
or other securities or obligations of any other corporation which the holders of such
shares are entitled to receive in exchange for such shares or upon their conversion
and the surrender of the certificates evidencing such shares, which cash or shares
or other securities or obligations of any other corporation may be in addition to
or in lieu of the shares or securities or obligations of the new corporation."

Sec. 39. G.S. 55-113 is hereby amended by adding a new subsection "(j)" at
the end thereof to read as follows:
"(j) A shareholder may not exercise his rights under this Section as to less than all of the shares owned beneficially by him and with respect to which such rights exist. A nominee or fiduciary may not dissent on behalf of any beneficial owner as to less than all of the shares of such owner with respect to which the right of dissent exists."

**Sec. 40.** G. S. 55-137(c) is hereby amended and rewritten to read as follows:

"(c) The corporate name shall not be the same as, or deceptively similar to, the name of any domestic corporation, whether for profit or not for profit, or any foreign corporation, whether for profit or not for profit, authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved or registered in the manner prescribed in G. S. 55-12, except that the Secretary of State may in his discretion issue a certificate of authority to a foreign corporation which has a corporate name the same as or similar to that of some other domestic corporation or foreign corporation authorized to transact business in this State:

(1) If the Secretary of State finds, upon proof by affidavit or otherwise, that such corporations are not engaged in the same or similar businesses and that the public is not likely to be confused or deceived, and if, upon requirement by the Secretary of State in his discretion, such foreign corporation agrees in its application for certificate of authority to add to its corporate name in this State words indicating the state or country under the laws of which it is incorporated; or

(2) If the foreign corporation agrees in its application for certificate of authority to do business in this State only an assumed name that would be available for use in this State, in which event such corporation shall thereafter comply with all of the provisions of law, including the provisions of G. S. 66-68 through 66-71, relating to doing business under an assumed name and such assumed name shall be deemed to be the name of such foreign corporation in this State and shall be entitled to the same protection under this Chapter as if it were the name of such foreign corporation."

**Sec. 41.** G. S. 55-138(a)(2) is hereby amended and rewritten to read as follows:

"(2) If the name of the corporation does not contain the word 'corporation,' 'incorporated,' 'limited,' or 'company', or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this State; or if the corporation agrees under G. S. 55-137(c) to add to its corporate name in this State words indicating its jurisdiction of incorporation or agrees to do business under an assumed name, then the name of the corporation with the words so added or the assumed name which name must contain the words or abbreviations required by this subdivision."

**Sec. 42.** G. S. 55-156(b) is amended and rewritten to read as follows:

"(b) For the purpose of computing taxes under this Section, shares of no par value shall be treated as if they were of one dollar ($1.00) par value."

**Sec. 43.** G. S. 55-155(a)(1) is amended and rewritten to read as follows:

"(1) for filing an application to reserve or register a corporate name and for filing an application to renew such a registration (G. S. 55-12(f) and (h)) $5.00."

**Sec. 44.** G. S. 58-204 is hereby amended and rewritten to read as follows:

"Sec. 58-204. **Insurable interest as between stockholders, partners, etc.** Where two or more persons have heretofore contracted or hereafter contract with one another for the purchase, at the death of one, by the survivor or survivors, of the
CHAPTER 751  SESSION LAWS—1969

stock, share or interest of the deceased in any corporation, partnership or business association of any kind, the person or persons making the contract of purchase shall be deemed to have, and are hereby declared to have, an insurable interest in the life or lives of the person or persons contracting to sell."

Sec. 45. The following sections of the General Statutes are hereby repealed: G. S. 55-49(h); G. S. 55-50(i); G. S. 55-52(c)(6); G. S. 55-155(a)(15); G. S. 55-155(a)(20); G. S. 66-70.

Sec. 46. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 47. This Act shall be effective from and after October 1, 1969, except for Sections 20, 37 and 38, which shall become effective upon ratification of this Act.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 696  CHAPTER 752

AN ACT TO AMEND CHAPTER 164, PRIVATE LAWS OF 1929, RELATING TO THE EMERGENCY RESERVE FUND OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 164, Private Laws of 1929, as amended by Chapter 323, Session Laws of 1945, is hereby amended by adding a new sentence at the end of Section 4 thereof to read as follows:

"The board may also invest funds received under this Act in life insurance contracts with insurance companies authorized to do business in North Carolina."

Sec. 2. Chapter 164, Private Laws of 1929, as amended by Chapter 129, Session Laws of 1967, is hereby amended by striking out the words "up to an amount not to exceed one hundred per cent (100%) of those benefits offered thereunder." appearing in lines 12, 13 and 14 of Section 11.1 thereof and by substituting in lieu thereof the words "as determined by the Board of Directors based upon actuarial recommendations as herein provided and consistent with sound actuarial practices."

Sec. 3. Chapter 164, Private Laws of 1929, as amended by Chapter 129, Session Laws of 1967, is hereby amended by striking out the words "an accredited actuarial firm." appearing in line 23 of Section 11.1 thereof and substituting in lieu thereof the words "a qualified actuary."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 702  CHAPTER 753

AN ACT AMENDING G. S. 14-111.2 RELATING TO OBTAINING AMBULANCE SERVICES WITHOUT INTENDING TO PAY THEREFOR, SO AS TO MAKE SAID ACT APPLICABLE TO STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-111.2, as the same appears in the 1967 Cumulative Supplement to Volume 1A of the General Statutes, is amended by adding the word "Stanly" after the word "Randolph" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. B. 728  CHAPTER 754
AN ACT TO AMEND G. S. 108-44 TO PROVIDE FOR THE CONTINUATION OF PUBLIC ASSISTANCE PENDING THE OUTCOME OF A HEARING OR LITIGATION IF AND WHEN FEDERAL LAWS OR REGULATIONS ARE ENACTED REQUIRING SUCH CONTINUATION OF ASSISTANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-44, as it appears in Chapter 546 of the Session Laws of 1969, is hereby amended by adding a new subsection at the end thereof as follows:

"(g) If and when Federal laws, or lawful regulations made pursuant to applicable Federal laws are enacted requiring that, as a condition for Federal participation in the costs of public assistance provided for in this Chapter, assistance payments must be continued pending the outcome of a hearing or litigation or informal contact with an assistance recipient, assistance shall be continued in accordance with such Federal laws or regulations."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective upon ratification.
In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 19  CHAPTER 755
AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE INSTITUTIONS, DEPARTMENTS, AND AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known as "The Capital Improvement Appropriation Act of 1969".

Sec. 2. The funds appropriated by this Act are for the purposes of constructing buildings and utilities, the renovation of buildings and utilities, acquiring sites therefor where necessary, acquiring and installing equipment at the institutions, departments and agencies of the State hereinafter mentioned, and only as detailed in Volume III of the 1969-71 Budget.

Sec. 3. The funds appropriated by this Act to provide for Capital Improvements by Sections 4, 5, and 6 of this Act shall be disbursed for the purposes provided by this Act upon warrants drawn by the State Disbursing Officer, which warrants shall not be drawn for any State institution, department, or agency until a requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1, Chapter 143, of the General Statutes. Any officer of this State or executive head of any institution, or any director, trustee, or commissioner of any State institution, department, or agency to which an appropriation is made under the provisions of this Act who votes for or aids in spending more money for any improvement for any institution, department, or agency than is appropriated therefor may be removed from office by the Governor. Any additional monies which may be received
by means of a grant or grants from the United States of America or any agency or department thereof, or from any other source to aid in financing the cost of any of the improvements herein referred to may be placed by the State Treasurer in the same fund or in a separate fund and, to the extent permitted by terms of such grant or grants, with the approval of the Governor and the Advisory Budget Commission, shall be disbursed in the same manner and for the same purposes mentioned in this Act, and only as detailed in Vol. III of the 1969-71 Budget. Appropriations and authorizations for student housing are on the basis of three thousand nine hundred dollars ($3,900.00) per student and shall not exceed this per student cost for the stated project including equipment and furnishings. College housing authorized to be constructed by self-liquidating funding in Section 4 of this Act shall have been recommended by the Advisory Budget Commission as to need and as to method of financing before construction may be started. Where funds are shown in this Act for the purpose of furnishing equipment for any project, such funds for equipment shall not be subject to transfer into construction accounts except as authorized by the Advisory Budget Commission. However, equipment funds may be expended under construction accounts to the specific amount required for fixed equipment attached or connected to the building for which it is intended. It is the intent of this Act that projects listed herein shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of funds appropriated or authorized herein.

Sec. 4. There is hereby appropriated out of the General Fund the sum of seventy four million four hundred sixty two thousand five hundred and three dollars ($74,662,503.00) for the use of the State institutions, departments and agencies to provide for CAPITAL IMPROVEMENT projects according to the following schedule:

I. GENERAL GOVERNMENT

Department of Administration

1. New Boiler and Accessories
   Central Heating Plant $ 250,000
   2. General Renovations of Buildings... 125,000
   3. Complete Fence at the Governor's
   Mansion 70,000

4. Additional Office and Laboratory
   Facilities for the State Board of
   Health Building $ 3,620,000
   Fixed Equipment 230,000
   Movable Equipment 50,000 3,900,000

5. Purchase of Land 6,171,000
   Less Federal Funds 230,500 5,940,500

6. Renovate and Air Condition Facilities
   of the Sanatorium System 1,825,000

7. Museum of Art 10,000,000
   Less Private Gifts 7,000,000 3,000,000

II. CORRECTION

Stonewall Jackson Training School 320,000

1. Guttering and Roof Repairs on 17
   Cottages and Administration
   Building 60,000

784
### Session Laws—1969

#### CHAPTER 755

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Convert Boilers from Coal to Gas</td>
<td>$22,000</td>
</tr>
<tr>
<td>3. Laundry Building</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>$50,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>$35,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>$5,000</td>
</tr>
<tr>
<td>4. Renovate Cottage No. 17</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>$46,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>$2,000</td>
</tr>
<tr>
<td>5. Supplement to Sewage Disposal Plant</td>
<td>$100,000</td>
</tr>
<tr>
<td>State Home and Industrial School for Girls</td>
<td>$89,000</td>
</tr>
<tr>
<td>1. Convert Boilers from Coal to Oil</td>
<td>$19,000</td>
</tr>
<tr>
<td>2. Reroof Nine Buildings</td>
<td>$25,000</td>
</tr>
<tr>
<td>3. Renovate Water Treatment Plant</td>
<td>$25,000</td>
</tr>
<tr>
<td>4. Complete Electrical Distribution and Street Lights</td>
<td>$20,000</td>
</tr>
<tr>
<td>Morrison Training School</td>
<td>$437,000</td>
</tr>
<tr>
<td>1. Convert Boilers from Coal to Oil</td>
<td>$19,000</td>
</tr>
<tr>
<td>2. Renovate Electrical Wiring and Plumbing in Teacher's Cottage</td>
<td>$5,000</td>
</tr>
<tr>
<td>3. Superintendent's Residence Building</td>
<td>$19,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>$500</td>
</tr>
<tr>
<td>4. New Windows in Redd Cottage</td>
<td>$7,500</td>
</tr>
<tr>
<td>5. Cottage for 48 Students and 6 Staff Members Building</td>
<td>$365,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>$15,000</td>
</tr>
<tr>
<td>6. Additional Freezer Space</td>
<td>$6,000</td>
</tr>
<tr>
<td>Eastern Carolina Training School</td>
<td>$117,000</td>
</tr>
<tr>
<td>1. Convert Boiler from Coal to Oil</td>
<td>$5,000</td>
</tr>
<tr>
<td>2. Study Desks and Chest of Drawers Units</td>
<td>$6,000</td>
</tr>
<tr>
<td>3. Trench Silo for Beef Cattle</td>
<td>$6,000</td>
</tr>
<tr>
<td>4. Infirmary Building</td>
<td>$85,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>$15,000</td>
</tr>
<tr>
<td>State Training School for Girls</td>
<td>$61,500</td>
</tr>
<tr>
<td>1. Convert Boilers from Coal to Oil</td>
<td>$9,000</td>
</tr>
<tr>
<td>2. Study Desks and Chest of Drawers Units</td>
<td>$2,500</td>
</tr>
<tr>
<td>3. Connect Sewer to City Sewer System</td>
<td>$50,000</td>
</tr>
</tbody>
</table>
Leonard Training School

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Academic and Vocational School Building</td>
<td>$330,000</td>
</tr>
<tr>
<td>2. Paved Area for Multipurpose Use</td>
<td>$6,000</td>
</tr>
<tr>
<td>3. Maintenance Shop Annex</td>
<td>$55,000</td>
</tr>
</tbody>
</table>

Juvenile Evaluation Center

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Two Cottages to House 48 Students Each</td>
<td>$710,000</td>
</tr>
<tr>
<td>2. Cafeteria</td>
<td>$392,000</td>
</tr>
</tbody>
</table>

C.A. Dillon School

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. All Weather Surfaced Walks and Drives</td>
<td>$50,000</td>
</tr>
<tr>
<td>2. Campus Lighting</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

Department of Correction

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Reserve for Existing Facilities</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

V. EDUCATION

University of North Carolina (Consolidated)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Headquarters Building for Consolidated Offices</td>
<td>$825,000</td>
</tr>
<tr>
<td>2. Three UHF Television Translator Stations</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

University of North Carolina at Chapel Hill (Health Affairs)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Utilities and Site Improvements</td>
<td>$438,000</td>
</tr>
<tr>
<td>2. Replace Boiler, Main Steam Plant</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>3. Medical Examiners Laboratory (Addition to Preclinical Facility)</td>
<td>$720,000</td>
</tr>
</tbody>
</table>

4. Animal Care Facility (Research Animal Farm)—School of Medicine

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Animal Care Facility (Research Animal Farm)—School of Medicine</td>
<td>$282,000</td>
</tr>
</tbody>
</table>

5. Chapel—North Carolina Memorial Hospital

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Chapel—North Carolina Memorial Hospital</td>
<td>$253,000</td>
</tr>
</tbody>
</table>

Total Cost: $13,021,921
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
<th>Federal Funds</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Preclinical Education Facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>3,646,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>903,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>340,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4,889,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Federal Funds</td>
<td>2,352,755</td>
<td></td>
<td>2,536,245</td>
</tr>
<tr>
<td>7. Clinical Sciences Building</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School of Medicine Building</td>
<td>7,800,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>600,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>8,900,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Federal Funds</td>
<td>4,329,402</td>
<td></td>
<td>4,570,598</td>
</tr>
<tr>
<td>8. Bed Tower Addition to North Carolina Memorial Hospital</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>5,200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>570,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>5,970,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Federal Funds</td>
<td>2,994,922</td>
<td></td>
<td>2,975,078</td>
</tr>
<tr>
<td>University of North Carolina at Chapel Hill (Academic Affairs)</td>
<td></td>
<td>844,000</td>
<td></td>
</tr>
<tr>
<td>1. Utilities and Site Improvements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Special Collections Library Building</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>2,525,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2,925,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Private Gifts</td>
<td>2,925,000</td>
<td></td>
<td>-0-</td>
</tr>
<tr>
<td>North Carolina State University at Raleigh</td>
<td></td>
<td>2,836,000</td>
<td></td>
</tr>
<tr>
<td>1. Building Repairs, Utilities and Improvements</td>
<td></td>
<td>1,816,000</td>
<td></td>
</tr>
<tr>
<td>2. Renovate Cobalt—60 Source</td>
<td></td>
<td>25,000</td>
<td></td>
</tr>
<tr>
<td>3. Supplement to Nuclear Science Building</td>
<td></td>
<td>945,000</td>
<td></td>
</tr>
<tr>
<td>4. Elevator for General Laboratory Building</td>
<td></td>
<td>50,000</td>
<td></td>
</tr>
</tbody>
</table>

787
University of North Carolina at Greensboro
1. Renovation and Extension of Campus Utilities and New Campus Lighting System ........................................... $ 200,000
2. Language Laboratory ........................................... 55,000
3. Relocate Utilities and Streets for Library Addition ........................................... 200,000

University of North Carolina at Charlotte...
1. Campus Improvements ........................................... 25,000
2. Addition to Language Laboratory ........................................... 70,000
3. Expansion of Utilities ........................................... 295,000
4. Roads, Walks and Parking
   Parking Areas ........................................... $ 275,000
   Less Self-Liquidating ........................................... 275,000

5. Union Building Expansion
   Building ........................................... 1,330,000
   Fixed Equipment ........................................... 80,000
   Movable Equipment ........................................... 120,000
   Less Self-Liquidating ........................................... 1,530,000

6. Health Services Center
   Building ........................................... 405,000
   Movable Equipment ........................................... 60,000
   465,000

7. Outdoor Physical Education Fields ........................................... 100,000
8. Dormitories for 1,000 Students
   Building ........................................... 3,730,000
   Movable Equipment ........................................... 170,000
   Less Self-Liquidating ........................................... 3,900,000

East Carolina University ........................................... 2,534,000
1. Air Condition Graham Classroom
   Building ........................................... 90,000
2. Renovate Electrical Distribution System ........................................... 200,000
3. Renovate Storm Sewer System ........................................... 216,000
4. Supplement to Elementary Education Laboratory School ........................................... 400,000
5. Eight All Weather Tennis Courts ........................................... 55,000
6. Student Union
   Building ........................................... 2,640,000
   Fixed Equipment ........................................... 160,000
   Movable Equipment ........................................... 145,000
   2,945,000

$ 455,000
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Relocate Utilities and Streets for Library Addition</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>8. Building for School of Allied Health Professions</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>1,188,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>115,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>70,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,373,000</td>
</tr>
<tr>
<td>North Carolina Agricultural and Technical State University</td>
<td></td>
</tr>
<tr>
<td>1. Renovate Noble Hall</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>190,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>30,000</td>
</tr>
<tr>
<td>Total</td>
<td>220,000</td>
</tr>
<tr>
<td>2. Renovate and Air Condition Graham Building</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>252,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>46,000</td>
</tr>
<tr>
<td>Total</td>
<td>298,000</td>
</tr>
<tr>
<td>3. Alteration and Expansion of Primary Electrical System</td>
<td></td>
</tr>
<tr>
<td></td>
<td>500,000</td>
</tr>
<tr>
<td>4. Renovate Scott Hall (Dormitory)</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>35,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>35,000</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
</tr>
<tr>
<td>5. Renovate New Vanstory Hall (Dormitory)</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>45,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>45,000</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
</tr>
<tr>
<td>6. Faculty and Married Student Housing</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>260,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>30,000</td>
</tr>
<tr>
<td>Total</td>
<td>290,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>290,000</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
</tr>
<tr>
<td>7. Cafeteria Facility</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>1,300,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>150,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>150,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,600,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>1,600,000</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
</tr>
<tr>
<td>Western Carolina University</td>
<td></td>
</tr>
<tr>
<td>1. Water Storage Reservoir</td>
<td>175,000</td>
</tr>
<tr>
<td>2. Fire and Ladder Trucks</td>
<td>50,000</td>
</tr>
<tr>
<td>3. Alterations to Electrical Distribution System</td>
<td>250,000</td>
</tr>
</tbody>
</table>

**Total**                                                  | **$1,522,000**
<table>
<thead>
<tr>
<th>4. Addition to Sewage Treatment</th>
<th>Plant</th>
<th>$500,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Walks, Drives and Landscaping</td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>6. Faculty Housing</td>
<td>Building $437,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equipment 5,000</td>
<td>442,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>442,000</td>
<td>-0-</td>
</tr>
<tr>
<td>7. One 600 Student Dormitory</td>
<td>Building 2,240,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equipment 100,000</td>
<td>2,340,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>2,340,000</td>
<td>-0-</td>
</tr>
<tr>
<td>8. Addition to Bird Administration</td>
<td>Building 320,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Movable Equipment 15,000</td>
<td>335,000</td>
</tr>
<tr>
<td>9. Addition to Infirmary</td>
<td>Building 85,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fixed Equipment 4,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Movable Equipment 13,000</td>
<td>102,000</td>
</tr>
<tr>
<td>10. Surfacing New Tennis Courts</td>
<td></td>
<td>60,000</td>
</tr>
</tbody>
</table>

Appalachian State University

| 1. Expansion of Campus Water System | 2,180,000 |
| 2. Expansion of Steam Generating and Distribution System | 1,400,000 |
| 3. Equipment for Industrial Arts Building | 68,000 |
| 4. Air Condition Office Space in Duncan Hall | 50,000 |
| 5. Building Repairs | 210,000 |
| 6. Outdoor Campus Lighting | 25,000 |
| 7. Trash Handling Equipment | 25,000 |
| 8. Eight Tennis Courts | 70,000 |
| 9. Campus Development Parking Areas | 75,000 |
| Less Self-Liquidating | 75,000 |

10. Food Service Facility

| Building | 1,755,000 |
| Fixed Equipment | 150,000 |
| Movable Equipment | 175,000 |

Less Self-Liquidating | 2,100,000 |

790
<table>
<thead>
<tr>
<th>Session Laws—1969</th>
<th>CHAPTER 755</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. New Elementary School for Watauga County</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>Pembroke State University</td>
<td>$2,427,000</td>
</tr>
<tr>
<td>1. Health and Physical Education Building and Swimming Pool</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>$2,140,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>70,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>80,000</td>
</tr>
<tr>
<td>2. Storm Sewers and Campus Drainage</td>
<td>17,000</td>
</tr>
<tr>
<td>3. Campus Roads and Parking Area</td>
<td></td>
</tr>
<tr>
<td>Roads</td>
<td>30,000</td>
</tr>
<tr>
<td>Parking Area</td>
<td>11,000</td>
</tr>
<tr>
<td></td>
<td>41,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>11,000</td>
</tr>
<tr>
<td>4. Renovate Jacobs and Wellons Halls for Women</td>
<td>105,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>105,000</td>
</tr>
<tr>
<td>5. Physical Education and Athletic Field Improvements</td>
<td>90,000</td>
</tr>
<tr>
<td>Winston-Salem State College</td>
<td>605,000</td>
</tr>
<tr>
<td>1. Addition to Library Building</td>
<td>340,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>60,000</td>
</tr>
<tr>
<td>2. Renovate Carolina Hall</td>
<td>150,000</td>
</tr>
<tr>
<td>3. Air Condition Administration Building</td>
<td>55,000</td>
</tr>
<tr>
<td>Elizabeth City State College</td>
<td>158,000</td>
</tr>
<tr>
<td>1. Replace portions of Sanitary Sewer System</td>
<td>7,000</td>
</tr>
<tr>
<td>2. Completion of Athletic Field</td>
<td>8,000</td>
</tr>
<tr>
<td>3. Air Condition Classroom Building</td>
<td>28,000</td>
</tr>
<tr>
<td>4. Bedroom Wing Addition to President’s Home</td>
<td>15,000</td>
</tr>
<tr>
<td>5. Renovate Lane Hall for Classrooms</td>
<td>100,000</td>
</tr>
<tr>
<td>Fayetteville State College</td>
<td>287,500</td>
</tr>
<tr>
<td>1. Roads, Walks and Street Lighting</td>
<td>90,000</td>
</tr>
<tr>
<td>2. Pedestrian Railroad Underpass</td>
<td>75,000</td>
</tr>
<tr>
<td>3. Extend sewer to East Campus</td>
<td>15,500</td>
</tr>
<tr>
<td>4. Extend Electrical Service to East Campus</td>
<td>17,000</td>
</tr>
<tr>
<td>5. Closed Circuit Television System</td>
<td>90,000</td>
</tr>
</tbody>
</table>
North Carolina Central University

1. Chemistry Building Completion
   - Building: $160,000
   - Fixed Equipment: $170,000
   - Movable Equipment: $10,000
   **Total:** $340,000

2. Renovate Science Building
   - Building: $410,000
   - Movable Equipment: $15,000
   **Total:** $425,000

3. Replace Underground Steam Line...
   - **Total:** $30,000

4. Repairs to Chidley Hall Bathrooms
   - Building: $50,000
   - Less Self-Liquidating: $50,000
   **Total:** 0

5. Athletic Field
   - Improvements: $800,000
   - Less Self-Liquidating: $800,000
   **Total:** 0

6. Communications Building
   - Building: $1,650,000
   - Fixed Equipment: $140,000
   - Movable Equipment: $60,000
   **Total:** $1,850,000
   - Less Deferred Funds: $1,000,000
   - Less Federal Funds: $200,000
   **Total:** 434,000

University of North Carolina at Asheville...

1. Renovate Science Building
   - Building: $40,000
   - Equipment: $10,000
   **Total:** 50,000

2. Extend Underground Electrical Distribution System
   - **Total:** 75,000

3. Complete Unfinished Portion of Library
   - Building: $65,000
   - Equipment: $25,000
   **Total:** 90,000

4. Infirmary
   - Building: $189,000
   - Movable Equipment: $30,000
   **Total:** 219,000

University of North Carolina at Wilmington...

1. Expansion of Campus Water and Sewer System
   - **Total:** 258,000

2. Complete Underground Primary Electrical Distribution System
   - **Total:** 75,000

3. Renovate Present Library Space
   - Building: $30,000
   - Equipment: $20,000
   **Total:** 50,000

4. Walkways
   - **Total:** 10,000

5. Natural Gas Main
   - **Total:** 15,000

792
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Physical Education Playing Field Fencing</td>
<td>$30,000</td>
</tr>
<tr>
<td>7. One 200 Student Dormitory Building</td>
<td>$720,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>$60,000</td>
</tr>
<tr>
<td>Less Self-Liquidating</td>
<td>$780,000</td>
</tr>
<tr>
<td>8. Business and Economics Building Building</td>
<td>$380,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>$100,000</td>
</tr>
<tr>
<td>9. Air Condition and Renovate President's Home</td>
<td>$44,000</td>
</tr>
<tr>
<td>North Carolina School for the Deaf</td>
<td>$327,500</td>
</tr>
<tr>
<td>1. Convert Boiler No. 2</td>
<td>$15,000</td>
</tr>
<tr>
<td>2. Vocational Building Building and Equipment</td>
<td>$300,000</td>
</tr>
<tr>
<td>3. Supplement to Outside Electrical Distribution System</td>
<td>$12,500</td>
</tr>
<tr>
<td>Department of Archives and History</td>
<td>$25,000</td>
</tr>
<tr>
<td>1. Exhibits for Chronological History and Transportation Sections Archives-Library Building</td>
<td>$25,000</td>
</tr>
<tr>
<td>North Carolina School of the Arts</td>
<td>$482,000</td>
</tr>
<tr>
<td>1. Renovate Theatre Facilities Building</td>
<td>$260,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>$10,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>$30,000</td>
</tr>
<tr>
<td>2. Renovate Former Kitchen and Dining Hall Building</td>
<td>$120,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>$12,000</td>
</tr>
<tr>
<td>3. Enclose Stairways and Install Firedoors</td>
<td>$10,000</td>
</tr>
<tr>
<td>4. Buildings and Grounds Maintenance Shop Building</td>
<td>$36,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>$4,000</td>
</tr>
</tbody>
</table>

**VII. Non-Highway Transportation**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Port Authority</td>
<td>$4,650,000</td>
</tr>
<tr>
<td>1. Open Berth—Wilmington Port</td>
<td>$4,650,000</td>
</tr>
</tbody>
</table>

**VIII. Health and Hospitals**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Care Commission</td>
<td>$789,082</td>
</tr>
<tr>
<td>1. Aid to Community Mental Health Centers</td>
<td>$545,082</td>
</tr>
<tr>
<td>2. Aid to Community Mentally Retarded Facilities</td>
<td>$244,000</td>
</tr>
</tbody>
</table>
Department of Mental Health

1. Aid to Community Mentally Retarded Complexes $ 500,000

Alcoholic Rehabilitation Center — Greenville

1. Air Conditioning Equipment 15,000

Dorothea Dix Hospital

1. Improvements and Addition to McBryde Building
   Building and Air Conditioning $ 775,000
   Movable Equipment 125,000 900,000

2. Power Plant Improvements

3. Air Condition and Improve Cherry Building
   Building and Air Conditioning 435,000
   Movable Equipment 35,000 470,000

4. Improvements to Wards 13, 103, 203 and 303

5. Utility Line Improvements

6. Waterproof Exterior of Certain Buildings

7. Air Condition and Renovate Hoey Building

8. Air Condition Certain Buildings

9. Improvements and Air Conditioning of Wards 14, 104, 204, 304 and Dining Room Corridor
   Building and Air Conditioning 480,000
   Movable Equipment 30,000 510,000

10. Dobbin Infirmary Improvements

Broughton Hospital

1. Elevator for Ward 30 and 31 Building

2. Alterations and Additions to Jones Building
   Fixed Equipment 125,000

3. Convert Farm Colony Building to Vocational Rehabilitation Domiciliary Unit
   Building 435,000
   Movable Equipment 15,000

4. Repaint Water Tank

5. Improve Trash Collection
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Improvement to Underground Electrical Distribution System</td>
<td>$50,000</td>
</tr>
<tr>
<td>7. New Lighting for Dining Rooms and Food Preparation and Serving Areas</td>
<td>12,000</td>
</tr>
<tr>
<td>8. New Windows, Lights and Rewiring—Center Section—Center Building</td>
<td></td>
</tr>
<tr>
<td>Renovations</td>
<td>$200,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>6,000</td>
</tr>
<tr>
<td></td>
<td>206,000</td>
</tr>
<tr>
<td>9. New Furnaces for 120 Residences</td>
<td>145,000</td>
</tr>
<tr>
<td>Western Carolina Center</td>
<td>$906,500</td>
</tr>
<tr>
<td>1. Two Playgrounds with Toilets and Shelter</td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>30,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>2. Improve Trash Collection</td>
<td>16,500</td>
</tr>
<tr>
<td>3. Air Condition Four “H” Buildings</td>
<td>150,000</td>
</tr>
<tr>
<td>4. Sheltered Workshop Addition</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>224,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>15,000</td>
</tr>
<tr>
<td></td>
<td>239,000</td>
</tr>
<tr>
<td>Less Federal Funds</td>
<td>179,000</td>
</tr>
<tr>
<td></td>
<td>60,000</td>
</tr>
<tr>
<td>5. Emergency Generating Equipment</td>
<td>25,000</td>
</tr>
<tr>
<td>6. Infants Treatment Unit</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>540,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>615,000</td>
</tr>
<tr>
<td>Cherry Hospital</td>
<td>3,280,000</td>
</tr>
<tr>
<td>1. Air Condition Linville Building</td>
<td>40,000</td>
</tr>
<tr>
<td>2. Furnishings for Quarters for 1000 Patients</td>
<td>140,000</td>
</tr>
<tr>
<td>3. Minor Repairs to Richardson, Jones, Purser and C. I. Buildings</td>
<td>100,000</td>
</tr>
<tr>
<td>4. Renovate Woodard Building</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>1,010,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>35,000</td>
</tr>
<tr>
<td></td>
<td>1,065,000</td>
</tr>
<tr>
<td>5. Therapeutic Center</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>785,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>25,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>885,000</td>
</tr>
<tr>
<td>6. Renovate U-Shaped Patients</td>
<td></td>
</tr>
<tr>
<td>Dormitory</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Fixed Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>Movable Equipment</td>
<td>30,000</td>
</tr>
<tr>
<td></td>
<td>1,050,000</td>
</tr>
<tr>
<td>O’Berry Center</td>
<td>325,000</td>
</tr>
<tr>
<td>1. Air Condition Two “B” Type</td>
<td></td>
</tr>
<tr>
<td>Dormitories</td>
<td>300,000</td>
</tr>
<tr>
<td>2. Security Fence</td>
<td>25,000</td>
</tr>
<tr>
<td>John Umstead Hospital</td>
<td>465,000</td>
</tr>
</tbody>
</table>

795
CHAPTER 755  
SESSION LAWS—1969

1. Alteration to Electrical Distribution System $ 175,000
2. Air Condition Buildings 52, 56, 57, 62 and 64 250,000
3. Division of large Ward Areas into One, Two and Three Bed Areas 40,000

Murdoch Center $ 662,000
1. Alterations to Infirmary Building $ 50,000 Equipment 12,000 62,000
2. Renovate HTHW Distribution System—Phase I 300,000
3. Air Condition Cottages 300,000

Caswell Center 770,000
1. Air Condition McNairy Building 60,000
2. Air Condition Crippled Children’s Hospital #3 and #4 125,000
3. Air Condition 16 Units—Colony Buildings 300,000
4. Central Garage for Storing Trucks 37,000
5. Renovate 8 Cottage Buildings for Children 40,000
6. Replace Steam, Condensate, Hot and Cold Water Lines 170,000
7. Fifteen Shade Areas for Play Courts at Colony Buildings 20,000
8. New Deep Well 18,000

North Carolina Orthopedic Hospital 30,000
1. Addition to Business Office Building 23,500 Equipment 6,500 30,000

Western North Carolina Sanatorium 240,000
1. Alterations to Power Plant and Boiler Replacement 240,000

IX. NATURAL RESOURCES AND RECREATION

Department of Conservation and Development 1,405,500
Division of Travel and Promotion:
1. Two Tourist Welcome Centers Buildings 184,000 Equipment 20,000 204,000

Division of Commercial and Sports Fisheries:
1. Complete Concrete Dock—Morehead City 55,000
2. Administration Building—Morehead City Building 305,000

796
Fixed Equipment..................$ 35,000
Movable Equipment.................  20,000
                                  $360,000

3. 50-Foot Patrol Boat.............  70,000
4. Office Building—Southport
   Building and Equipment.........  21,000

Division of Forestry:
1. Relocate Lookout Tower—
   Roaring Gap...................  20,000
2. Mountain Facility—Avery County
   Buildings .....................  117,000
   Equipment ...................  40,000
                                  157,000

Division of State Parks:
1. Bulkheads and Boardwalks
   Fort Macon State Park ...........  75,000
   Less Federal Funds............  37,500
                                  37,500
2. Water Supply Improvements—
   Overlook Area
   Morrow Mountain State Park ....  28,000
   Less Federal Funds............  14,000
                                  14,000
3. Central Water System
   Duke Power State Park ..........  85,000
   Less Federal Funds............  42,500
                                  42,500
4. Enlarge Water Supply System
   Pettigrew State Park ...........  12,000
   Less Federal Funds............  6,000
                                  6,000
5. Renovate Swimming Pool
    and Bathhouse
   Morrow Mountain State Park
   Renovations ...................  55,000
   Less Federal Funds............  27,500
                                  27,500
6. Road Improvements
   Morrow Mountain State Park
   Roads .........................  32,000
   Less Federal Funds............  16,000
                                  16,000
7. General Development
   Pilot Mountain State Park
   Development ....................  250,000
   Less Federal Funds............  125,000
                                  125,000
8. General Development
   Stone Mountain State Park
   Development ....................  250,000
   Less Federal Funds............  125,000
                                  125,000
9. General Development
   Snow's Cut State Park
   Development ....................  250,000
   Less Federal Funds............  125,000
                                  125,000
CHAPTER 755  
SESSION LAWS—1969

Kerr Reservoir Development Commission

1. Elevated Water Tank and Well
   Kimball Point $ 8,000
   Less Federal Funds $ 4,000
   $ 4,000

2. Warehouse—Satterwhite Point
   $ 13,000

3. Concession Stand—Kimball Point
   $ 12,000
   Less Federal Funds $ 6,000
   $ 6,000

4. 20 Tent and Trailer Sites—Kimball Point
   $ 22,500
   Less Federal Funds $ 11,250
   $ 11,250

5. 20 New Camp Sites—Hibernia Park
   $ 7,500
   Less Federal Funds $ 3,750
   $ 3,750

6. Toilet Building—Hibernia Park
   $ 7,000
   Less Federal Funds $ 3,500
   $ 3,500

7. Ranger Residence—Nutbush Bridge
   $ 15,000

8. 300 Picnic Tables—All Areas
   $ 10,000
   Less Federal Funds $ 5,000
   $ 5,000

9. Playground Equipment—All Areas
   $ 5,000
   Less Federal Funds $ 2,500
   $ 2,500

Department of Water and Air Resources

1. Matching Funds for Water Resources Development Projects
   $ 10,000,000
   Less Federal and Local Funds $ 9,000,000
   $ 1,000,000

X. AGRICULTURE

Department of Agriculture

1. Repairs to Dorton Arena $ 100,000

2. Livestock and Poultry Disease Diagnostic Laboratory
   Building $ 378,000
   Fixed Equipment $ 84,000
   Movable Equipment $ 50,000
   $ 512,000

Agricultural Experiment Station—North Carolina State University

1. Greenhouses—Kent Road Sites $ 575,000

2. Swine Facility—Central Crops Research Station
   Building $ 40,000
   Fixed Equipment $ 2,000
   Movable Equipment $ 2,500
   $ 44,500

Sec. 5. There is hereby appropriated out of the Highway Fund the sum of one million eighty thousand dollars ($1,080,000.00) for the use of the Department of Motor Vehicles and State Highway Commission to provide for CAPITAL IMPROVEMENT projects according to the following schedule:

798
II. PUBLIC SAFETY AND REGULATION

Department of Motor Vehicles

1. Garage for Troop "C"
   Headquarters
   Raleigh
   Building ................................ $ 80,000
   Equipment ................................ 25,000  $105,000

2. Office Building—Roxboro
   Building Complete ....................... 119,000
   Land .................................... 6,000  125,000

VI. HIGHWAYS

Highway Commission ............................................... 850,000

1. Reserve for Capital Improvement Projects ..................... 850,000

Sec. 6. There is hereby appropriated out of the Wildlife Resources Fund the sum of one hundred forty thousand dollars ($140,000.00) to provide for CAPITAL IMPROVEMENT projects according to the following schedule:

IX. NATURAL RESOURCES AND RECREATION

Wildlife Resources Commission .................................. 140,000

1. Construction and Development of Boating Access Areas .......... 40,000
2. Purchase of Land for Wildlife Management Areas ................ 50,000
3. Purchase of Boating and Fishing Access Areas ................... 20,000
4. Concrete Dam—Intake Structure and Water Line for Basin Creek—U.S. Park Service Land, Wilkes County ................ 30,000

Sec. 7. The Director of the Budget is authorized and empowered to make transfers and changes from completed projects for which appropriations are made in this Act, within the amounts of appropriations made to each separately named department, agency, or institution, to provide changes as necessary to permit completion of the projects as described in this appropriation and only as detailed in Vol. III of the Budget. Funds may not be transferred from the appropriations herein made to projects authorized by previous or future North Carolina General Assemblies.

Sec. 8. The Governor and the Advisory Budget Commission are authorized and empowered to delete any CAPITAL IMPROVEMENT project or projects as provided in this Act and substitute therefor any other CAPITAL IMPROVEMENT project or projects which on the request of the department, agency or institution, and in the opinion of the Governor and the Advisory Budget Commission, shall be deemed to be in the best interest of the State. Such substituted projects shall take precedence over projects enumerated in this Act within the limit of funds provided to the requesting department, agency, or institution in this appropriation.

Sec. 9. The Advisory Budget Commission may, when in its opinion it is in the best interest of the State to do so, and upon the request of the department, institution, or agency, authorize the increase or decrease in size and scope of any project or projects enumerated in this Act within the funds provided in this appropriation to that department, agency or institution.
CHAPTER 755  
SESSION LAWS—1969

Sec. 10. It shall be incumbent upon each agency, department or institution enumerated in this Act to apply for Federal Aid to participate in the construction of each project appropriated for in this Act and to the extent to which projects may be eligible for such Federal aid. Participating Federal funds shall not be used for the purpose of enlarging any project enumerated in this Act beyond the physical or functional scope provided for in this Act and as detailed in Volume III of the Budget but shall replace State funds in the same amount as such Federal aid. The State funds so replaced by Federal funds shall be placed into a special Capital Construction Reserve Fund which fund shall be used at the discretion of the Governor and Advisory Budget Commission for the purpose of providing funds to construct additional facilities which in the opinion of the Governor and Advisory Budget Commission are considered essential subject to availability of funds. Projects so selected by the Governor and the Advisory Budget Commission for construction from the special Capital Construction Reserve Fund shall be as detailed in Volume III of the Budget. In order that the Capital Construction Reserve Fund be used to its fullest benefit to the State, the Advisory Budget Commission, and the Department of Administration, and its pertinent division, shall be furnished in advance with copies of all requests for Federal funds, and this information furnished shall be kept current. Application for use of funds from the special Capital Construction Reserve Fund for additional projects will not be considered until and unless sufficient funds to cover full cost of design, construction, and equipment exist within the special Capital Construction Reserve Fund. Applications in anticipation of these funds will not be considered.

Sec. 11. There is provided in Section 4 of this Act the sum of one million eight hundred twenty five thousand dollars ($1,825,000.00) appropriated to the Department of Administration for the purpose of providing certain air conditioning and renovation for the four (4) units of the Sanatorium System. These funds shall be allocated and expended as determined by the Governor and the Advisory Budget Commission for the purposes intended and based upon the ultimate use of these facilities.

Sec. 12. The construction, equipping and furnishing of a new State Art Museum Building, together with the acquisition of a site for the same, is hereby authorized. The appropriation for said purposes of ten million dollars ($10,000,000) is also hereby authorized pursuant to the provisions of Chapter 1142 of the Session Laws of 1967, as amended. There is appropriated the sum of three million dollars ($3,000,000) as set forth in Section 4 of this Act to the Department of Administration to be used with funds received from other sources for the construction of said new Museum of Art Building herein authorized. It is the intent of the General Assembly of North Carolina that this appropriation of three million dollars ($3,000,000) shall be reserved and used with funds received from private gifts and grants and from other non-state funds made available by individuals, corporations, foundations and others to provide for the design, construction, furnishing, and all related costs in constructing, equipping and furnishing an Art Museum Building and acquiring a site therefor as authorized by said Chapter 1142 of the Session Laws of 1967, to be used as requested by the State Art Museum Building Commission and shall be subject to the approval of the Governor and the Advisory Budget Commission. The provisions of this Act relative to reversion shall not be applicable to this appropriation.

Sec. 13. There is provided in Section 4 of this Act the sum of ten million eighty one thousand nine hundred twenty one dollars ($10,081,921.00) appropriated to the
University of North Carolina at Chapel Hill for the purpose of providing the State's share of the total cost to construct and equip a Preclinical Education Facility, a Clinical Science Facility and a Bed Tower Addition to Memorial Hospital, each of these facilities being appropriated as detailed in Section 4 of this Act. The funds so appropriated shall be contingent upon matching funds indicated to be provided by the Federal Government for each of these three projects. In the event that Federal funds are not forthcoming, then the funds appropriated in this Act for either or all of the three enumerated projects not receiving Federal support as indicated in Section 4 of this Act shall revert to the General Fund, and shall not be used for any other purpose.

Sec. 14. Subject to any transfers and changes between appropriations as permitted in Sections 7, 8 and 9 of this Act, the appropriations for CAPITAL IMPROVEMENT made in this Act shall be expended only for specific projects set out in this Act. Construction of all CAPITAL IMPROVEMENT projects enumerated in this Act shall be commenced on or before December 31, 1970; if construction on such project or projects has not been commenced on or before December 31, 1970, then the appropriation for such project or projects shall revert to the original source and no transfer to other projects shall be allowed; provided, however, that subject to the approval of the Governor and the Advisory Budget Commission this deadline may be extended when such action is justified in the opinion of the Governor and the Advisory Budget Commission by existing circumstances and conditions.

Sec. 15. Any unencumbered balances remaining in the CAPITAL IMPROVEMENT funds of 1967 appropriated for construction and equipment shall revert to the original source on December 31, 1969; provided, that the Governor and the Advisory Budget Commission may grant further extension for specific projects in such cases wherein a real emergency exists.

Sec. 16. The several departments, institutions, and agencies of the State are fully authorized and empowered to make application or applications to any agency or agencies of the United States of America for grant-in-aid for the construction of the several projects mentioned in this Act and within the scope and intent of the projects enumerated in this Act and to expend the same in accordance with the terms of such grants which are not contrary to the laws of this State. The Advisory Budget Commission and the Department of Administration, and its pertinent divisions, shall be furnished in advance with copies of all requests for Federal funds and this information shall be kept current.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall be in full force and effect July 1, 1969.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 230        CHAPTER 756

AN ACT TO PROVIDE FOR REFUNDS OF CHARGES AND FEES COLLECTED FROM STUDENTS OR THEIR PARENTS IN THE PUBLIC SCHOOL SYSTEM WHEN THE PUPILS ARE TRANSFERRED OR FOR OTHER VALID REASONS LEAVE THE PUBLIC SCHOOL IN WHICH THEY ARE ENROLLED.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act:
"Month" shall mean twenty school days;

"First semester" shall mean the first ninety teaching days of the one-hundred eighty days of the school year;

"Second semester" shall mean the last ninety days of the one-hundred eighty days constituting the school year;

"Term" for the purposes of this Act shall have the same meaning as that of first semester or second semester.

Sec. 2. In all cases where pupils of an administrative unit of the public school system transfer to some other public school in another administrative unit or such pupils are compelled to leave the school in which they are enrolled because of some serious or permanent illness, or for any other good and valid reason, then such pupils or their parents shall be entitled to a refund of the fees and charges paid by them as follows:

(1) If the transfer or departure of the pupil or pupils from the school in which they are enrolled takes place within one month after enrollment, then all such fees and charges shall be refunded in full;

(2) If the transfer or leaving the school on the part of said pupil or pupils takes place after the first month and before the middle of the first semester, then one-half of the fees for the first semester shall be refunded, and all fees and charges for the second semester shall be refunded.

(3) If the pupil or pupils transfer or leave the school after the middle of the first semester, then no first semester fees or charges shall be refunded.

(4) If the fees and charges on the part of such pupil or pupils have been paid for a year and such pupil or pupils transfer or leave the school at the end of the first semester or within the first month of the second semester, then all second semester fees and charges shall be refunded in full;

(5) If the fees and charges herein described and set forth have been paid for one year, and the pupil or pupils transfer or leave the school before the middle of the second semester, then one-half of the second semester fees shall be refunded;

(6) The words "fees" and "charges" as used in this Act shall not include any fees or charges paid for insurance or fees charged for expendable materials.

(7) If the pupil or pupils transfer or leave the school after the middle of the second semester, then no fees shall be refunded.

(8) If the amount of total refund as determined by this Section shall be less than one dollar ($1.00), no refund shall be paid.

Sec. 3. In all cases where semesters are designated as terms, the word "term" shall have the meaning as above set forth, and the refund shall be on the same basis as the semester refunds set forth in Section 2 of this Act.

Sec. 4. The principal shall be responsible for refunding fees and charges at the place of the collection of the fees and charges by check made payable to the parent or guardian of pupil or pupils leaving the school as noted in Sec. 2. of this Act.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 9th day of June, 1969.

**H. B. 573 **

**CHAPTER 757**

AN ACT TO PROHIBIT THE HUNTING OR TAKING OF BEAR IN TYRRELL COUNTY.

*The General Assembly of North Carolina do enact:*

**Section 1.** It shall be unlawful for any person to take or hunt bear in the County of Tyrrell at any time during the next four (4) years.

**Sec. 2.** Violation of this Act shall be a misdemeanor punishable by fine or imprisonment at the discretion of the court.

**Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

**H. B. 779**

**CHAPTER 758**

AN ACT TO ENABLE AND ALLOW THE COUNTY COMMISSIONERS OF LINCOLN COUNTY TO PAY YEARLY DUES TO THE LINCOLNTON-LINCOLN COUNTY CHAMBER OF COMMERCE.

*The General Assembly of North Carolina do enact:*

**Section 1.** The Board of County Commissioners of Lincoln County shall be authorized and empowered for the fiscal year 1968-69, and thereafter on an annual basis, to pay to the Lincolnton-Lincoln County Chamber of Commerce not exceeding one thousand dollars ($1,000.00) per annum.

**Sec. 2.** That such appropriations as found to be reasonably necessary and adequate for the purpose of aiding and encouraging Agricultural, Industrial and Economic Development of the county and thereby increase the population, taxable property, growth in agricultural industries and business prospects of the county, may be made by the board upon receipt of statement or statements specifying as fact such expenditures and approved by the board.

**Sec. 3.** Such appropriation of funds shall be restricted to revenue derived from sources other than ad valorem taxes levied and collected by the county.

**Sec. 4.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 5.** This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

**H. B. 840**

**CHAPTER 759**

AN ACT TO ALLOW PHYSICIANS LICENSED TO PRACTICE IN OTHER STATES TO MAKE THE PHYSICAL EXAMINATIONS REQUIRED OF APPLICANTS FOR MARRIAGE LICENSES IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

**Section 1.** The first sentence of G. S. 51-11 is hereby rewritten to read as follows:
CHAPTER 759  
SESSION LAWS—1969

"Such certificate, upon the basis of which license to marry is granted, shall be executed by any physician licensed to practice medicine in the State of North Carolina, any other state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, whose duty it shall be to examine such applicants and to issue such certificate in conformity with the requirements of Sections 51-9 to 51-13."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 894  
CHAPTER 760

AN ACT TO INCREASE THE PER DIEM ALLOWANCE FOR DIRECTORS OF ELECTRIC AND TELEPHONE MEMBERSHIP CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 117-13 of the General Statutes of North Carolina is hereby amended by deleting from the thirteenth line thereof the word "twenty", by substituting in lieu thereof the word "thirty", by deleting from the fourteenth line thereof the figure "($20.00)", and by substituting in lieu thereof the figure "($30.00)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 941  
CHAPTER 761

AN ACT PERMITTING RESIDENTS OF THE STATE WHO ARE BLIND TO FISH IN LAKE NORMAN WITHOUT A FISHING LICENSE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of G. S. 113-271 is hereby designated as subsection (d).

Sec. 2. G. S. 113-271 is amended by inserting after subsection (b) a new subsection (c) as follows:

"(c) Any person who has been a resident of the State for at least one year and who has been certified by the North Carolina Commission for the Blind or a physician or optometrist as a person whose vision with glasses is insufficient for use in ordinary occupations for which sight is essential shall not be required to have a hook-and-line fishing license to fish in Lake Norman provided such person at the time of fishing in Lake Norman is in attendance at Camp Dogwood."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.
H. B. 958  

CHAPTER 762  

AN ACT TO AMEND CHAPTER 198, SESSION LAWS OF 1969, RELATING TO STREET IMPROVEMENTS IN LINCOLNTON.  

*The General Assembly of North Carolina do enact:*  

**Section 1.** Chapter 1, Session Laws of 1969, is hereby amended by deleting the words "involving railroad property" in Section 1 thereof.  

**Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.  

**Sec. 3.** This Act shall become effective upon ratification.  

In the General Assembly read three times and ratified, this the 10th day of June, 1969.  

H. B. 978  

CHAPTER 763  

AN ACT TO AMEND G. S. 62-261(7) TO PROVIDE VEHICLE INSPECTION OF MOTOR COMMON CARRIERS OF PROPERTY AND PASSENGERS.  

*The General Assembly of North Carolina do enact:*  

**Section 1.** G. S. 62-261(7) is hereby amended by striking out the word "passengers" where it appears in lines 5,8,11,18,21 and 26 of said subsection (7) and by inserting in lieu thereof the words "passengers and property."  

**Sec. 2.** All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.  

**Sec. 3.** This Act shall be in full force and effect from and after September 15, 1969.  

In the General Assembly read three times and ratified, this the 10th day of June, 1969.  

H. B. 982  

CHAPTER 764  

AN ACT TO AUTHORIZE THE UTILITIES COMMISSION AND ITS EMPLOYEES TO INSPECT THE RECORDS OF CORPORATIONS AFFILIATED WITH PUBLIC UTILITIES DOING BUSINESS IN NORTH CAROLINA.  

*The General Assembly of North Carolina do enact:*  

**Section 1.** Chapter 62 of the General Statutes is hereby amended by adding a new Section thereto to read as follows:  

"G. S. 62-51. To Inspect Books and Records of Corporations Affiliated with Public Utilities. The Utilities Commission and its employees are hereby authorized to inspect the books and records of corporations affiliated with public utilities regulated by the Utilities Commission under the provisions of this Chapter, including parent corporations and subsidiaries of parent corporations. This authorization shall extend to all reasonably necessary inspection of all books and records of account and agreements and transactions between public utilities doing business in North Carolina and their affiliated corporations where such records relate either directly or indirectly to the provision of intrastate service by the utility. The right to inspect such books and records shall apply both to books and records in the State of North Carolina and such books and records located outside of the State of North Carolina. If any such affiliated corporation shall refuse to permit such inspection of its books and records and its transactions with public
utilities doing business in North Carolina, the Utilities Commission is empowered to order the public utility regulated in North Carolina to show cause why it should not secure from its affiliated corporation such books and records for inspection in North Carolina or why their franchise to operate as a public utility in North Carolina should not be cancelled."

Sec. 2. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after September 15, 1969.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.

H. B. 983

CHAPTER 765

AN ACT TO AMEND CHAPTER 62 OF THE GENERAL STATUTES TO PROVIDE PENALTIES FOR FILING OR GIVING FALSE INFORMATION TO THE UTILITIES COMMISSION OR WITHHOLDING INFORMATION FROM THE UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 62 of the General Statutes is hereby amended by adding a new section at the end thereof to read as follows:

"G. S. 62-326. Furnishing False Information to the Commission; Withholding Information from the Commission. (a) Every person, firm or corporation operating under the jurisdiction of the Utilities Commission or who is required by law to file reports with the Commission who shall knowingly or wilfully file or give false information to the Utilities Commission in any report, reply, response, or other statement or document furnished to the Commission shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court."

"(b) Every person, firm, or corporation operating under the jurisdiction of the Utilities Commission or who is required by law to file reports with the Commission who shall wilfully withhold clearly specified and reasonably obtainable information from the Commission in any report, response, reply or statement filed with the Commission in the performance of the duties of the Commission or who shall fail or refuse to file any report, response, reply or statement required by the Commission in the performance of the duties of the Commission shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after September 15, 1969.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.
H. B. 988

CHAPTER 766

AN ACT TO GRANT JURISDICTION TO THE NORTH CAROLINA UTILITIES COMMISSION AS IT RELATES TO RADIO COMMON CARRIERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 62 of the North Carolina General Statutes is hereby amended by adding thereto a new Article, to be appropriately numbered, and to read as follows:

ARTICLE

RADIO COMMON CARRIERS

1. The North Carolina Utilities Commission shall exercise over and in relation to radio common carriers the powers conferred by this Article.

(a) The word "commission" when used in this Article means the North Carolina Utilities Commission.

(b) The word "Commissioners" when used in this Article means the Commissioners of the North Carolina Utilities Commission.

(c) The term "radio common carriers" when used in this Article includes every corporation, company, association, partnership and persons and lessees, trustees, or receivers, appointed by any court whatsoever owning, operating or managing a radio common carrier engaged in the business of providing a service of one way or two way radio communications and licensed as a miscellaneous common carrier by the Federal Communications Commission, but not engaged in the business of providing a public land line message telephone service or a public message telegraph service. The terms "telephone or telegraph utilities", "telephone or telegraph company", or a "person operating telegraph or telephone lines" when used in this Chapter, shall not be construed as including radio common carriers.

2. No radio common carrier shall begin, or continue, the construction or operation of any radio system, or any extension thereof, or acquire ownership or control thereof either directly or indirectly without first obtaining from the public utilities commission a certificate that the present or future public convenience and necessity requires or will require such construction, operation or acquisition; provided this Article shall not require, nor shall it be so construed as to require, any such carrier to secure a certificate for an extension within any authorized service area within which such person has heretofore lawfully commenced operations, or for any extension within or to territory already served by such carrier, necessary in the ordinary course of business, or for substitute facilities within or to any authorized service area or territory already served by such carrier, or for any extension into territory contiguous to that already served by such carrier and not receiving similar service from another such carrier when no certificate of convenience and necessity has been issued to or applied for by any other radio common carrier, or for the acquisition and operation of any plant or system heretofore constructed or hereafter constructed under authority of a certificate of convenience and necessity hereafter issued. The Commissioners are hereby authorized to prescribe appropriate and reasonable rules and regulations governing the issuance of such certificates.

3. Any person not presently franchised or certificated by the North Carolina Utilities Commission as a radio common carrier but engaged in the operation of any radio common carrier licensed by the Federal Communications Commission...
on the effective date of this Article shall receive a certificate of convenience and necessity from the North Carolina Utilities Commission authorizing such person to continue the operation of such radio common carrier in the territory professed to be served by such person on the effective date of this Article, if, within thirty (30) days after this Article becomes effective, such person shall file with the Commission an application for such certificate, including copies of any license or licenses issued by the Federal Communications Commission to such person, showing the area professed to be served by such person.

3 1/2. The commission shall have the power and authority to set and regulate rates charged to the public by Radio Common Carriers.

4. The Commission shall not grant a certificate for a proposed radio common carrier operation or extension thereof into the established service area which will be in competition with or duplication of any other radio common carrier unless it shall first determine that the existing service is inadequate to meet the reasonable needs of the public and that the person operating the same is unable to or refuses or neglects after hearing on reasonable notice to provide reasonably adequate service.

5. The provisions of this Article relate only to "radio common carriers" as defined herein and are distinguishable from mobile radio telephone service offered by land line telephone or telegraph utilities regulated by the Commission.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 994

CHAPTER 767

AN ACT TO REPEAL G. S. 122-90 AND REWRITE G. S. 122-91 TO AUTHORIZE DISTRICT COURT JUDGES TO ORDER ALLEGED CRIMINALS TO BE COMMITTED TO A STATE HOSPITAL FOR OBSERVATION AND TREATMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 122-90 is hereby repealed.

Sec. 2. G. S. 122-91 is rewritten to read as follows:

"Any alleged criminal indicted or charged with the commission of a felony may, on the order of the presiding or resident judge of the superior court or the chief district court judge, in or out of session, be committed to a State hospital for a period of not exceeding sixty days for observation and treatment. The order of commitment shall contain the name and address of the nearest responsible relative, if known, and shall also contain the address of the alleged criminal, if known. If at the end of the observation and treatment period herein provided the alleged criminal is found to be mentally incompetent of pleading to the charge against him, the superintendent of the state hospital concerned shall report his findings and recommendations to the clerk of superior court of the county from which the alleged criminal was committed. It shall be the duty of such clerk to bring the report to the attention of the presiding or residing judge of the superior court or the chief district court judge. It shall also be the duty of the clerk to notify the clerk of the superior court of the county in which
the alleged criminal is hospitalized, and the duty of the clerk so notified to initiate proceedings to have the alleged criminal hospitalized for a minimum necessary period under the procedures prescribed in G. S. 122-65. If the alleged criminal shall be found competent, the superintendent of the State hospital concerned shall report his findings to the clerk of the superior court of the county from which such alleged criminal was committed and the clerk shall notify the sheriff who shall remove the alleged criminal from the State hospital and return him to the county for trial."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.

H. B. 1070

CHAPTER 768

AN ACT TO AMEND SECTIONS 105-306(26), 105-308, 105-309 and 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA, IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF STANLY COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN STANLY COUNTY, AND TO AUTHORIZE THE DIVISION OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners for Stanly County is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Stanly County, and to prescribe regulations relating to the listing of property for taxation by agents and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G.S. 105-308 or G.S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G.S. 105-308 and G.S. 105-310.

Sec. 3. Authority is hereby granted to the Board of County Commissioners of Stanly County to divide or combine townships within Stanly County for tax listing purposes. The tax supervisor of Stanly County, with the approval of the Board of County Commissioners for Stanly County, may appoint one or more list takers for each such unit within the county so combined or divided.

Sec. 4. The provisions of G.S. 105-306(26), G.S. 105-308, G.S. 105-309 and G.S. 105-310 shall apply to Stanly County, except insofar as they are not consistent with regulations relating to the oath of the taxpayer, the listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G.S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Stanly County. If the Board of Commissioners of said county has adopted regulations relating to any matter covered by this Act, the listing in said county must be in accordance with the General Statutes as amended by such regulations, and the provisions

809
CHAPTER 768  SESSION LAWS—1969

of G.S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 6. This Act shall apply only to the County of Stanly.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.

H. B. 1074  CHAPTER 769

AN ACT TO AMEND CHAPTER 307 OF THE SESSION LAWS OF 1955 TO ENLARGE THE FAIRMONT BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 239 of the Session Laws of 1969 is hereby repealed.

Sec. 2. Chapter 307 of the Session Laws of 1955 is amended by adding a new Section 1 1/2 to read as follows:

"Sec. 1 1/2. The Fairmont Board of Education shall consist of seven members as of July 1, 1969. The members of the board shall be appointed by the General Assembly as provided in Section 1 above except that three members shall be appointed for four-year terms in 1971 and every four years thereafter and four members shall be appointed for four years in 1973 and every four years thereafter.

"The following four people are hereby appointed for four-year terms beginning on July 1, 1969, and until their successors are appointed and qualified: Mr. James A. Freeman, Mr. Percy Hill, Dr. Milton J. Jordan, and Mr. Willie Brooks Webster.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.

H. B. 1081  CHAPTER 770

AN ACT TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1045 of the 1967 Session Laws providing for the election of the members of the Board of Education of Robeson County is repealed.

Sec. 2. The Board of Education of Robeson County shall consist of seven members who shall be elected by the voters of the county as herein provided on a partisan basis in the manner provided for the election of county officers in Robeson County. The term of office of each member shall be for a period of four years beginning on the first Monday in December next succeeding his election, and shall continue until a successor has been elected and qualified.

Sec. 3. The terms of office of the present members of the Board of Education of Robeson County shall continue until their successors are elected and qualified as provided in this Act.
Sec. 4. At the time of the primary election to be held in 1970, and every four years thereafter, each party shall nominate three (3) candidates for the Board of Education of Robeson County. The names of the persons so nominated by each political party shall be placed on the official ballots of Robeson County, and shall be voted on by the qualified voters of the county at large in the general election of 1970.

At the time of the primary election to be held in 1972, and every four years thereafter, each party shall nominate four (4) candidates for the Board of Education of Robeson County. The names of the persons so nominated by each political party shall be placed on the official county ballots of Robeson County, and shall be voted on by the qualified voters of the county at large in the general elections of 1972.

Sec. 5. In each biennial election the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be declared elected.

Sec. 6. Any vacancy occurring in the membership of the Board of Education, for any reason, shall be filled for the unexpired term by an appointee named by the remaining members on said board.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.

H. B. 1090

CHAPTER 771

AN ACT TO AMEND G. S. 134-67 TO CHANGE THE NAME OF THE EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL FOR BOYS.

WHEREAS, the Honorable Richard Tillman Fountain of Edgecombe County, former Lieutenant Governor of North Carolina, was born February 15, 1885 and died at his home in Rocky Mount, February 21, 1945, after a lifetime of distinguished and honorable public service to his Community, County and State; and

WHEREAS, after attending public schools in Edgecombe County and Tarboro Male Academy, Richard Tillman Fountain, as early as 1907, completed his course in law at the University of North Carolina, and was licensed in the Spring of that year; he formed a partnership with his cousin, G.M.T. Fountain, and after the latter's death in 1923, formed a partnership with his brother, the Honorable Benjamin Eagles Fountain, Sr., a former member of the General Assembly; and

WHEREAS, Richard Tillman Fountain distinguished himself by his notable record of public service with his activities as a member and Chairman of the Rocky Mount School Board for many years, a member of the Legal Advisory Board of Rocky Mount and Edgecombe County, a member and presiding officer of the Civitan Club, a member in good standing of the American Bar Association, a member of the North Carolina Bar Association, of which he served as Vice President in 1922 and 1923, a member of the Rocky Mount Bar Association, of which he served as its President, Director of the First National Bank. City Industrial Bank, and the New Home Building and Loan Association, a member and past Chancellor of the Knights of Pythias Lodge, and a member of the First Presbyterian Church where he served as Deacon and Sunday School Superintendent for many years; and

811
WHEREAS, in 1911, Richard Tillman Fountain was appointed Judge of the first Municipal Court of Rocky Mount, serving in that capacity until his election to the North Carolina General Assembly in 1918; and

WHEREAS, Richard Tillman Fountain served in the North Carolina House of Representatives in the Sessions of 1919, 1921, 1923, 1925, and 1927, culminating his distinguished service in this capacity by his election as Speaker of the House in 1927; and

WHEREAS, as a member of the General Assembly, he actuated and assisted in the adoption of the law to establish the Great Smokey Mountain National Park: that because of his fervent interest and dedicated efforts in the preservation of the great natural resources of this State, he served several years as a member of the Great Smokey Mountain National Park Commission and the North Carolina Park Commission; and

WHEREAS, the Honorable Richard Tillman Fountain was elected to the office of Lieutenant Governor by the people of North Carolina for the term beginning 1928 and terminating in 1932; and

WHEREAS, Richard Tillman Fountain, in his self-appointed quest to lead the State of North Carolina to higher summits of attainment, envisioned, introduced, and championed the law enacted by the 1923 General Assembly, which authorized the establishment of the Eastern Carolina Industrial Training School for boys; and

WHEREAS, the Honorable Richard Tillman Fountain, as Chairman of the Board of Trustees of the Eastern Carolina Industrial Training School for Boys, presided over its destiny for more than two decades with the fortitude of a skilled statesman and the insight of a dedicated leader and prophet, and led it, with unerring precision, toward its present pinnacle of accomplishment; and

WHEREAS, it is appropriate that a State should recognize the creative achievements of its people, who render distinguished public service to their fellow citizens, the following tribute of appreciation and esteem is expressed by the State of North Carolina to the Honorable Richard Tillman Fountain, the Founder of the "Eastern Carolina Industrial Training School for Boys":

NOW, THEREFORE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 134-67, as the same appears in Replacement Volume 3B of the General Statutes, is hereby amended by striking out the words "Eastern Carolina Industrial Training School for Boys", in line 2, and inserting in lieu thereof, the words "Richard T. Fountain School", for the reason that the said institution shall hereafter be known and recognized as the "Richard T. Fountain School".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.
H. B. 1124

CHAPTER 772

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF COMMISSIONERS OF THE TOWN OF FAIRMONT.

The General Assembly of North Carolina do enact:

Section 1. The membership of the Board of Commissioners of the Town of Fairmont is hereby increased from four to six members. The present Board of Commissioners is hereby authorized to appoint the two additional members authorized herein, and said appointments shall be made within 30 days from the ratification of this Act.

Sec. 2. One member appointed by the Board of Commissioners shall serve for a term expiring on May 1, 1970, and the other member appointed shall serve for a term expiring on May 1, 1971. As the term of the appointed members expire, his successor shall be elected for a term of two years, at the time and in the manner provided by law for the election of the members of the Board of Commissioners of the Town of Fairmont.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1969.

H. B. 1130

CHAPTER 773

AN ACT RELATING TO THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF WARSAW.

The General Assembly of North Carolina do enact:

Section 1. The compensation of the Mayor of the Town of Warsaw is hereby fixed at Fifty Dollars ($50.00) per month and the compensation of each member of the Board of Town Commissioners of the Town of Warsaw is hereby fixed at Twenty-Five Dollars ($25.00) per month.

Sec. 2. The provisions of Chapter 181 of the Session Laws of 1969 shall be fully applicable to the Town of Warsaw with respect to any future changes in the compensation and allowances of the mayor and other members of the governing body of the Town of Warsaw.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

H. B. 1148

CHAPTER 774

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF EDUCATION OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Alexander County shall consist of six members to be elected for terms of four (4) years as hereinafter provided.

Sec. 2. For purpose of the election of six members to the Board of Education of Alexander County, said county shall be apportioned into four districts of contiguous townships, said townships to contain such precincts and polling places as are
provided for general elections. District number 1 shall consist of Little River, Sugar Loaf, and Gwaltney's townships. District number 2 shall consist of Sharpes township. District number 3 shall consist of Ellendale, Taylorsville, and Millers townships. District number 4 shall consist of Wittenburg township.

District number 1 shall be entitled to one member of the Board of Education; District number 2 shall be entitled to one member of the Board of Education; District number 3 shall be entitled to three members of the Board of Education; and District number 4 shall be entitled to one member of the Board of Education.

Sec. 3. Members of the Alexander County Board of Education shall be elected in a non-Partisan Election to be held at the time of the general election for nomination of candidates for the General Assembly. Candidates for the office of membership on the Board of Education of Alexander County shall be eligible electors and shall file notice of candidacy with the County Board of Elections of Alexander County in the same manner and at such time as that for candidates for the General Assembly prior to the date of said primary election, and notice of candidacy shall be accompanied by a filing fee of ten ($10.00) dollars. The notice of candidacy shall state the name, age, residence and district of the candidate, together with a statement that such candidate desires to be voted upon as a member of said Alexander County Board of Education.

Sec. 4. The present five members of the Board of Education of Alexander County shall hold their offices until the expiration of the terms for which they were appointed, provided: the term of office of one of the two appointed members from District number 1 shall expire on the first Monday in December, 1970, and the term of office of the one appointed member from District number 4 shall expire on the first Monday in December, 1970; the term of office of the second appointed member from District number 1, the term of office of the one appointed member from District number 2, and the term of office of the one appointed member from District number 3, shall expire on the first Monday in December, 1972. In any case the present members of the Alexander County Board of Education, or those appointed to fill unexpired terms of said members, shall hold their offices until their successors are elected and qualified. All members elected in any election shall take office on the first Monday in December of the year in which elected.

Sec. 5. At the general election to be held for the year 1970, three candidates shall be elected to membership on the Board of Education of Alexander County for terms of four years each as herein provided. One member shall be elected from and for District number 3 in place of the one appointed member position from District number 1 whose term of office expires in December, 1970, and one additional member shall be elected from and for District number 3, increasing membership for said District number 3 from one appointed member to three members, and decreasing membership for said District number 1 from two appointed members to one member. One member shall be elected from and for District number 4, replacing the appointed member position from said District number 4 whose term of office expires on the first Monday in December, 1970.

At the general election to be held for the year 1972, three candidates shall be elected to membership on the Board of Education of Alexander County for terms of four years each as herein provided. One member shall be elected from and for District number 1, replacing the appointed member position from said District number 1 whose term of office expires on the first Monday in December, 1972. One member shall be elected from and for District number 2, replacing the appointed
member position from said District number 2 whose term of office expires on the first Monday in December, 1972. One member shall be elected from and for District number 3 replacing the one appointed member position from District number 3 whose term of office expires on the first Monday in December, 1972.

Sec. 6. In Districts 1, 2, and 4, each entitled to one member of the Board of Education as provided in Section 2 of this Act, and in those years in which vacancies exist by reason of the expiration of the term(s) of office of a member, the candidate receiving the highest number of votes in the district shall be declared to be elected.

In District number 3, entitled to three members of the Board of Education as provided in Section 2, in those years in which two vacancies exist by reason of the expiration of terms of office of two members, the two candidates receiving the highest number of votes in said District number 3 shall be declared to be elected; in those years in which one vacancy exists by reason of the expiration of the term of office of one member, the one candidate receiving the highest number of votes in said District number 3 shall be declared elected.

Sec. 7. In the event the number of candidates in a district does not exceed the number of vacancies to be filled in that district, no election shall be necessary and the candidate(s) shall be declared elected. Vacancies on the Board which arise during a term of office shall be filled for the unexpired term by majority vote of the remaining members of the Board of Education of Alexander County.

Sec. 8. Member(s) whose terms of office expire and who desire to become candidates for re-election shall register and be voted upon in the same manner as herein provided and at the general election to be held in the year in which said terms of office expire, provided no member shall serve more than two terms in succession.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1156

CHAPTER 775

AN ACT TO AUTHORIZE THE GUILFORD COUNTY BOARD OF COUNTY COMMISSIONERS TO USE OR SELL CERTAIN REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Guilford County is hereby authorized to use or sell for any purpose, subject to a determination and finding by the Board of County Commissioners that the property is no longer needed for Public Parks and Recreational grounds purposes, and treat the proceeds from such sale as a part of the general fund of the County, that certain tract of land conveyed by deed recorded in Book 554 at page 478 in the Office of the Register of Deeds of Guilford County, North Carolina, which tract is more particularly described as follows:

**FIRST TRACT:** Beginning at a stone on the old Salisbury and Hillsboro Road, thence N. 87 1/4 degrees W. 295 feet to a stone corner between J. W. Webb, James E. Webb, and running thence N. 7 degrees 50 minutes E. 255 feet to a stone; thence N. 65 1/2 degrees W. 76 feet to a stone; thence N. 18 1/4 degrees E. 75 feet to a stone; thence S. 65 1/4 degrees E. 160 feet to a stone; thence
CHAPTER 775

S. 9 1/4 degrees W. 165 feet to a stone; thence N. 87 1/4 degrees E. 201 7/10 feet to a stone; thence S. 7 degrees 50 minutes W. 154 1/2 feet to the beginning, being the land conveyed to grantor by J. W. Webb and wife, Elizabeth Webb, by deed recorded in the office of the Register of Deeds of Guilford County, in Book No. 180, page 449.

SECOND TRACT: All that piece of land in Guilford County, lying on the Cape Fear & Yadkin Valley Railroad about 4 1/2 miles northwest of Greensboro, and on both sides of the Battleground road on the little mountain, bounded as follows:

Beginning at a stone on George T. Lane's line and runs thence East 361 feet crossing the Battleground road to the edge of the right of way of the C. F. & Y. V. R. R.; thence North 28 degrees West 780 feet, along the said right of way to a stone in the west side of the Battleground road, at the edge of it; thence South along said George T. Lane's line 691 feet to the beginning, containing 2 1/3 acres more or less, being the land conveyed to grantor by said George T. Lane, by deed recorded in the office of the Register of Deeds of Guilford County in Book No. 84, page 393.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect upon it ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1164

CHAPTER 776

AN ACT TO AMEND SECTION 6 OF CHAPTER 792 OF THE 1961 SESSION LAWS TO EXTEND THE USE OF PROFIT OF THE TOWN OF JAMESTOWN BOARD OF ALCOHOLIC CONTROL TO REHABILITATION OF ALCOHOLICS.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 792 of the 1961 Session Laws is hereby amended by adding after the word "beverages" in the first sentence in the first paragraph of said Section 6, the following words:

..."and for the rehabilitation of alcoholics."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1167

CHAPTER 777

AN ACT AMENDING CHAPTER 298 OF THE SESSION LAWS OF 1945, AS AMENDED, TO PERMIT THE INVESTMENT OF A MAXIMUM OF FIFTY PERCENT (50%) OF THE ASSETS OF THE FORSYTH COUNTY EMPLOYEES RETIREMENT FUND IN COMMON STOCKS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 298 of the Session Laws of 1945 entitled "An Act Authorizing the County of Forsyth to Provide a Retirement Plan for County Employees," as amended by Chapter 391 of the Session Laws of 1961, by Chapter 820 of the Session Laws of 1965, and by Chapter 1258 of the Session Laws of 1967, is hereby amended as follows:
The provisions at the end of Section 5 of Chapter 298 of the Session Laws of 1945, as added to such Section by Chapter 391 of the Session Laws of 1961 and by Chapter 820 of the Session Laws of 1965, are hereby further amended to read as follows:

"The County of Forsyth or any agency, firm, insurance company, person, or corporation contracting with the County of Forsyth for the investment, care, or administration of said fund may invest and reinvest the funds constituting the said retirement fund in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investments of assets of domestic life insurance companies; provided, the provision of Section 58-79 (a) (6) prohibiting the investment of more than ten percent (10%) of the total admitted assets of said fund in stocks shall not apply, the investment or reinvestment of not more than fifty percent (50%) of the total assets of said retirement fund in common stocks being hereby authorized; and provided further, that the foregoing limitation of fifty percent (50%) investment in common stocks and the limitation of Section 58-79 (a) (6) prohibiting the investment of more than three percent (3%) of the admitted assets of said retirement fund in the stock or shares of any one corporation, shall be construed as limitations determined on the basis of the cost of the total assets of the retirement fund at the time of investment in shares of common stock."

Sec. 2. Where the term "admitted assets" is used in Section 58-79 of the General Statutes of North Carolina, or in Section 1 of this Act, said term shall mean "the total assets of the retirement fund" for the purpose of this Act and the term "stocks" shall mean "common stocks" for purpose of this Act.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1168

CHAPTER 778

AN ACT RELATING TO THE TAX RECORDS OF BUNCOMBE COUNTY AND THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. In order to clarify and make more definite the tax records for the County of Buncombe and the City of Asheville, those certain cumulative records of uncollected real estate taxes for the years 1944 through 1950 designated as "Condensed Tax Scroll for the years 1944 through 1950" and those certain cumulative records of uncollected real estate and personal property taxes for the years 1951 through 1967 designated as "Condensed Tax Scroll for the years 1951 through 1967" shall, upon adoption by resolution of the Board of Tax Supervision for Buncombe County, be declared the official scroll books or records of unpaid real estate taxes due the County of Buncombe and the City of Asheville for the years 1944 through 1950 and unpaid real estate and personal property taxes for the years 1951 through 1967 and shall be substituted in all respects for the old scroll books for said years.

Sec. 2. All real estate taxes due the City of Asheville, and the County of Buncombe or the Board of Tax Supervision for Buncombe County for the years 1944
through 1950 and all real estate and personal property taxes for the years 1951 through 1967 which do not appear as unpaid or assigned on said Condensed Tax Scrolls shall, upon the adoption of said scrolls by resolution of the Board of Tax Supervision, be conclusively presumed to have been paid, and the Tax Collector of the Board of Tax Supervision for Buncombe County shall not be responsible for the omission from such Condensed Tax Scrolls of any unpaid real estate taxes for the years 1944 through 1950 and any unpaid real estate and personal property taxes for the years 1951 through 1967.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1170

CHAPTER 779

AN ACT TO APPOINT MEMBERS OF THE TRYON CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That Woodrow L. Hague, Dr. J. T. Mize, Russell Constance, Guy Mell Smith and Ralph Lawrence be, and they are hereby, appointed, members of the Tryon City Board of Education, each to serve for a term of two years.

Sec. 2. That the term of office of each of said members shall date from and be effective as of the first Monday in April, 1969.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1175

CHAPTER 780

AN ACT TO PERMIT THE INVESTMENT OF A MAXIMUM OF FIFTY PERCENT (50%) OF THE ASSETS OF THE MORGANTON EMPLOYEES RETIREMENT FUND IN COMMON STOCKS.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of the Chapter 201 of the Session Laws of 1959, as amended by Chapter 612 of the Session Laws of 1959, is hereby amended by striking out the period at the end, inserting a colon in lieu thereof, and adding the following words:

*Provided, the provision of Section 58-79(a)(6) prohibiting the investment of more than ten percent (10%) of the total admitted assets of said fund in common stocks shall not apply: the investment or reinvestment of not more than fifty percent (50%) of the assets of said fund in common stocks being hereby authorized; and provided further, that the foregoing limitation and the limitation of Section 58-79(a)(6) prohibiting the investment of more than three percent (3%) of the admitted assets of said fund in the stock or shares of any one corporation, shall be construed as
limitations determined at the time of investment on the basis of the cost of such assets and the cost of such stocks or shares."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1178

CHAPTER 781

AN ACT TO AMEND THE CHARTER OF THE CITY OF EDEN, CHAPTER 967 OF THE SESSION LAWS OF 1967, RELATING TO THE TERM OF MAYOR.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Eden, as enacted by Chapter 967 of the Session Laws of 1967, is hereby amended by changing the period at the end of Section 3.3 thereof to a semicolon and by adding after such semicolon the following: "provided, that the mayor elected by the Council in June, 1970, shall serve for a term of one year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1197

CHAPTER 782

AN ACT TO AUTHORIZE DAVIDSON COUNTY TO OPERATE OR GRANT FRANCHISES FOR THE OPERATION OF CABLE TELEVISION SYSTEMS OUTSIDE MUNICIPALITIES IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Davidson County is hereby authorized to establish, operate, and maintain, but not within one mile of the city limit of any municipality, a cable television system and to make reasonable charges for services rendered. The Board of Commissioners is authorized to grant upon reasonable terms franchises for the operation of cable television systems, such grants not to exceed the period of 20 years, to levy reasonable franchise taxes on the business of operating cable television systems, and to prohibit the operation of cable television systems without a franchise. For the purposes of this Act "cable television system" shall include any system or facility which, by means of a master antenna and wires or cables, or of wires and cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation; provided, that "cable television system" shall not include the providing by any person, firm, or corporation of master antenna service or to property owned or leased by such person, firm, or corporation, if no part of any public right-of-way or easement is used in providing such service; and further provided, that this subdivision shall not apply to communication services rendered to such a cable television system by a public utility which services are subject to regulation by the North Carolina Utilities Commission or the Federal Communications Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
CHAPTER 782  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1217  CHAPTER 783

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 20 OF THE GENERAL STATUTES OF NORTH CAROLINA TO INCREASE THE FEE FOR A DUPLICATE LICENSE, FOR LIMITED EXTRACT OF LICENSE RECORD AND TO INITIATE A REINSTATEMENT FEE WHERE LICENSES HAVE BEEN REVOKED OR SUSPENDED.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 20 of the General Statutes of North Carolina as same appears in the 1965 Replacement Volume 1C is hereby amended by adding a new subsection to be designated G.S. 20-7 (i) (1) and to read as follows:

"Any person's whose operator's or chauffeur's license or other privilege to operate a motor vehicle in this State has been suspended, canceled or revoked pursuant to the provisions of this Chapter shall pay a restoration fee of ten dollars ($10.00) to the Department prior to the issuance to such person of a new operator's or chauffeur's license or the restoration of such operator's or chauffeur's license or privilege, such restoration fee shall be paid to the Department in addition to any and all fees which may be provided by law.

Sec. 2. G.S. 20-14 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is amended by rewriting same to read as follows:

"G.S. 20-14. Duplicate licenses. In the event that an operator's or chauffeur's license is lost or destroyed, or if it is necessary to change the name or address thereon, the person to whom the license is issued may, upon payment of a fee of one dollar ($1.00) and upon furnishing proof satisfactory to the Department that the license has been lost or destroyed, or that the person's name or address has been changed, obtain a duplicate or substitute license."

Sec. 3. G.S. 20-26 (c) (1) as the same appears in the 1965 Replacement Volume 1C of the General Statutes is amended by deleting the figure fifty cents ($0.50) appearing at the end thereof and inserting in lieu thereof the figure one dollar ($1.00).

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 1239  CHAPTER 784

AN ACT TO PROVIDE FOR THE APPOINTMENT AND SUBSEQUENT ELECTION OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE MAXTON CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. The following named persons are hereby appointed as members of the Board of Trustees of the Maxton City Administrative School Unit for terms expiring on the second Monday in June, 1971: Mrs. J. D. Hagler, E. B. Stanton, Robert Buchanan, Everett S. Morris, Elbert L. Jones.
Sec. 2. The Board of Trustees of the Maxton City Administrative School Unit, as created by Chapter 425, Session Laws of 1953, shall be composed of five members, who shall reside in the territory included within the administrative unit. On the first Tuesday in May, 1971, a non-partisan election shall be held in the Maxton City Administrative School Unit for the election of five (5) trustees. No primary shall be held. The five (5) candidates receiving the highest number of votes cast shall be elected. The three (3) candidates receiving the highest number of votes shall serve for a period of four years and the other two (2) candidates shall serve for a term of two years, and until their successors are elected and qualified. Should a vacancy occur for any reason, the remaining trustees shall appoint a qualified person to fill the unexpired term.

Sec. 3. Chapter 300, Session Laws of 1955, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 597

CHAPTER 785

AN ACT AUTHORIZING ANY BOARD OF COUNTY COMMISSIONERS TO ACT AS A COUNTY HOUSING AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Section 157-33 of the General Statutes of North Carolina is amended as follows:

(a) By deleting the words "having a population of more than sixty thousand (60,000)" in lines 2 and 3 thereof;

(b) By inserting between the words "thereupon" and "appoint" in line 3 of the third paragraph the following phrase: "either (a) determine that the board of county commissioners shall itself constitute and act ex officio as an authority or (b)";

(c) By inserting between the word "commissioners" and the semicolon at the end of clause (3) of the fourth paragraph a comma followed by the words: "except where the authority consists of the board of county commissioners ex officio."

Sec. 2. Section 157-34 of the General Statutes is amended as follows:

(a) By changing the comma after the word "mayor" in line 5 to a semicolon;

(b) By inserting immediately thereafter the following phrase: "provided, that the board of county commissioners may determine in the case of any authority for its county that the board of county commissioners itself shall constitute and act ex officio as the authority.";

(c) By deleting the word "and" from line 5;

(d) By capitalizing the "E" which begins the word "except" in said line.

Sec. 3. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.
CHAPTER 786

AN ACT TO AMEND G. S. 6-21.1, SO AS TO INCREASE THE AMOUNT OF THE JUDGMENT IN WHICH ATTORNEY FEES MAY BE ALLOWED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 6-21.1, as it appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by deleting the words and figures "one thousand dollars ($1,000.00)" and inserting in lieu thereof the words and figures "two thousand dollars ($2,000.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

CHAPTER 787

AN ACT TO AMEND G. S. 20-124(h) TO PROVIDE THAT NO BRAKE LINING MAY BE SOLD OR OFFERED FOR SALE UNLESS IT IS OF A TYPE AND BRAND WHICH HAS BEEN APPROVED BY THE COMMISSIONER OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (h) of G. S. 20-124, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting the sentence "From and after January 1, 1970 no person shall sell or offer for sale in motor vehicle brake systems any brake lining of a type or brand other than those approved by the Commissioner of Motor Vehicles.", after the first sentence and before the second sentence thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1970.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

CHAPTER 788

AN ACT AMENDING SECTION 159-42 OF THE GENERAL STATUTES RELATING TO THE SCOPE OF THE LOCAL GOVERNMENT ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 159-42, as amended, is hereby amended by rewriting said Section so that the same shall hereafter read as follows:

"Sec. 159-42. Law Applicable to All Counties, Cities and Towns. The provisions of this Article shall apply to every unit having the power to levy taxes ad valorem, regardless of any provisions to the contrary in any general, special or local Act enacted before the adjournment of the Regular Session of the General Assembly in 1969."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.
CHAPTER 789

AN ACT TO AMEND G.S. 18-60 SO AS TO PROVIDE THAT VEHICLES ILLEGALLY TRANSPORTING LIQUOR IN CERTAIN CASES SHALL NOT BE CONFIscATED.

The General Assembly of North Carolina do enact:

Section 1. G.S. 18-6 is hereby amended by adding at the end of the second sentence thereof a proviso to read as follows:

"Provided, that the transportation of the legal amount of alcoholic beverages, as defined in G.S. 18-60, in the passenger area of the motor vehicle with the cap or seal on the container or containers open or broken, shall not be ground for confiscation of the motor vehicle."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

CHAPTER 790

AN ACT TO AMEND G. S. 77-14 CONCERNING OBSTRUCTIONS IN STREAMS AND DRAINAGE DITCHES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 77-14 is hereby rewritten to read as follows:

"G. S. 77-14. Obstructions in streams and drainage ditches. If any person, firm or corporation shall fell any tree or put any slabs, stumpage, sawdust, shavings, lime, refuse or any other substances in any creek, stream, river or natural or artificial drainage ravine or ditch, or in any other outlet which serves to remove water from any land whatsoever whereby the natural and normal drainage of said land is impeded, delayed or prevented, the person, firm or corporation so offending shall be guilty of a misdemeanor and upon conviction thereof shall be fined up to five hundred dollars ($500.00) or imprisoned for up to six months, or both, in the discretion of the court: Provided, however, nothing herein shall prevent the construction of any dam or weir not otherwise prohibited by any valid local or State statute or regulation."

Sec. 2. G. S. 77-14, as hereby rewritten, shall apply to all counties, and all exemptions from said section are hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.
AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO ISSUE PERMITS TO RIPARIAN OWNERS ADJOINING ESTUARINE WATERS OR STATE-OWNED LAKES TO DREDGE OR FILL IN SUCH WATERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 113 of the General Statutes of North Carolina is hereby amended by adding immediately following G. S. 113-228 a new Section to be designated G. S. 113-229 to read as follows:

"G. S. 113-229. Permits to dredge or fill in or about estuarine waters or State-owned lakes. (a) Before any excavation or filling project is begun in any estuarine waters, tidelands, marshlands, or State-owned lakes, the party or parties desiring to do such shall first obtain a permit from the North Carolina Department of Conservation and Development. The North Carolina Department of Water and Air Resources shall continue to coordinate projects pertaining to navigation with the United States Army Corps of Engineers.

(b) All applications for such permits shall include a plat of the areas in which the proposed work will take place, indicating the location, width, depth and length of any proposed channel, the disposal area, and a copy of the deed or other instrument under which the applicant claims title to the property adjoining the waters in question, (or any land covered by waters), tidelands, or marshlands, or if the applicant is not the owner, then a copy of the deed or other instrument under which the owner claims title plus written permission from the owner to carry out the project on his land.

(c) In lieu of a deed or other instrument referred to in subsection (b) of this Section, the agency authorized to issue such permits may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property.

(d) The applicant shall cause to be served in the manner provided by paragraph (g)(9) of this Section upon an owner of each tract of riparian property adjoining that of the applicant a copy of the application filed with the State of North Carolina and each such adjacent riparian owner shall have thirty days from the date of such service to file with the Department of Conservation and Development written objections to the granting of the permit to dredge or fill. An owner may be served by publication, in the manner provided by paragraph (g)(10) of this Section, whenever the owner's address, whereabouts, dwelling house or usual place of abode is unknown and cannot with due diligence be ascertained, or there has been a diligent but unsuccessful attempt to serve the owner under paragraph (g)(9) of this Section.

(e) Applications for permits shall be circulated by the Department of Conservation and Development among all State and Federal agencies having jurisdiction over the subject matter which might be affected by the project so that such agencies will have an opportunity to raise any objections they might have. In passing upon the application for permit, the Department shall consider, among other things, (i) the value and usefulness of the project to be served by the dredging, (ii) the effect of the proposed dredging and filling on the use of the water by the public, (iii) the value and enjoyment of the property of any riparian owner, (iv) public health, safety and welfare, (v) the conservation of public and private water supply, (vi) wildlife
or fresh water, estuarine, or marine fisheries. If the Department finds that the application is not contrary to the public interest, the Department shall issue to the applicant a permit to dredge or fill, or both. Such permit may be conditioned upon the applicant amending his proposal to take whatever measures are reasonably necessary to protect the public interest. The Department shall act upon an application for permit within ninety days after the application is filed.

"(f) If any State agency or the applicant raises an objection to the action of the Department of Conservation and Development regarding the permit application within twenty days after said action was taken, the Department shall call a meeting of a Review Board composed of the directors (or their designees) of the following State agencies: the Department of Administration, the Department of Conservation and Development, the Department of Water and Air Resources, the Wildlife Resources Commission, the Board of Health, and any other agency that may be designated by the Governor. The Review Board shall set a date for a hearing not more than sixty days from the date of the Departmental action. At said hearing, evidence shall be taken by the Review Board from all interested persons, who shall have a right to be represented by counsel. After hearing the evidence, the Review Board may affirm, modify or overrule the action of the Department concerning the permit application. The applicant, if aggrieved, may appeal from the ruling of the Review Board to the superior court of the county where the land or any part thereof is located, pursuant to the provisions of Article 33 of Chapter 143 of the General Statutes.

"(g) The following provisions, together with any additional provisions not inconsistent herewith which the Review Board may prescribe, shall be applicable in connection with hearings pursuant to this Article:

(1) All hearings shall be open to the public. The Review Board, or its authorized agents, shall have the authority to administer oaths.

(2) A full and complete record of all proceedings at any hearing shall be taken by a reporter appointed by the Review Board or by some other method approved by the Attorney General. Any party to a proceeding shall be entitled to a copy of such record upon the payment of the reasonable cost thereof as determined by the Review Board.

(3) The Review Board shall follow generally the procedures applicable in civil actions in the superior court insofar as practicable, including rules and procedures with regard to the taking and use of depositions, the making and use of stipulations, and the entering into of agreed settlements and consent orders.

(4) Subpoenas or subpoenas duces tecum issued by the Review Board, in connection with any hearing, shall be directed to any officer authorized by law to serve process, and the further procedures and rules of law applicable with respect thereto shall be prescribed in connection with subpoenas to the same extent as if issued by a court of record. In case of a refusal to obey a notice of hearing or subpoena issued by the board, application may be made to the superior court of the appropriate county for enforcement thereof.

(5) The burden of proof at any hearing shall be upon the person or agency, as the case may be, at whose instance the hearing is being held.

(6) No decision or order of the Review Board shall be made in any proceeding unless the same is supported by competent, material and substantial evidence upon consideration of the whole record.
(7) Following any hearing, the Review Board shall afford the parties thereto twenty days to submit proposed findings of fact and conclusions of law and any brief in connection therewith. The record in the proceeding shall show the Board's ruling with respect to each such requested finding of fact and conclusion of law.

(8) The Department and the Review Board shall give notice to all interested parties of their formal actions taken under this Section, including Departmental findings upon applications and calling of Review Board meetings by the Department, and announcement of decisions and setting of hearing dates by the Review Board.

(9) All notices which are required to be given or to be served by the Department, the Review Board or by any party to a proceeding shall be given by registered or certified mail to all persons entitled thereto. The date of receipt for such registered or certified mail shall be the date when such notice is deemed to have been given. Notice by the Department or Review Board may be given to any person upon whom a summons may be served in accordance with the provisions of law covering civil actions in the superior courts of this State. Any notice shall be sufficient if it reasonably sets forth the action requested or demanded or gives information as to action taken. The Review Board by its rules of procedure may prescribe other necessary practices and procedures with regard to the form, content and procedure as to any particular notices. Within the meaning of this paragraph, a "notice" includes a copy of an application for a permit required to be served on adjoining riparian owners, pursuant to subsection (d) of this Section.

(10) For purposes of this Section, service by publication shall consist of publishing a notice of service by publication in a newspaper qualified for legal advertising in accordance with G. S. 1-597 and G. S. 1-598, and published in a county where any part of the land affected by a proposed project is located or, if no qualified newspaper is published in such county, then in a qualified newspaper published in an adjoining county, or in a county in the same judicial district, once a week for three successive weeks. If the owner's post office address is known or can with reasonable diligence be ascertained, there shall be mailed to the owner at or immediately prior to the first publication a copy of the notice of service by publication. The mailing may be omitted if the post office address cannot be ascertained with reasonable diligence. The notice of service by publication shall (i) designate the Department of State Government having jurisdiction to initially grant or deny dredge and fill permits hereunder, and identify the General Statutes Section under which the permit has been sought; (ii) be directed to the owner sought to be served; (iii) identify the name and post office address of the permit applicant; (iv) indicate whether the proposed project will involve dredging or filling or both; (v) indicate the county(ies) and township(s) in which the proposed project will be located, together with any further information descriptive of the location which the Department may wish to include; (vi) state where and at what hours a copy of the application may be obtained or inspected; and (vii) indicate the time limit for filing of objections with the Department by the owner, pursuant to subsection (d) of this Section.

"(h) The granting of a permit to dredge or fill shall be deemed conclusive evidence that the applicant has complied with all requisite conditions precedent to the issu-
ance of such permit, and his right shall not thereafter be subject to challenge by reason of any alleged omission on his part.

"(i) All materials excavated pursuant to such permit, regardless of where placed, shall be encased or entrapped in such a manner as to minimize their moving back into the affected water.

"(j) None of the provisions of this Section shall relieve any riparian owner of the requirements imposed by the applicable laws and regulations of the United States.

"(k) Any person, firm, or corporation violating the provisions of this Section shall be guilty of a misdemeanor.

"(l) The Director may, either before or after the institution of proceedings under subsection (k) of this Section, institute a civil action in the superior court in the name of the State upon the relation of the Director to restrain any violation of this Section or of any provision of a dredging or filling permit issued under this Section, for injunctive relief to restrain the violation and for such other or further relief in the premises as said court shall deem proper. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this Section for any violation of same.

"(m) This Act shall apply to all persons, firms, or corporations proposing excavation or filling work in the estuarine waters, tidelands, marshlands and state-owned lakes within the State, and to work to be performed by the State Government or local governments. Provided, however, the provisions of this Act shall not apply to the activities and functions of the North Carolina State Board of Health and local health departments that are engaged in mosquito control for the protection of the health and welfare of the people of the coastal area of North Carolina as provided under G. S. 130-206 thru 130-209.

"(n) Within the meaning of this Section:
(1) 'State-owned lakes' include man-made as well as natural lakes.
(2) 'Estuarine waters' include all estuarine waters of the State up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Department of Conservation and Development and the Wildlife Resources Commission, within the meaning of G. S. 113-129.
(3) 'Marshlands' means marshes or swamps in or adjacent to estuarine waters, which marshes or swamps are regularly or periodically flooded by the tides."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective January 1, 1970.
In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 312

CHAPTER 792

AN ACT TO AMEND CHAPTER 76 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROHIBIT CERTAIN ACTS WHICH MAR THE BEAUTY OF NAVIGABLE WATERS AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the navigable waters of North Carolina are areas of natural scenic beauty and are among the last of our unspoiled natural resources; and
WHEREAS, the natural scenic beauty of these areas is in danger of being marred by certain indiscriminate acts of man; and

WHEREAS, it is desirable that these areas remain beautiful and unspoiled so they may be fully enjoyed by the people of the State;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. Chapter 76 of the General Statutes of North Carolina is amended by revising G. S. 76-40 to read as follows:

"G. S. 76-40. Navigable waters; certain practices regulated. (a) It shall be unlawful for any person, firm or corporation to place, deposit, leave or cause to be placed, deposited or left, either temporarily or permanently, any trash, refuse, rubbish, garbage, debris, rubble, scrapped vehicle or equipment or other similar waste material in or upon any body of navigable water in this State; "waste material" shall not include spoil materials lawfully dug or dredged from navigable waters and deposited in spoil areas designated by the Department of Conservation and Development; violation of this Section shall constitute a misdemeanor, punishable by a fine of up to five hundred dollars ($500.00) or imprisonment for up to six months, or both, in the discretion of the court.

(b) No person, firm or corporation shall erect upon the floor of, or in or upon, any body of navigable water in this State, any sign or other structure, without having first secured a permit to do so from the appropriate Federal Agencies (which would include a permit from the State of North Carolina) or from the Department of Administration, or from the agency designated by the Department to issue such permit. Provided, however, this subsection shall not apply to commercial fishing nets, fish offal, ramps, boathouses, piers or duck blinds placed in navigable waters. Any person, firm or corporation erecting such sign or other structure without a proper permit or not in accordance with the specification of such permit shall be guilty of a misdemeanor and upon conviction shall be fined up to five hundred dollars ($500.00) or imprisoned for up to six months, or both, in the discretion of the court. The State may immediately proceed to remove or cause to be removed such unlawful sign or structure after five days' notice to the owner or erecter thereof and the cost of such removal by the State shall be payable by the person, firm or corporation who erected or owns the unlawful sign or other structure and the State may bring suit to recover the costs of the removal thereof.

(c) Whenever any structure lawfully erected upon the floor of, or in or upon, any body of navigable water in this State, is abandoned, such structure shall be removed by the owner thereof and the area cleaned up within thirty (30) days of such abandonment; failure to comply with this Section shall constitute a misdemeanor and upon conviction the owner of the abandoned structure shall be fined up to five hundred dollars ($500.00) or imprisoned for not over six months, or both, in the discretion of the court. The State may, after ten days notice to the owner or erecter thereof, remove the abandoned structure and have the area cleaned up and the cost of such removal and cleaning up by the State shall be payable by the owner or erecter of the abandoned structure and the State may bring suit to recover the costs thereof.

(d) For purposes of this Section, the term "Navigable waters" shall not include any waters within the boundaries of any reservoir, pond or impoundment used in
connection with the generation of electricity, or of any reservoir project owned or operated by the United States."

Sec. 2. The provisions of this Act, in the coastal waters of this State, shall be enforced by the Department of Conservation and Development. In the inland waters of the State, the provisions of this Act shall be enforced by the Wildlife Resources Commission. The Department of Conservation and Development and the Wildlife Resources Commission shall cooperate with the Department of Water and Air Resources in the enforcement of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

S. B. 433

CHAPTER 793

AN ACT AMENDING CHAPTER 98, PUBLIC-LOCAL LAWS OF 1941 AS AMENDED BY CHAPTER 601, SESSION LAWS OF 1943, CHAPTER 137, SESSION LAWS OF 1945, AND CHAPTER 1198, SESSION LAWS OF 1957, RELATING TO THE ESTABLISHMENT AND POWERS OF THE GREENSBORO-HIGH POINT AIRPORT AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 98, Public-Local Laws of 1941, as amended by Chapter 601, Session Laws of 1943, Chapter 137, Session Laws of 1945, and Chapter 1198, Session Laws of 1957 be, and the same is hereby, amended as follows:

(a) That Section 2 of said Act, as amended, be, and the same is hereby, amended to read as follows:

Section 2. The Airport Authority shall consist of five (5) members of whom two (2) shall be resident voters of the City of High Point, two (2) shall be resident voters of the City of Greensboro, and one (1) from Guilford County at large. Upon the expiration of the terms of the present members of the Airport Authority in April, 1970, the City Council of the City of Greensboro shall appoint one member to the Airport Authority for a term of three (3) years and the City Council of the City of High Point shall appoint one member to the Airport Authority for a period of three (3) years. Thereafter, each of said City Councils shall appoint one member for a term of three (3) years upon the expiration of the term of the member appointed by it. Upon the expiration of the term of the present members of the Airport Authority in April, 1970, the Guilford County Board of Commissioners shall appoint the at-large member for a term of three (3) years and shall appoint the other members, with one of said two members being appointed for a term of one year and the other for a term of two years. Thereafter, upon the expiration of the term of any member appointed by it, the Guilford County Board of Commissioners shall appoint all members to be appointed by it for terms of three (3) years each. Any vacancy occurring among the membership of the Airport Authority shall be filled by appointment of a member for the unexpired term thereof; such appointment to be made by the City Council or Board of Commissioners whose appointee creates such vacancy. Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Guilford County, an oath of office and file the same with the Guilford County Board of Commissioners. All duly appointed members of the Airport Authority shall serve as such members until
their respective successors have been duly appointed and sworn in the manner above set forth."

(b) That Section 3 of said Act, as amended, be, and the same is hereby, amended to read as follows:
"Section 3. The members of the Airport Authority, for the purpose of doing business, shall constitute a Board of Directors, which may adopt suitable by-laws, not inconsistent with the provisions of this Act, for its management. The members of the Board shall receive no compensation per diem or otherwise, but shall be allowed and paid their actual traveling, lodging, and meal expenses incurred in transacting the business and at the instance of the said Airport Authority."

(c) That paragraph (1) of Section 4 of said Act, as amended, be, and the same is hereby, amended to read as follows:
"(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft, and all facilities incidental to the operation of such airports or landing fields, within the limits of Guilford County; and for any of such purposes, to purchase, acquire, own, hold, lease and/or operate real or personal property."

"(1-a) To borrow money and to issue bonds or installment, demand, or other type promissory notes for the repayment of money borrowed and to secure the payment of any such bonds or notes by mortgages or deeds of trust upon any property held or to be held by it; provided, however, consent to such bond, note, mortgage, or deed of trust be granted by the Board of County Commissioners of Guilford County prior to the execution thereof by said Airport Authority."

"(1-b) To purchase real or personal property and to issue bonds, installment, demand, or other type notes in payment of part or all of the purchase price therefor, and to secure the payment of any such bonds or notes by purchase money mortgages, deeds of trust, or conditional sales contracts upon the property so purchased. All such security instruments shall expressly limit and confine the liability of the Airport Authority to the real or personal property so purchased constituting the collateral security in such mortgage, deed of trust, or conditional sale contract."

(d) That paragraph (3) of Section 4 of said Act, as amended, be, and the same is hereby, amended to read as follows:
"(3) To charge and collect reasonable and adequate fees, royalties, rents, or other charges for the use of property owned, leased or otherwise controlled or operated by said Airport Authority or for services rendered in the operation thereof."

(e) That paragraph (4) of Section 4 of said Act, as amended, be, and the same is hereby, amended to read as follows:
"(4) To make all reasonable rules and regulations as it deems necessary for the proper maintenance, use, operation, and control of any airport or airport facilities owned, leased, or controlled by said Airport Authority; to provide penalties for the violation of such rules and regulations; provided said rules and regulations and penalties be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the Federal Aviation Administration."

(f) That paragraph (5) of Section 4 of said Act, as amended, be, and the same is hereby, amended to read as follows:
"(5) To issue bonds, notes, or other securities for the purpose of providing funds for the acquisition, construction, reconstruction, improvement, betterment, or extension of airport facilities of the Airport Authority, or for the acquisition of property for such facilities. The Airport Authority is hereby further authorized to issue revenue refunding bonds, notes, or other securities for the purpose of refunding any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act or the Revenue Bond Act of 1938, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, notes, or other securities, and, if deemed advisable by the Board of Directors of the Airport Authority, to provide for the issuance of its revenue refunding bonds, notes, or other securities for the combined purpose of refunding any bonds, notes, or other securities then outstanding which shall have been issued by the Authority under the provisions of this Act or the Revenue Bond Act and financing in whole or in part the reconstruction, improvement, betterment, or extension of the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking or facility combined or to be combined with the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued. The issuance of such bonds, notes, or other securities, the maturities and other details thereof, and the rights, duties, and obligations of the Airport Authority in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable. Such bonds, notes, or other securities shall be issued in such form and denomination, shall mature at such time or times not exceeding 50 years from their date or dates, may be made redeemable at such price or prices and under such terms and conditions, and shall bear interest at such rate or rates, not exceeding seven percent (7%) per annum, payable annually or semiannually, as the Board of Directors may determine by resolution. The Board of Directors shall also determine by resolution the form and manner of execution of any such bonds, notes, or other securities, including any interest coupons attached thereto; provided, however, that at least one manual signature must appear on every bond, note, or other security which signature may be the manual signature of the representative of the Local Government Commission to the certificate of the Commission on such bond, note, or other security.

No bonds, notes, or other securities issued by the Airport Authority under the provisions of this Act shall be obligations of the County of Guilford but no such bonds, notes, or other securities shall be issued without the approval of the Board of Commissioners for the County of Guilford.

The sale of any such bonds, notes, or other securities shall be made by and with the approval of the Local Government Commission. The Board of Commissioners for the County of Guilford shall not be required to approve any such sale.

Upon the request of the Board of Directors, any such bonds, notes, or other securities may be sold by the Local Government Commission in exchange for real property; provided, however, that the value of any such real property to be acquired by the Airport Authority shall have been either judicially determined or determined by at least two certified appraisals approved by the Board of Commissioners for the County of Guilford prior to such exchange and that the exchange shall have been approved by the Local Government Commission.
CHAPTER 793  SESSION LAWS—1969

Upon the filing with the Local Government Commission of a resolution of the Board of Directors requesting that its bonds, notes, or securities issued pursuant to this Act be sold at private sale and without advertisement and upon the approval of such request by said Commission, such bonds, notes, or securities may be sold by said Commission at private sale and without advertisement to any purchaser or purchasers thereof, such sale to be for such price as said Commission shall determine to be for the best interests of the Airport Authority and as shall be approved by the Board of Directors, but no such sale shall be at a price so low as to require the payment of interest on the money received therefor at more than seven percent (7%r) per annum computed with relation to the absolute maturity or maturities of the bonds, notes, or securities in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any such bonds, notes, or securities prior to maturity. The limitation set forth above on the interest rate or rates which bonds, notes, or other securities issued under this Act shall bear, shall not apply to any issue of bonds, notes, or other securities with respect to which any federal, state, or other public agency shall have agreed to make annual interest grants to the Airport Authority, and in calculating the amount of interest required to be paid on the money received for such bonds, notes, or other securities within the limitation stated in the next preceding sentence the total of such annual interest grants shall be deducted from the total amount of interest payable on such bonds, notes, or other securities.

The Airport Authority is hereby authorized and empowered to pledge to the payment of the principal of and the interest on any bonds, notes, or other securities all or any part of the revenues, rents, income, and tolls arising out of the use of or in connection with any airport property or any specific part of the airport property. Such bonds, notes, or other securities shall be issued upon such terms, covenants, and conditions as the Board of Directors may determine by resolution.

Bonds, notes, or other securities issued by the Airport Authority under this Act shall be exempt from all State, county, or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on such bonds, notes, or other securities shall not be subject to taxation as income."

(g) That paragraph (9) of Section 4 of said Act, as amended, be, and the same is hereby, amended to read as follows:

"(9) To deposit or invest and reinvest any of its funds as provided by G. S. 159-28.1, a part of the Local Government Act, as it may be amended from time to time, for the deposit or investment of unit funds."

(h) That paragraph (11) of Section 4 of said Act, as amended, be, and the same is hereby, amended to read as follows:

"(11) To operate, own, lease, control, regulate, or grant to others the right to operate on any airport premises, restaurants, snack bars and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion picture shows, personal service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the public of a complete air terminal installation."

Sec. 2. That said Act, as amended, be, and it is hereby, further amended by inserting the following immediately after paragraph (11) of Section 4:

832
"(12) To possess the same exemptions in respect to payment of taxes and license fees as provided for municipal corporations by the laws of the State of North Carolina."

Sec. 3. That said Act, as amended, be, and it is hereby, further amended by inserting the following immediately after paragraph (12) of Section 4:

'Section 4(a). The Airport Authority is hereby declared to be a 'municipality' within the meaning of the Revenue Bond Act of 1938 having the power to issue revenue bonds for airport purposes under and pursuant to the provisions thereof. In addition to the power conferred upon the Airport Authority by the Revenue Bond Act to issue revenue refunding bonds for the purposes set forth in said Act, the Airport Authority is hereby authorized to issue revenue refunding bonds under the Revenue Bond Act for the purpose of refunding any revenue bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act or any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act, or any combination thereof, including the payment of any redemption premium thereon and any interest accrued or to be accrued to the date of redemption of such bonds, notes, or other securities, and, if deemed advisable by the Board of Directors, to provide for the issuance of revenue refunding bonds under the Revenue Bond Act for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act or any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act, or any combination thereof, and (b) financing in whole or in part the reconstruction, improvement, betterment, or extension of the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking or facility combined or to be combined with the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued. The issuance of any such revenue refunding bonds by the Airport Authority under the provisions of the Revenue Bond Act shall be governed by the provisions of the Revenue Bond Act insofar as the same may be applicable. The powers contained in the Revenue Bond Act and hereby conferred on the Airport Authority shall be deemed to be in addition to and not in substitution for the powers conferred on the Airport Authority by this Act so that the Airport Authority may, at its option, proceed under the Revenue Bond Act without regard to any restrictions or limitations imposed by this Act or proceed under this Act without regard to any restrictions or limitations imposed by the Revenue Bond Act; provided, however, that in no event shall any bonds, notes, or other securities, including any revenue bonds issued under the Revenue Bond Act, be issued by the Airport Authority without the approval of the Board of Commissioners for the County of Guilford."

'Section 4(b). For the purpose of aiding the Airport Authority in the financing of improvements at the airport facilities of the Airport Authority, the County of Guilford is hereby authorized to issue Bonds, under and pursuant to The County Finance Act, for airport purposes as provided in Section 153-77 of said Act the same as if such bonds were to be issued to finance improvements at an airport owned and operated by the County of Guilford. The proceeds of the sale of any such bonds may be expended by the County of Guilford or by the Airport Authority as may be determined by the Board of Commissioners for the County of Guilford."

Sec. 4. That Section 5 of said Act, as amended, be, and the same is hereby, amended to read as follows:
"Section 5. The Airport Authority is hereby authorized and empowered to acquire from the County of Guilford, the Cities of Greensboro and High Point, by agreement therewith, and such county and cities are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, and which may be necessary for the construction, operation, and maintenance of any airport or facilities of same located in the County of Guilford."

Sec. 5. That Section 7 of said Act, as amended, be, and the same is hereby, amended to read as follows:

"Section 7. Private property needed by said Airport Authority for any airport, landing field, or facilities of same may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power of eminent domain by the Airport Authority, pursuant to the provisions of Chapter Forty of the General Statutes of North Carolina, as amended. Avigation easements needed by the Airport Authority for any airport, landing field or facilities of same may likewise be acquired by gift, devise, or private purchase or by the exercise of the power of eminent domain by said Authority, pursuant to the provisions of Chapter Forty of the General Statutes of North Carolina."

Sec. 6. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 630

CHAPTER 794

AN ACT TO AMEND CHAPTER 136 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE STATE HIGHWAY COMMISSION TO MAKE CERTAIN IMPROVEMENTS IN URBAN AREAS TO REDUCE TRAFFIC CONGESTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 136 of the General Statutes is hereby amended by adding a new section to Article 3A as the same appears in the 1964 Replacement Volume 3B, as amended by the 1967 Cumulative Supplement to Volume 3B, to read as follows:

1. The State Highway Commission is authorized to enter into contracts with municipalities for highway improvement projects which are a part of an over-all plan authorized under the provisions of Section 135 of Title 23 of the United States Code, the purpose of which is to facilitate the flow of traffic in urban areas. In connection with these contracts, the State Highway Commission and the municipalities are authorized to enter into contract for improvement projects on the municipal system of streets, and pursuant to contract with the municipalities, the State Highway Commission is authorized to construct or to let to contract the said improvement projects on streets on the municipal street system; provided that no portion of the cost of the improvements made on the municipal street system shall be paid from State Highway Commission funds except the proportionate share of funds received from the Federal Highway Administration and allocated for the purposes set out in Section 135 of Title 23 of the United States Code. Pursuant to
contract with the State Highway Commission, the municipalities may construct or
let to contract the said improvement projects on the municipal street system and
the State Highway Commission is authorized to pay over to the municipalities the
proportionate share of funds received pursuant to Section 135 of Title 23 of the
United States Code; provided that no portion of the cost of the improvements made
on the municipal street system shall be paid for from State Highway Commission
funds except those received from the Federal Highway Administration and allocated
for the purpose set out in Section 135 of Title 23 of the United States Code.

2. The municipalities are authorized to enter into contracts with the State High-
way Commission for improvement projects which are a part of an over-all plan
authorized under the provisions of Section 135 of Title 23 of the United States Code,
the purpose of which is to facilitate the flow of traffic in urban areas, on the State
Highway System streets within the municipalities with the approval of the Federal
Highway Administration. Pursuant to contract for the foregoing improvement pro-
jects, the municipalities are authorized to construct or let to contract the said
improvement projects and the State Highway Commission is authorized to reim-
burse the municipalities for the cost of the construction of the said improvement
projects.

3. The municipalities in which improvements are made pursuant to Section 135
of Title 23 of the United States Code shall provide proper maintenance and opera-
tion of such completed projects and improvements on the municipal system streets
or will provide other means for assuring proper maintenance and operation as is
required by the State Highway Commission. In the event the municipality fails
to maintain such project or provide for their proper maintenance, the State High-
way Commission is authorized to maintain the said projects and improvements and
deduct the cost from allocations to the municipalities made under the provisions
of G. S. 136-41.1.

Sec. 2. Subsection 12 of Section 18 of Chapter 136 of the General Statutes is
hereby amended by deleting the first two sentences thereof and inserting in lieu
thereof the following: "The State Highway Commission shall have such powers as
are necessary to comply fully with the provisions of the present or future Federal
Aid Acts. The said Commission is hereby authorized to enter into all contracts and
agreements with the United States Government relating to survey, construction,
improvement and maintenance of roads, urban area traffic operations studies and
improvement projects on the streets on the State Highway System and on the
municipal system in urban areas, under the provisions of the present or future
congressional enactments, to submit such scheme or program of construction or
improvement and maintenance as may be required by the Secretary of Transporta-
tion or otherwise provided by Federal Acts, and to do all other things necessary
to carry out fully the cooperation contemplated and provided for by present or
future aid acts of Congress for the construction or improvement and maintenance
of Federal Aid of State Highways."

Sec. 3. Section 66.2 of Chapter 136 of the General Statutes as the same appears
in the 1964 Replacement Volume 3B is hereby amended by inserting the word "con-
struction" following the word "markings" in line 9 thereof.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of
June, 1969.
S. B. 631  CHAPTER 795
AN ACT TO AMEND ARTICLE 6D OF CHAPTER 136 OF THE GENERAL STATUTES TO ALLOW THE STATE HIGHWAY COMMISSION TO CONDEMN ACCESS AND TO ABANDON LOCAL SERVICE ROADS USED IN CONNECTION WITH CONTROLLED ACCESS FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. Section 89.55 of Chapter 136 of the General Statutes, as the same appears in the 1964 Replacement Volume 3B, is hereby amended by deleting all of the language beginning with the word "provided" on line 8 and continuing through the period on line 14 and by substituting in lieu thereof the following: "provided, however, that after a local service or frontage road has been established, the same shall not be vacated or abandoned in such a manner as to reduce access to the facility without the consent of the abutting property owners or the payment of just compensation, so long as the controlled access facility is maintained as such facility, and the Commission shall not have any authority to control or restrict the right of access of abutting property owners from their property to such local service or frontage roads or streets without the property owners' consent or the payment of just compensation, except such authority as the Commission has with respect to primary and secondary roads under the police power."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 634  CHAPTER 796
AN ACT TO AMEND G.S. 106-26 RELATING TO PAYMENT MADE BY THE DEPARTMENT OF AGRICULTURE TO THE VARIOUS COUNTIES OF THE STATE FOR CERTAIN AGRICULTURAL STATISTICAL REPORTS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 106-26 is hereby amended by changing the words and figures "twenty cents (20¢)" appearing in lines 4 and 11 thereof to read "forty cents (40¢)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1970.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 635  CHAPTER 797
AN ACT TO AMEND CHAPTER 55 OF THE GENERAL STATUTES RELATING TO BUSINESS CORPORATIONS SO AS TO PROVIDE FOR INDEMNIFICATION OF CERTAIN PERSONS, THE PURCHASE OF INDEMNIFICATION INSURANCE, AND CERTAIN OTHER SECTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-19 is hereby amended and rewritten to read as follows:

Section 55-19. Indemnification of Directors, Officers, Employees or Agents; General Provisions. (a) Except as indemnification of a director or officer of a corporation is permitted by this Section or by G. S. 55-20 and 55-21, no provision, hereafter
made or adopted, whether contained in the charter, the bylaws, a resolution, a contract or otherwise, whereby the corporation purports to exempt or indemnify any director or officer of a corporation with respect to any liability or litigation expenses arising out of his activities as director or officer shall be valid.

(b) As used in this Section and in G. S. 55-20 and 55-21, the term “officer” includes any dominant shareholder engaged to perform services for the corporation, whether as employee or independent contractor; and the term “person” includes the legal representative of such person.

(c) Anything in this Section or in G.S. 55-20 or 55-21 to the contrary notwithstanding, a corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability.

(d) Expenses incurred by a director, officer, employee or agent in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized by the board of directors in the specific case upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this Section.”

Sec. 2. G.S. 55-20 is hereby amended and rewritten to read as follows:

“Section 55-20. Indemnification in Actions by Outsiders. (a) When because of his duties or activities while serving as director, officer, employee or agent of a corporation, or in any such capacity at the request of the corporation in any other corporation, partnership, joint venture, trust or other enterprise, any person is or was a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, not brought by the corporation nor brought by any party seeking derivatively to enforce a liability of such a person to the corporation, such person shall be entitled to indemnification or reimbursement by the corporation for any expenses, including attorneys’ fees, or any liabilities which he may have incurred in consequence of such action, suit or proceeding, under the following conditions:

(1) If such person is wholly successful in his defense on the merits, or if the proceeding is an administrative or investigative proceeding which does not result in the indictment, fine or penalty of such person, he shall be entitled to reimbursement from the corporation of all his reasonable expenses of defense or participation, including attorneys’ fees.

(2) If such person is wholly successful in his defense otherwise than solely on the merits, the corporation may pay or agree to pay to him such expenses of defense or participation, including attorneys’ fees, as the board of directors in good faith shall deem reasonable, regardless of any adverse interest of any or all the directors.

(3) If such person is not wholly successful or is unsuccessful in his defense, or the proceeding to which he is a party results in his indictment, fine or penalty, the corporation may pay or agree to pay, in whole or in part, such expenses of defense or participation, including attorneys’ fees, and the amount of any judgment,
money decree, fine, penalty or settlement for which he may have become liable, if

(i) a plan for such payment is approved by a consent in writing signed by the holders of all shares entitled to vote or such plan is sent to the holders of all shares entitled to vote, with notice of a shareholders' meeting, whether annual or special, to be held to take action thereon and if at such meeting a plan is approved by the holders of a majority of such shares, exclusive of the shares held directly or indirectly by any persons to be benefited by the plan if approved, or

(ii) a majority of a quorum consisting of directors who are not parties to such action, suit or proceeding shall determine that such person acted in good faith and in a manner he reasonably believed to be in the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful, or

(iii) in a proceeding brought by such person for such determination in the Superior Court of the district where the corporation has its registered office it shall be determined that such person acted in good faith and in a manner he reasonably believed to be in the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. In such a proceeding, the court in its discretion may order notice thereof to be sent to the shareholders of the corporation in such manner and in such form as it may deem appropriate, at the expense of the corporation; and it may allow all shareholders so notified to be heard in opposition to the determination requested.

(b) The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful."

Sec. 3. G. S. 55-21(a) is hereby amended and rewritten to read as follows:

"(a) When a present or former director, officer, employee or agent of a corporation or any person who has served or is serving in such capacity at the request of the corporation in any other corporation, partnership, joint venture, trust or other enterprise, is sued, alone or with others, in the courts of this State, in any action seeking to establish his liability to the corporation arising out of his alleged dereliction of duty to the corporation, he shall in turn be entitled to indemnification or reimbursement from the corporation for so much of his expenses of defense, including attorneys' fees, as the court in its discretion, upon motion for indemnification or reimbursement, duly made in such action, finds to be reasonable, if:

(1) Such person is successful in whole or in part in the action against him or in any settlement thereof and the court finds that his conduct fairly and equitably merits such relief;

or

(2) The court finds, despite his adjudication of liability, that such person has acted honestly and reasonably and that, in view of all the circumstances of the case, his conduct fairly and equitably merits such relief."
Sec. 4. G. S. 55-155(a) is hereby amended by striking out the first word of the first sentence following the catchline, "The" and inserting in lieu thereof the words, "In addition to any taxes prescribed by G. S. 55-156, ."

Sec. 5. G. S. 55-156(a) is hereby amended by striking out the first word of the first sentence following the catchline, "On", and inserting in lieu thereof the words, "In addition to any fees prescribed by G. S. 55-155, ."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

S. B. 639

CHAPTER 798

AN ACT TO AUTHORIZE MUNICIPALITIES TO MAINTAIN HIGHWAY SYSTEM STREETS BY CONTRACT WITH THE STATE HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 66.1 of Chapter 136 as appears in 1964 Replacement Volume 3B of the North Carolina General Statutes is amended by adding thereto subsection (3) as follows:

"(3) Maintenance of State Highway System by Municipalities. Any city or town, by written contract with the State Highway Commission, may undertake to maintain, repair, improve, construct, reconstruct or widen those streets within municipal limits which form a part of the State highway system, and may also, by written contract with the State Highway Commission, undertake to install, repair and maintain highway signs and markings, electric traffic signals and other traffic control devices on such streets. All work to be performed by the city or town under such contract or contracts shall be in accordance with State Highway Commission standards, and the consideration to be paid by the State Highway Commission to the city or town for such work, whether in money or in services, shall be adequate to reimburse the city or town for all costs and expenses, direct or indirect, incurred by it in the performance of such work."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 643

CHAPTER 799

AN ACT TO REQUIRE ASSIGNMENT ONLY FOR COMPULSORY ATTENDANCE SCHOOL LAW AND TO REMOVE PORTIONS OF STATUTE DECLARED TO BE UNCONSTITUTIONAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-166 is hereby rewritten to read as follows:

"Sec. 115-166. Parent or guardian required to keep child in school; exceptions. Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and sixteen years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session.

"The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness
or other unavoidable cause which does not constitute unlawful absence as defined by the State Board of Education. The term 'school' as used herein is defined to embrace all public schools and such nonpublic schools as have teachers and curricula that are approved by the county or city superintendent of schools or the State Board of Education.

"All nonpublic schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district to which the child shall be assigned: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term. Provided, further that any child which is afflicted by mental, emotional, or physical incapacities so as to make it unlikely that such child could substantially profit by instruction given in the public schools, he or she need not be presented for enrollment upon presentation to the superintendent of city or county schools of evidence that medical, social, psychological and educational evaluation has been made showing that such child could not substantially profit by instruction in the public schools."

Sec. 2. G. S. 115-169 is hereby rewritten to read as follows:

"Sec. 115-169. Violation of Law: Penalty: Any parent, guardian or other person violating the provisions of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days, or both, in the discretion of the court."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

S. B. 655

CHAPTER 800

AN ACT TO AMEND G. S. 20-84 TO PROVIDE FOR REGISTRATION PLATES IN NUMERICAL SEQUENCE TO THE STATE HIGHWAY PATROL.

The General Assembly of North Carolina do enact:

Section 1. North Carolina G. S. 20-84 as same appears in the 1967 Cumulative Supplement to Replacement Volume 1C of the North Carolina General Statutes is hereby amended by adding a new paragraph at the end thereof to read as follows:

"In lieu of all other registration requirements, the Commissioner shall each year assign to the State Highway Patrol, upon payment of one dollar ($1.00) per registration plate, a sufficient number of regular registration plates of the same letter prefix and in numerical sequence beginning with number 100 to meet the requirements of the State Highway Patrol for use on Department vehicles assigned to the State Highway Patrol. The Commander of the Patrol shall, when such plates are assigned, issue to each member of the State Highway Patrol a registration plate for use upon the Department vehicle assigned to him pursuant to G. S. 20-190 and assign a regis-
tration plate to each Department service vehicle operated by the Patrol. An index of such assignments of registration plates shall be kept at each State Highway Patrol radio station and a copy thereof shall be furnished to the Registration Division of the Department. Information as to the individual assignments of such registration plates shall be made available to the public upon request to the same extent and in the same manner as regular registration information. The Commander, when necessary, may reassign registration plates provided that such reassignment shall be made to appear upon the index required herein within twenty (20) days after such reassignment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent necessary to carry out the provisions of this Act.

Sec. 3. This Act shall become effective January 1, 1970.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

S. B. 660

CHAPTER 801

AN ACT TO ESTABLISH ELIZABETH CITY STATE COLLEGE, FAYETTEVILLE STATE COLLEGE AND WINSTON-SALEM STATE COLLEGE REGIONAL UNIVERSITIES.

The General Assembly of North Carolina do enact:

Section 1. The caption or title of Article 2 of Chapter 116 of the General Statutes is hereby amended by striking therefrom the words "Elizabeth City State College, Fayetteville State College, Winston-Salem State College."

Sec. 2. Article 1A of Chapter 116 of the General Statutes, entitled "Regional Universities", is hereby amended to add a new Section to read as follows:

"Effective July 1, 1969:

"(1) Elizabeth City State College is redesignated 'Elizabeth City State University', and is made subject to the provisions of Section 116-44.10.

"(2) In all other statutes and titles or captions thereof, the words 'Elizabeth City State College' are amended to read 'Elizabeth City State University'."

Sec. 3. Article 1A of Chapter 116 of the General Statutes, entitled "Regional Universities", is hereby amended to add a new Section to read as follows:

"Effective July 1, 1969:

"(1) Fayetteville State College is redesignated 'Fayetteville State University', and is made subject to the provisions of Section 116-44.10.

"(2) In all other statutes and titles or captions thereof, the words 'Fayetteville State College' are amended to read 'Fayetteville State University'."

Sec. 4. Article 1A of Chapter 116 of the General Statutes, entitled "Regional Universities", is hereby amended to add a new Section to read as follows:

"Effective July 1, 1969:

"(1) Winston-Salem State College is redesignated 'Winston-Salem State University', and is made subject to the provisions of Section 116-44.10.

"(2) In all other statutes and titles or captions thereof, the words 'Winston-Salem State College' are amended to read 'Winston-Salem State University'."
CHAPTER 801

Sec. 5. Subsection (5) of Section 116-45 of the General Statutes is hereby repealed.

Sec. 6. Chapter 130 of the Session Laws of 1969 is repealed effective July 1, 1969.

Sec. 7. Section 116-45.1 of the General Statutes is hereby repealed.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effective from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 663

CHAPTER 802

AN ACT AUTHORIZING BOARDS OF COUNTY COMMISSIONERS TO RENDER ASSISTANCE TO PRIVATE, NON-PROFIT CHARITABLE ORGANIZATIONS OFFERING ASSISTANCE TO THE PHYSICALLY OR MENTALLY HANDICAPPED.

The General Assembly of North Carolina do enact:

Section 1. Section 153-9 of the General Statutes of North Carolina is hereby amended by adding a new subdivision thereto as follows:

"(60) Aid to Sheltered Workshops or other Vocational Rehabilitation Facilities. The board of commissioners of each county is hereby authorized, in its discretion, to appropriate funds from sources other than locally levied and collected taxes, and to render other forms of assistance, to private, non-profit, charitable organizations offering work and training activities to the physically or mentally handicapped, such organizations being commonly known as sheltered workshops, provided that the resolution appropriating county funds to such organizations shall specifically state the object to which the funds are to be applied, and the commissioners shall require a periodic accounting for the expenditure of such funds to insure that they are spent for the intended purpose."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

S. B. 670

CHAPTER 803

AN ACT TO AMEND SECTION 10 OF CHAPTER 954 OF THE SESSION LAWS OF 1967 RELATING TO THE EFFECTIVE DATE OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. Section 10 of Chapter 954 of the Session Laws of 1967 is rewritten to read as follows:

"Sec. 10. This Act shall be in full force and effect on and after January 1, 1970, and shall apply to actions and proceedings pending on that date as well as to actions and proceedings commenced on and after that date."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.
S. B. 701  CHAPTER 804
AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ISSUE PROVISIONAL LICENSES TO CERTAIN QUALIFIED DENTISTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90 of the General Statutes is hereby amended by adding a new section immediately following G. S. 90-29.2 to read as follows:

"G. S. 90-29.3. Provisional License. (a) The North Carolina State Board of Dental Examiners shall, subject to its rules and regulations, issue a provisional license to practice dentistry to any person who is licensed to practice dentistry anywhere in the United States or in any country, territory or other recognized jurisdiction, if the Board shall determine that said licensing jurisdiction imposed upon said person requirements for licensure no less exacting than those imposed by this State. A provisional licensee may engage in the practice of dentistry only in strict accordance with the terms, conditions and limitations of his license and with the rules and regulations of the Board pertaining to provisional license.

(b) A provisional license shall be valid until the date of the announcement of the results of the next succeeding Board examination of candidates for licensure to practice dentistry in this State, unless the same shall be earlier revoked or suspended by the Board.

(c) No person who has failed an examination conducted by the North Carolina State Board of Dental Examiners shall be eligible to receive a provisional license.

(d) Any person desiring to secure a provisional license shall make application therefor in the manner and form prescribed by the rules and regulations of the Board and shall pay the fee prescribed in Section 90-39 of this Article.

(e) A provisional licensee shall be subject to those various disciplinary measures and penalties set forth in Section 90-41 upon a determination of the Board that said provisional licensee has violated any of the terms or provisions of this Article."

Sec. 2. G. S. 90-40 is hereby amended by inserting after the word "Examiners" in the fourth line of said Section the words "or having obtained a provisional license from said Board".

Sec. 3. G. S. 90-41.1 is hereby amended by placing a comma after the word "licensee" in the first line of the text thereof and inserting after the comma "provisional licensee".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.
CHAPTER 805

AN ACT TO PROVIDE FOR A REPRESENTATIVE OF HIGHER EDUCATION AND FOR A REPRESENTATIVE OF RETIRED TEACHERS AND STATE EMPLOYEES ON THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of General Statutes 135-6 is hereby amended as follows:

(a) by deleting from the first sentence of said subsection the word "eight" and inserting in lieu thereof the word "ten";

(b) by deleting from the first sentence of subsection (b)(3) the word "six" and inserting in lieu thereof the word "eight";

(c) by inserting in subsection (b)(3) after the words and punctuation "quadrennially thereafter;" the following: "one of the appointive members shall be a representative of higher education appointed by the Governor for a term of four years commencing July 1, 1969, and quadrennially thereafter; one of the appointive members shall be a retired teacher or State employee who is drawing a retirement allowance, appointed by the Governor for a term of four years commencing July 1, 1969, and quadrennially thereafter;".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

CHAPTER 806

AN ACT TO AUTHORIZE THE SALE, LEASE, EXCHANGE, JOINT USE OF PROPERTY BETWEEN AND AMONG LOCAL GOVERNMENTAL AND STATE AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is hereby amended by inserting therein a new Section 61.2 to read as follows:

"G. S. 160-61.2. Sale, lease, exchange, and joint use of governmental property. (a) For the purposes of this Section "governmental unit" shall include any municipality or agency thereof; any county or agency thereof; any board of education of a school administrative unit; the State Highway Commission; and any other department, agency, board of commission of the State.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, exchange with, lease to, lease from, sell to, purchase from, or enter into agreements regarding the joint use by, any other governmental unit of any interest in real property which it may own.

(c) Action authorized by the preceding subsection shall be taken by the governing body or other body or department or agency in charge of the property of the governmental unit. Action taken hereunder by a municipality or agent thereof, county or agency thereof, or a board of education of a school administrative unit shall be taken only after a public hearing on the proposed action, notice of which shall have been published twice in a newspaper having general circulation in the county
or municipality, the first publication of which shall have been published at least 15 days prior to the date set for the public hearing. Action hereunder by any department, agency, or board of the State, other than the State Highway Commission, shall be taken only after approval thereof by the Division of Property Control and Disposition of the Department of Administration."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 20

CHAPTER 807

AN ACT TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS OF THE STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The appropriations made herein are intended to be for maximum amounts necessary to provide the services and accomplish the purposes described in The Budget. It is the intent of the General Assembly that savings shall be effected where the total amounts appropriated shall not be required to perform these services and accomplish these purposes, and that such savings shall be reverted to the appropriate fund at the end of the biennium.

GENERAL FUND

Sec. 2. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June 30, 1970, and June 30, 1971, respectively, according to the following schedule:

I. GENERAL GOVERNMENT

<table>
<thead>
<tr>
<th></th>
<th>1969-70</th>
<th>1970-71</th>
</tr>
</thead>
<tbody>
<tr>
<td>The General Assembly</td>
<td>$8</td>
<td>$1,729,455</td>
</tr>
<tr>
<td>Judicial Department</td>
<td>20,911,239</td>
<td>23,366,231</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>1,165</td>
<td>1,165</td>
</tr>
<tr>
<td>Counsel for Indigent Defendants</td>
<td>894,864</td>
<td>982,269</td>
</tr>
<tr>
<td>The Governor's Office</td>
<td>455,075</td>
<td>446,406</td>
</tr>
<tr>
<td>The Lieutenant Governor</td>
<td>18,912</td>
<td>19,267</td>
</tr>
<tr>
<td>Department of Administration</td>
<td>8,330,270</td>
<td>7,085,604</td>
</tr>
<tr>
<td>Department of Personnel</td>
<td>879,713</td>
<td>888,912</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>217,996</td>
<td>216,375</td>
</tr>
<tr>
<td>State Auditor</td>
<td>935,525</td>
<td>1,016,789</td>
</tr>
<tr>
<td>Local Affairs Coordination and</td>
<td>250,000</td>
<td>500,000</td>
</tr>
<tr>
<td>Long Range Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Treasurer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. State Treasurer</td>
<td>270,673</td>
<td>263,900</td>
</tr>
<tr>
<td>2. Local Government Commission</td>
<td>135,123</td>
<td>136,873</td>
</tr>
<tr>
<td>Department of Justice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Attorney General</td>
<td>642,006</td>
<td>646,212</td>
</tr>
<tr>
<td>2. State Bureau of Investigation</td>
<td>1,595,177</td>
<td>1,548,622</td>
</tr>
</tbody>
</table>
3. General Statutes Commission $18,732 $18,870
Department of Revenue 9,017,850 9,364,709
Department of Tax Research 146,714 156,349
State Board of Assessment 144,572 162,432
North Carolina Tax Review Board 8,460 9,166
State Board of Elections 55,120 55,428
North Carolina Courts Commission 22,500 11,250
Legislative Research Commission 16,000 16,000
North Carolina Capital Planning Commission 5,000 5,000
North Carolina Capital Building Authority 5,000 5,000
Governor's Commission on Law and Order 18,375 18,375
Governor's Committee on Employment of the Handicapped 22,200 22,200

Contingency and Emergency:
1. To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made hereunder, or for which inadvertently an insufficient appropriation has been made under this Section. Allotments are to be made from this appropriation under the provisions of G.S. 143-12, or such other statute as may be applicable $1,750,000 1,750,000

Department of Administration—Reserve for Law and Order Action Programs 350,000 —
Salary Increases of State Employees Subject to the Personnel Act 17,464,726 21,456,560
Salary Adjustments of State Employees 2,136,677 3,397,676

SUBTOTAL—General Government $66,719,664 $75,307,095

II. PUBLIC SAFETY AND REGULATION

The Adjutant General:
1. Adjutant General's Office $687,745 $699,291
2. Armory Commission 41,350 42,000
State Civil Air Patrol 19,607 19,617
State Civil Defense Agency 201,282 205,276
Department of Motor Vehicles:
1. Automobile Drivers' Financial Responsibility Program 733,364 689,695
Utilities Commission 624,808 630,958

846
Insurance Department:
1. Insurance Department ............................................. $1,023,754 $1,061,954
2. State Property Fire Insurance Fund .............................. 250,000 250,000
3. Firemen’s Relief Fund ........................................... 1,750 1,750
4. Building Code Council ........................................... 3,808 3,808
Department of Labor ................................................. 947,514 961,473
Industrial Commission ............................................... 518,476 525,345
State Board of Alcoholic Control ................................... 929,759 899,229

Department of Agriculture:
1. Gasoline and Oil Inspection Service ......................... 150,508 154,146

SUBTOTAL—Public Safety and Regulation ......................... $6,133,725 $6,144,542

III. CORRECTION

North Carolina Board of Juvenile Correction:
1. General Administration ........................................... $162,765 $164,205
2. Stonewall Jackson Training School ............................... 873,588 916,010
3. State Home and Industrial School for Girls—Samarand Manor 853,256 883,553
4. Morrison Training School .......................................... 965,001 1,003,411
5. Eastern Carolina Training School ................................. 622,949 661,917
7. Leonard Training School ........................................... 704,943 744,370
8. Juvenile Evaluation Center ....................................... 1,140,522 1,201,471
9. C. A. Dillon School ................................................ 444,208 483,278

Fugitives from Justice .................................................. 6,500 6,500
Department of Correction ............................................ 19,061,549 21,294,730
Probation Commission ................................................ 2,841,254 3,175,545
Board of Paroles ..................................................... 1,255,300 1,305,257

SUBTOTAL—Correction ..................................................... $29,519,312 $32,484,229

IV. PUBLIC WELFARE

Department of Social Services:
1. Department of Social Services ................................ $22,754,111 $25,328,972
2. Child Welfare and Day Care Services ......................... 1,484,652 1,536,531
3. Local Confinement Facilities Improvement Fund ............. 200,000 —

State Commission for the Blind .................................... 2,182,130 2,429,311

847
CHAPTER 807  
SESSION LAWS—1969

Department of Veterans Affairs:
1. Department of Veterans Affairs $673,244 $681,539
2. County Service Officers 94,000 94,000
Confederate Women's Home 82,709 84,390
Oxford Orphanage 70,250 70,250
Junior Order Children's Home 63,000 63,000
Central Orphanage of North Carolina 98,500 98,500
Odd Fellows Home 13,500 13,500
Pythian Home 11,000 11,000
Alexander Schools, Inc 51,000 51,000
Eliada Homes, Inc 24,000 24,000
Boys Home of North Carolina, Inc 10,000 10,000
Sipe's Orchard Home, Inc 12,593 12,593

SUBTOTAL—Public Welfare $27,824,689 $30,508,586

V. EDUCATION

Department of Public Instruction:
1. Administration and Supervision $1,447,876 $1,468,368

State Board of Education:
1. Nine Months School Fund 423,218,681 465,364,089
2. State Board of Education 1,133,623 1,368,387
3. Vocational Education 18,534,229 17,308,983
4. Purchase of Free Textbooks 11,313,854 8,871,788
5. Vocational Textile School 215,103 160,663
6. Purchase of School Buses 3,435,071 3,435,071
7. Division of School Planning 302,244 309,275
8. Comprehensive School Improvement Project 793,553 795,898
9. Vocational Rehabilitation 1,928,092 1,939,921
10. Department of Community Colleges—Equipment 6,000,000 1,500,000
11. Instruction and Training for Trainable Mentally Handicapped Children 2,174,505 2,337,746
13. Department of Community Colleges 34,139,530 42,720,730
14. Program of Education by Television 140,896 142,049
15. Advancement School 669,011 725,707
16. Professional Improvement of Teachers 611,849 612,741
17. Financial Assistance to Hospital Programs of Nursing Education 330,000 320,000

State Board of Higher Education:
1. State Board of Higher Education 1,934,310 1,956,086
2. Reserves for Equalization and Improvement ................................ $ 5,769,456  $ 2,499,354
3. State Education Assistance Authority ........................................ 53,500  53,500

Department of Administration—
Reserve for Educational Benefits—Children of Veterans .................. 975,000  1,000,000

University of North Carolina (Consolidated):
1. General Administration ....................................................... 1,391,091  1,424,356
2. University of North Carolina at Chapel Hill:
   a. University of North Carolina at Chapel Hill ....................... 22,617,536  24,267,059
   b. Division of Health Affairs ........................................... 9,077,610  10,941,107
3. North Carolina State University at Raleigh ................................ 18,476,017  20,101,234
4. University of North Carolina at Greensboro ................................ 7,537,155  8,058,874
5. University of North Carolina at Charlotte ................................ 3,311,080  3,953,455
6. University of North Carolina at Asheville ................................ 1,408,731  1,352,622
7. University of North Carolina at Wilmington ............................ 1,547,590  1,627,409

East Carolina University ......................................................... 9,783,207  10,117,196
North Carolina Agricultural and Technical State University ............. 4,033,924  4,140,454
Western Carolina University ................................................... 4,748,602  4,982,313
Appalachian State University .................................................. 5,629,781  5,910,829
Pembroke State University ..................................................... 1,581,818  1,680,296
Winston-Salem State College ................................................... 1,734,914  1,757,792
Elizabeth City State College ................................................... 1,335,030  1,408,227
Fayetteville State College ...................................................... 1,268,355  1,271,240
North Carolina Central University ............................................ 3,730,864  3,866,528
North Carolina Board of Science and Technology .......................... 511,952  514,557
North Carolina School for the Deaf .......................................... 1,857,464  2,259,890
Eastern North Carolina School for the Deaf ................................ 851,809  1,230,596
The Governor Morehead School ................................................. 1,899,769  1,627,214

Student Loan Funds:
1. Medical Care Commission—Medical Education ................................ 400,000  400,000
2. State Board of Education—Teacher Education ............................ 1,000,000  1,000,000

Department of Archives and History ......................................... 1,237,580  1,262,970
Tryon Palace—Department of Archives and History .......................... 147,132  151,402

849
**CHAPTER 807  SESSION LAWS—1969**

State Library:
1. Library ............................................................................. $397,452  $405,912
2. State Aid to Public Libraries ............................................ 1,377,702  1,879,754
North Carolina Museum of Art ............................................ 354,455  354,589
North Carolina State Art Society ......................................... 8,000  8,000
North Carolina Symphony Society, Inc. ............................ 75,000  75,000
North Carolina School of the Arts ...................................... 916,409  1,073,684
Old Salem, Inc ...................................................................... 62,500  62,500
Highlands Biological Station, Inc ....................................... 31,050  31,050
Moore's Creek Battleground Assoc .................................. 500  500

SUBTOTAL—Education ................................................. $625,718,977  $674,351,084

**VII. NON-HIGHWAY TRANSPORTATION**
State Ports Authority ..................................................... $240,873  $243,736

**VIII. HEALTH AND HOSPITALS**
State Board of Health ..................................................... $8,334,895  $8,511,578
Medical Care Commission ............................................. 223,312  227,894
University of North Carolina:
1. Memorial Hospital—Psychiatric Center ......................... 1,252,666  1,367,517
2. Memorial Hospital ....................................................... 7,507,316  7,954,316
Department of Mental Health:
1. General Administration .............................................. 6,112,085  6,823,018
2. Alcoholic Rehabilitation Center-Black Mountain ............. 556,903  583,757
3. Alcoholic Rehabilitation Center—Butner ....................... 587,107  613,093
4. Alcoholic Rehabilitation Center—Greenville ................. 551,203  578,057
5. Dorothea Dix Hospital ................................................. 8,683,643  9,122,736
6. Broughton Hospital ...................................................... 7,094,393  7,400,456
7. Western Carolina Center ............................................ 3,868,940  4,537,085
8. Cherry Hospital ......................................................... 7,981,692  8,293,841
9. O'Berry Center .......................................................... 4,087,196  4,215,128
10. John Umstead Hospital .............................................. 6,229,476  6,379,340
11. Murdoch Center ....................................................... 5,891,198  6,000,073
12. Caswell Center ........................................................ 5,496,069  5,700,138
13. Wright School ......................................................... 235,379  244,991
Advisory Council on Mental Retardation ....................... 220,941  226,450
North Carolina Orthopedic Hospital ............................... 844,885  858,894
North Carolina Cerebral Palsy Hospital .......................... 354,725  365,252
North Carolina Sanatorium System:
1. General Administration .............................................. 80,553  82,346
2. North Carolina Sanatorium ......................................... 1,888,184  1,929,014
3. Western North Carolina Sanatorium ............................ 1,775,129  1,797,325
4. Eastern North Carolina Sanatorium ........................... 2,186,007  2,269,197
<table>
<thead>
<tr>
<th>Department/Institution</th>
<th>1969</th>
<th>1970</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Gravely Sanatorium</td>
<td>$881,943</td>
<td>$897,939</td>
</tr>
<tr>
<td>North Carolina Cancer Institute, Inc.</td>
<td>26,000</td>
<td>26,000</td>
</tr>
<tr>
<td>Asheville Orthopedic Hospital</td>
<td>135,000</td>
<td>135,000</td>
</tr>
<tr>
<td><strong>SUBTOTAL—Health and Hospitals</strong></td>
<td>$83,086,840</td>
<td>$87,140,435</td>
</tr>
</tbody>
</table>

**IX. NATURAL RESOURCES AND RECREATION**

Department of Conservation and Development:

1. Department of Conservation and Development: $8,964,095 $8,492,627
2. Kerr Reservoir Development Commission—Nutbush Conservation Area: 86,646 80,774

Department of Water and Air Resources: 1,284,020 1,341,268


Industrial Extension Service—North Carolina State University at Raleigh: 339,221 360,340
Rural Electrification Authority: 94,295 96,589
North Carolina Recreation Commission: 170,867 174,168

Confederate Museum—Richmond, Virginia: 200 200
Confederate Cemetery—Raleigh, North Carolina: 350 350
Garden Clubs of North Carolina, Inc.—The Elizabethan Garden: 5,500 5,500
Brevard Music Center: 25,000 25,000

**SUBTOTAL—Natural Resources and Recreation** $10,981,486 $10,588,122

**X. AGRICULTURE**

Department of Agriculture: $5,127,453 $5,209,393
Agricultural Experiment Station—North Carolina State University at Raleigh: 6,258,011 6,662,095
Cooperative Agricultural Extension Service—North Carolina State University at Raleigh: 5,729,246 6,099,383
State Soil and Water Conservation Committee: 284,533 295,996

**SUBTOTAL—Agriculture** $17,399,243 $18,266,867
XII. RETIREMENT AND PENSIONS

Teachers' and State Employees' Retirement System:
1. Administration ........................................ $ 699,703 $ 716,600
2. Pension Payments to Retired State Employees ..................... 367,000 339,000

Law Enforcement Officers' Benefit and Retirement Fund—Contributions from General Fund ..................... 25,000 25,000

North Carolina Firemen's Pension Fund ................................. 527,587 528,300

Pensions—Confederate Widows ........................................... 31,842 28,392

Pensions—Widows of Governors .......................................... 15,000 15,000

SUBTOTAL—Retirement and Pensions .................................... $ 1,666,132 $ 1,652,292

XIII. DEBT SERVICE

Interest on Bonds ...................................................... $ 5,994,222 $ 5,677,503

Redemption of Bonds ................................................... 11,780,000 12,080,000

SUBTOTAL—Debt Service ................................................ $ 17,774,222 $ 17,757,503

XIV. TITLE XIX (MEDICAID)

Reserve for Implementation of Title XIX .............................. $ 3,350,000 $ 4,700,000

TOTAL—GENERAL FUND ................................................ $890,415,163 $959,144,491

HIGHWAY FUND

SECTION 3. Appropriations from the Highway Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June 30, 1970, and June 30, 1971, respectively, according to the following schedule:

I. GENERAL GOVERNMENT

Salary Adjustments of Highway Fund Employees ...................... $ 932,515 $ 1,311,212

Salary Increases of Highway Fund Employees ......................... 9,958,428 11,970,769

SUBTOTAL—General Government ......................................... $10,890,943 $13,281,981

II. PUBLIC SAFETY AND REGULATION

Department of Motor Vehicles ......................................... $22,255,321 $22,952,676

Transportation Inspection (Utilities Commission) ..................... 221,250 218,818

Gasoline Inspection Service (Department of Agriculture) .............. 476,979 462,437

Coordinator, Governor's Highway Safety Program ..................... 1,662,973 1,763,953
<table>
<thead>
<tr>
<th>SUBTOTAL—Public Safety and Regulation</th>
<th>$24,616,523</th>
<th>$25,397,884</th>
</tr>
</thead>
</table>

### V. EDUCATION

<table>
<thead>
<tr>
<th>Driver Training and Safety</th>
<th>$2,552,114</th>
<th>$2,472,631</th>
</tr>
</thead>
</table>

### VI. HIGHWAYS

| State Highway Commission: | | |
|--------------------------|--------------------------|
| 1. Merit Salary Increments | $2,622,276 | $4,363,050 |
| 2. Reserve for Contingencies | 500,000 | 500,000 |
| 3. General Administration | 3,556,185 | 3,527,590 |
| 4. Engineering Administration and Supervision | 7,693,524 | 7,639,433 |
| 5. State Maintenance and Construction: | | |
| a. Primary System | 72,288,420 | 76,718,420 |
| b. Secondary System | 59,923,670 | 62,678,670 |
| c. Urban System | 18,597,710 | 19,712,710 |
| d. Public Service Roads | 1,400,000 | 1,400,000 |
| 6. State Funds to Match Federal Aid Highway Planning Survey and Highway Planning Research | 700,000 | 700,000 |
| 7. State Funds to Match Federal Aid Construction | 45,700,000 | 45,700,000 |
| 8. State Aid to Municipalities | 11,000,000 | 11,541,667 |
| 9. Employer’s Contribution—Retirement | 5,330,493 | 5,455,217 |
| 10. Employer’s Contribution—Social Security | 3,238,559 | 3,452,434 |

<table>
<thead>
<tr>
<th>SUBTOTAL—Highways</th>
<th>$232,550,837</th>
<th>$243,389,191</th>
</tr>
</thead>
</table>

### XIII. DEBT SERVICE

<table>
<thead>
<tr>
<th>State Secondary Road Bond Interest and Redemption</th>
<th>$12,386,250</th>
<th>—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Fund Act of 1965 Interest and Redemption</td>
<td>18,407,000</td>
<td>20,147,000</td>
</tr>
<tr>
<td>Highway Bond Anticipation Notes—Interest</td>
<td>1,200,000</td>
<td>—</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBTOTAL—Debt Service</th>
<th>$31,993,250</th>
<th>$20,147,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL—HIGHWAY FUND</td>
<td>$302,603,667</td>
<td>$304,688,687</td>
</tr>
</tbody>
</table>

853
Transfers and changes may be made in the Highway Fund from Merit Salary Increments, Salary Increases, and Salary Adjustments to other operating appropriations in the Highway Fund by authorization of the Director of the Budget. Transfers and changes may be made from Reserve for Contingencies to other operating appropriations in the Highway Fund by authorization of the Governor and Council of State. Transfers and changes may be made to and/or from Title VI -3, 4, 5(a), (b), (c), (d), 6, and 7 by authorization of the Director of the Budget: Provided, Title VI -5(a), (b), (c), (d), shall not be reduced by more than thirty percent (30%) of the appropriations herein stated for State Maintenance and Construction Systems and Title VI-6 and 7 shall not be reduced by more than ten percent (10%) of the appropriations herein stated. In the event that the State revenues accruing to the Highway Fund exclusive of one cent ($0.01) gasoline tax for Debt Service exceed the estimated revenues for each year of the biennium, to wit, two hundred sixty-seven million, eight hundred fifty-seven thousand, five hundred dollars ($267,857,500) for the fiscal year 1969-70 and two hundred seventy-seven million, three hundred seventy-seven thousand, five hundred dollars ($277,377,500) for the fiscal year 1970-71, such excesses may be allocated in the next succeeding year by the Director of the Budget, to increase the appropriations under Titles II and VI-3, 4, 5(a), (b), (c), (d), 6 and 7. Increases in Highway Fund surplus from sources other than revenues may be allocated in the next succeeding year by the Director of the Budget, to increase the appropriations under Titles II and VI -3, 4, 5(a), (b), (c), (d), 6 and 7.

Sec. 4. There is hereby appropriated out of funds available in the various Special Funds sufficient amounts to carry on required activities included under each Fund's operations subject to provisions of the Executive Budget Act, Chapter 143, Article I, General Statutes of North Carolina.

GENERAL PROVISIONS

Sec. 5. All insurance and all official fidelity and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be paid by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

SPECIAL PROVISIONS

Sec. 6. The appropriation made out of the General Fund for the Department of Correction includes funds to be transferred or paid to the Dorothea Dix Hospital at Raleigh and Cherry Hospital at Goldsboro for care, custody, and treatment of the criminally insane prisoners, and to the North Carolina Sanatorium for care, custody, and treatment of prisoners who have tuberculosis, with the amount of funds to be determined as follows: At the beginning of each month the Dorothea Dix Hospital at Raleigh, the Cherry Hospital at Goldsboro, and North Carolina Sanatorium shall render to the Department of Correction a bill, on the basis of the per capita cost per day for the preceding fiscal year, as may be determined by the Director of the Budget, for the care, custody, and treatment, during the preceding month, of criminally insane prisoners and prisoners who have tuberculosis and who have been transferred from the Prison System to said institutions, and the Department of Correction shall pay such bills monthly.

Sec. 7. Appropriations made herein to the various State agencies for the purpose of purchasing medical, dental, optometric and hospital services, including all services provided under Title XIX of the Social Security Act, and for care in homes for the aged, will be disbursed on the basis of rates and fee schedules approved by the Advisory Budget Commission.
Sec. 8. Funds appropriated herein to the State Department of Social Services and in the Special Reserve for the purpose of implementing Title XIX (Medicaid) effective January 1, 1970, are intended to provide for the following:

(a) Persons eligible for services will be limited to (1) public assistance recipients and (2) individuals who are over 65 years of age, or are permanently and totally disabled, or are blind, or are members of families with dependent children, and whose incomes are insufficient to provide necessary medical care, as determined by the Board of Social Services.

(b) The services provided will be limited to hospital care (in-patient and outpatient), x-ray, laboratory, physicians services (practitioners of medicine or surgery, podiatry, and osteopathy), home health services, nursing home care, drugs, dental care and dentures, optometric services and eyeglasses.

(c) Eligible patients in State mental and tuberculosis hospitals will be included.

(d) The Department of Social Services is designated as the administering agency for a single state plan covering all public assistance categories including aid to the blind.

(e) The State Board of Health will have the responsibility and authority for establishing and maintaining standards for institutions in which beneficiaries may receive services.

(f) Administrative costs, as approved by the Advisory Budget Commission required for the Department of Social Services, the State Board of Health, and the county departments of welfare will be provided from funds appropriated and otherwise available for this program. The non-federal share of the costs of administration in the Department of Social Services and the State Board of Health will be borne by the State. The non-federal share of payments in behalf of patients in mental and tuberculosis hospitals will be borne by the State. The non-federal share of all other program costs will be divided equally between the State and counties.

(g) The Department of Social Services will develop the State Plan for Title XIX to meet State and Federal requirements and establish policies to assure adequate program control subject to the approval of the Advisory Budget Commission.

Sec. 9. The Director of the Budget is authorized and empowered to transfer, as between the three institutions, the appropriations made in this Act for the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School, and as between the eight training schools under the jurisdiction of the Board of Juvenile Correction, the appropriations made to any of them, when in his opinion it shall be deemed to be in the best interest of the State.

Sec. 10. It is the intention of this Act that, as to new units except those herein authorized, no recommendations for establishment of additional units shall be made by the Department of Community Colleges in the absence of a showing of a clear and urgent need in a particular area of the State. It is the further intention of this Act that it shall be the announced policy of the Department of Community Colleges that, as to capital improvement projects, no construction contracts may be let until it has been clearly established that funds are available for the related permanent equipment.

Funds appropriated herein to the State Board of Education, Department of Community Colleges, to purchase equipment for the Community College Institutions,
(Code 18057) shall be permanent appropriations, and unexpended portions of these appropriations shall not revert to the General Fund at the end of the biennium.

Sec. 11. The Director of the Budget shall require that the Highway Fund, other special funds employing personnel, and other operations employing personnel which are designated by the resolution of the Governor and Advisory Budget Commission as self-supporting operations shall budget as a line item object of expenditure sufficient funds to pay their employer proportion of contributions to the Teachers' and State Employees' Retirement System as required by the Act creating said system.

No part of the appropriations made in Section 2 of this Act shall be used to supply the State's or employer's contribution for retirement system purposes or Social Security purposes with respect to the compensation of any State employee (1) whose compensation is paid out of receipts of any state institution or agency (other than gifts, including foundation funds), which receipts are deposited in institutional funds for the specific purpose of paying the compensation of such employee or (2) who performs his duties for an operation or activity designated by the Director of the Budget as a self-supporting operation or activity, or (3) who performs his duties for an operation or activity not supported by an appropriation from the State General Fund. In those instances in which an employee's salary is paid in part from the General Fund or from gifts (including foundations) and in part from receipts of the State institution or agency (other than gifts, including foundation funds), which receipts are deposited in institutional funds for the specific purpose of paying part of the compensation of such State employee, the appropriations described above shall be used to pay a portion of the employer's contribution for retirement and social security equal to that proportion of the employee's total salary paid from the General Fund or from gifts (including foundations), and the remainder of the employer's contribution shall be paid from the same sources as supply the remainder of such employee's salary. It is the intent and purpose of this Act that, when retirement system or social security matching funds are required to be made on behalf of the State as an employer in the situations described above in this paragraph, such matching funds to the extent necessary shall be paid out of the funds of the institution or operation or activity described above in this paragraph. Notwithstanding the restrictions in this paragraph, the Director of the Budget is authorized and empowered to promulgate rules and regulations to apply to receipts - supported operations of a central services nature where the payments for services originate from appropriations, to the end that the effective purchasing power of such appropriations shall not be materially reduced as a result of payment of the employer's contribution for retirement and social security. Any question as to the applicability of this paragraph shall be resolved by the Director of the Budget and the Advisory Budget Commission.

Sec. 12. Subject to rules and regulations promulgated by the Department of Administration and approved by the Director of the Budget, any State department, institution, or agency of the State is hereby authorized to expend, from appropriations made in this Act, funds to pay the expenses of transporting the household goods and furniture of an employee and members of his household when such an employee is directed by the employing agency to transfer from one location to another.

Sec. 13. Subject to a recommendation of the Director of the Budget, funds not to exceed one hundred thousand dollars ($100,000) for each year of the biennium
1969-71 may be allotted out of the Contingency and Emergency Appropriation for use by the State Department of Agriculture, North Carolina Agricultural Experiment Station, and the U. S. Department of Agriculture, for a witch weed control program; and, subject to a recommendation by the Director of the Budget, funds not to exceed fifty thousand dollars ($50,000) each year may be allotted out of the Contingency and Emergency Fund for use by the State Department of Agriculture for payment of hog choler indemnities.

Of the total amount appropriated herein to the Agricultural Experiment Station, the sum of one hundred one thousand, two hundred fifty two dollars ($101,252) shall be solely for research in the mechanization of blueberry harvesting, and the sum of sixty seven thousand, eight hundred dollars ($67,800) shall be used solely for research in post harvest physiology of fruits.

**Sec. 14.** Appropriations made herein to the Department of Social Services for the purpose of providing State matching funds to cities and counties for improvements in local jail facilities will be disbursed on the basis of a State plan for such assistance. The State plan shall be developed by the Department of Social Services subject to the approval of the Advisory Budget Commission.

**Sec. 15.** It is the intention of this Act that the amount of three hundred thousand dollars ($300,000) unobligated Bureau Reserve Funds held by the State Commission for the Blind be transferred into General Fund Operating Code 16041 during fiscal 1969-70 to support authorized additional expenditures as provided for in this Act.

**SALARIES AND WAGES**

**Sec. 16.** The Director of the Budget is authorized and empowered to transfer from the appropriations for Salary Increases of State Employees Subject to the Personnel Act, such amounts, including the retirement and social security contributions, as may be required to increase salaries in effect on June 30, 1969, for all full-time permanent employees in accordance with a graduated scale of increases ranging from approximately thirteen and nine-tenths percent (13.9%) at the lowest step to approximately seven and one-half percent (7.5%) at higher levels, rounded to conform to the steps in such salary ranges as may be adopted by the State Personnel Board. For an employee whose salary is not equal to a specific pay rate within the present salary schedule, the annual increase will be the amount applicable to the next lower pay rate. The increases hereby provided for shall be based on salaries in effect on June 30, 1969, except that for certain employees whose salaries, by direction of the Governor, were adjusted to the annual rate of three thousand, seven hundred and fifty-six dollars ($3,756) effective April 1, 1969, the increases hereby provided for shall be based on the salaries such employees would have received on June 30, 1969, if such adjustment had not been made. Salary increases hereby provided for shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Annual Salary As of June 30, 1969</th>
<th>% Increase</th>
<th>Annual Salary As of July 1, 1969</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 3,024</td>
<td>13.89</td>
<td>$ 3,444</td>
</tr>
<tr>
<td>3,168</td>
<td>13.64</td>
<td>3,600</td>
</tr>
<tr>
<td>3,336</td>
<td>12.59</td>
<td>3,756</td>
</tr>
<tr>
<td>3,468</td>
<td>12.80</td>
<td>3,912</td>
</tr>
<tr>
<td>3,636</td>
<td>12.21</td>
<td>4,080</td>
</tr>
<tr>
<td>3,804</td>
<td>11.99</td>
<td>4,260</td>
</tr>
</tbody>
</table>

857
<table>
<thead>
<tr>
<th>Annual Salary As of June 30, 1969</th>
<th>% Increase</th>
<th>Annual Salary As of July 1, 1969</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,984</td>
<td>11.75</td>
<td>4,452</td>
</tr>
<tr>
<td>4,176</td>
<td>11.49</td>
<td>4,656</td>
</tr>
<tr>
<td>4,380</td>
<td>11.23</td>
<td>4,872</td>
</tr>
<tr>
<td>4,584</td>
<td>10.99</td>
<td>5,088</td>
</tr>
<tr>
<td>4,812</td>
<td>10.72</td>
<td>5,328</td>
</tr>
<tr>
<td>5,040</td>
<td>10.71</td>
<td>5,580</td>
</tr>
<tr>
<td>5,280</td>
<td>10.68</td>
<td>5,844</td>
</tr>
<tr>
<td>5,556</td>
<td>10.15</td>
<td>6,120</td>
</tr>
<tr>
<td>5,832</td>
<td>9.88</td>
<td>6,408</td>
</tr>
<tr>
<td>6,108</td>
<td>9.82</td>
<td>6,708</td>
</tr>
<tr>
<td>6,408</td>
<td>9.55</td>
<td>7,020</td>
</tr>
<tr>
<td>6,708</td>
<td>9.48</td>
<td>7,344</td>
</tr>
<tr>
<td>7,044</td>
<td>9.03</td>
<td>7,680</td>
</tr>
<tr>
<td>7,380</td>
<td>8.78</td>
<td>8,028</td>
</tr>
<tr>
<td>7,752</td>
<td>8.51</td>
<td>8,412</td>
</tr>
<tr>
<td>8,124</td>
<td>8.42</td>
<td>8,808</td>
</tr>
<tr>
<td>8,520</td>
<td>8.17</td>
<td>9,216</td>
</tr>
<tr>
<td>8,940</td>
<td>8.05</td>
<td>9,660</td>
</tr>
<tr>
<td>9,384</td>
<td>7.80</td>
<td>10,116</td>
</tr>
<tr>
<td>9,852</td>
<td>7.67</td>
<td>10,608</td>
</tr>
<tr>
<td>10,320</td>
<td>7.56</td>
<td>11,100</td>
</tr>
<tr>
<td>10,848</td>
<td>7.52</td>
<td>11,664</td>
</tr>
<tr>
<td>11,376</td>
<td>7.59</td>
<td>12,240</td>
</tr>
<tr>
<td>11,940</td>
<td>7.54</td>
<td>12,840</td>
</tr>
<tr>
<td>12,528</td>
<td>7.57</td>
<td>13,476</td>
</tr>
<tr>
<td>13,128</td>
<td>7.59</td>
<td>14,124</td>
</tr>
<tr>
<td>13,800</td>
<td>7.57</td>
<td>14,844</td>
</tr>
<tr>
<td>14,472</td>
<td>7.55</td>
<td>15,564</td>
</tr>
<tr>
<td>15,192</td>
<td>7.50</td>
<td>16,332</td>
</tr>
<tr>
<td>15,936</td>
<td>7.53</td>
<td>17,136</td>
</tr>
<tr>
<td>16,728</td>
<td>7.53</td>
<td>17,988</td>
</tr>
<tr>
<td>17,556</td>
<td>7.52</td>
<td>18,876</td>
</tr>
<tr>
<td>18,420</td>
<td>7.56</td>
<td>19,812</td>
</tr>
<tr>
<td>19,344</td>
<td>7.51</td>
<td>20,796</td>
</tr>
<tr>
<td>20,292</td>
<td>7.51</td>
<td>21,816</td>
</tr>
<tr>
<td>21,312</td>
<td>7.55</td>
<td>22,920</td>
</tr>
<tr>
<td>22,368</td>
<td>7.51</td>
<td>24,048</td>
</tr>
<tr>
<td>23,472</td>
<td>7.52</td>
<td>25,236</td>
</tr>
<tr>
<td>24,648</td>
<td>7.50</td>
<td>26,496</td>
</tr>
</tbody>
</table>
The Director of the Budget is further authorized and empowered to transfer from the appropriations for the fiscal year 1970-71 for Salary Increases of State Employees Subject to the Personnel Act, such amounts, including the retirement and social security contributions, as may be required to increase salaries by an amount equal to two per cent (2%) of the salaries in effect on June 30, 1969, rounded to conform to the steps in such salary ranges as may be adopted by the State Personnel Board.

The provisions of this Section shall be applied to increase salaries paid out of special funds or from sources other than tax revenues; provided, the necessary funds are made available from operations or from sponsoring agents. The Director of the Budget is authorized and empowered to allocate out of special operating funds, under which personnel are employed, sufficient funds to conform with the provisions of this Section; provided, funds are available or made available by the sponsoring agents.

Salaries for positions which are paid from funds which are partially from the General Fund and partially from sources other than the General Fund shall be increased from the General Fund appropriation only to the extent of the proportionate part paid from the General Fund.

The salary increases for employees whose salaries are paid from receipts received from self-supporting activities shall be contingent upon availability of funds out of receipts, except that for employees whose salaries are paid from receipts supported operations of a central-services nature, where the payments for services originate from appropriations, the Director of the Budget is authorized and empowered to promulgate rules and regulations to provide for the salary increases of these employees to the end that the effective purchasing power of such appropriations for services shall not be materially reduced.

The salary increases shall not affect the status of eligibility for automatic and/or merit salary increments for which the employee may be eligible for the fiscal years 1969-71 notwithstanding the granting of the Legislative salary increase.

The salary ranges for all employees under the Personnel Act shall be increased, so far as the maximum is concerned to the end that, after the salary increase provided for in this Act is made, every employee will continue to have the same relative position with respect to salary increases and future increments as he would have had if the salary increases provided by this Act had not been made.

The salary increase provided in this Act to be effective July 1, 1969, shall not apply to persons separated from State service due to resignation, dismissal, reduction in force, death or retirement, whose last work day is prior to July 1, 1969;
and the salary increase provided in this Act to be effective July 1, 1970, shall not apply to persons separated from State service due to resignation, dismissal, reduction in force, death or retirement, whose last work day is prior to July 1, 1970.

Sec. 17. The amounts appropriated herein to the State Board of Education for salaries of instructional personnel shall be used to provide salaries according to the Index Salary Schedule established by the State Board of Education and approved by the 1969 General Assembly.

Sec. 18. The Director of the Budget is authorized and empowered to transfer from the General Fund Salary Adjustment appropriation, and from the Highway Fund Salary Adjustment appropriation to the various departments, institutions and agencies, such amounts as are necessary to support approved salary adjustments made necessary by changes in the labor market which create difficulties in recruiting and holding qualified employees in State Government. These funds are to supplement salary reserve funds in individual operating budgets, and may not be allocated to a department, institution or agency until its appropriate salary reserves are exhausted.

Sec. 18.1. The salary of the Chief Justice of the Supreme Court shall be thirty thousand dollars ($30,000) per annum, and the salaries of each of the Associate Justices of the Supreme Court shall be twenty-nine thousand dollars ($29,000) per annum; the salary of the Chief Judge of the Court of Appeals shall be twenty-seven thousand dollars ($27,000) per annum, and the salaries of the Judges of said Court shall be twenty-six thousand dollars ($26,000) per annum; the salaries of the Judges of the Superior Court shall be twenty-two thousand dollars ($22,000) per annum; the salary of the Chief Judge of each District Court shall be eighteen thousand dollars ($18,000) per annum, and the salary of each District Court Judge shall be seventeen thousand dollars ($17,000) per annum, the salary of each District Court Prosecutor shall be thirteen thousand dollars ($13,000) per annum and the salary of each District Court Assistant Prosecutor shall be eleven thousand dollars ($11,000) per annum. The salary of the Administrative Officer of the Courts shall be twenty-four thousand five hundred dollars ($24,500) per annum and the salary of the Assistant Administrative Officer of the Courts shall be seventeen thousand five hundred dollars ($17,500) per annum.

EFFECTIVE

Sec. 19. The provisions of the Executive Budget Act, Chapter 143, Article 2 of the General Statutes, are re-enacted and shall remain in full force and effect, and are incorporated in this Act by reference.

Sec. 20. If any section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Sec. 21. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 22. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
H. B. 600  
CHAPTER 808

AN ACT TO INCREASE THE MEMBERSHIP OF THE McDOWELL COUNTY BOARD OF COMMISSIONERS AND TO PROVIDE FOR THEIR TERM OF OFFICE AND ELECTION.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of McDowell County is now composed of J. B. Walker, Jr., whose term shall expire in 1970; Dr. O. D. Rowe, whose term shall expire in 1972; and Pierce Bradley, Jr., whose term shall expire in 1974.

Beginning with the primary and general election to be held in 1970, the Board of County Commissioners of McDowell County shall consist of five members to be elected for terms of four years. In 1970, the term of the incumbent member then expiring and the two additional seats created by this paragraph shall be filled. The two members elected in 1970 with the highest number of votes shall serve terms of four years and the member elected with the lowest number of votes shall serve a term of two years; in 1972 and biennially thereafter, all expiring terms of office shall be filled by members elected for terms of four years.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 695  
CHAPTER 809

AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSON, CHAPTER 780 OF THE SESSION LAWS OF 1967.

The General Assembly of North Carolina do enact:

Section 1. Section 27 of Chapter 780 of the Session Laws of 1967 is hereby amended as follows:

(a) by changing the period at the end of subsection (c) to a semi-colon and by adding immediately following the semi-colon "to require by ordinance any railroad company to repair grade crossings in such manner as deemed by the city council to be necessary to the safety and convenience of the traveling public, and any ordinance adopted hereunder shall contain provisions establishing adequate notice and hearing procedures in accordance with due process of law.";

(b) by inserting between subsections (f) and (g) two new subsections to read as follows:

"(g) to discontinue water service for non-payment of either water charges or sewer charges or any other sanitation charge."

"(h) to appropriate funds annually in its discretion, from any source of revenue other than funds derived from ad valorem property taxation, for the purpose of obtaining or aiding and encouraging the locating in or near the City of manufacturing, industrial, business, and commercial plants and enterprises, the advertising of the suitability of the City and the surrounding area and the advantages it has to offer, and for such other purposes as will, in the opinion of the city council.
increase the population, taxable property values, and the general and material welfare of the City and the surrounding area. Expenditures for the purpose herein authorized are hereby declared to be for a lawful public purpose;"

(c) by renumbering subsections (g) and (h) as (i) and (j).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 897

CHAPTER 810

AN ACT TO ALLOW COUNTERCLAIM IN A SUIT ON A SEALED CONTRACT AND TO PROVIDE FOR ADDITIONAL THIRD PARTY DEFENDANTS IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina do enact:

Section 1. G.S. Sec. 1-47(2) is hereby amended by adding at the end the following sentences:

"Provided, however, that if action on a sealed instrument is filed, the defendant or defendants in such action may file a counterclaim arising out of the same transaction or transactions as are the subject of plaintiff's claim, although a shorter statute of limitations would otherwise apply to defendant's counterclaim. Such counterclaim may be filed against such parties as provided in G. S. Sec. 1A-1, Rules of Civil Procedure."

Sec. 2. G. S. Sec. 1A-1, Rule 14(a) is hereby amended by adding a new paragraph at the end as follows:

"Where the normal statute of limitations period in an action arising on a contract is extended as provided in G. S. Sec. 1-47(2) or in any action arising on a contract or promissory note, upon motion of the defendant the court may order to be made parties additional defendants, including any party of whom the plaintiff is a subrogee, assignee, third party beneficiary, endorsee, agent or transferee, or such other person as has received the benefit of the contract by transfer of interest."

It is the purpose of this Section to insure that if a suit may be maintained on a contract against one contracting party, the other contracting party will not be allowed to escape his contractual obligations by the passage of time or the transfer of contract rights.

Sec. 3. This Act shall be in full force and effect on and after January 1, 1970, and shall apply to actions and proceedings pending on that date as well as to actions and proceedings commenced on or after that date. This Act takes effect on the same date as Chapter 954 of the Session Laws of 1967, entitled an Act to amend the laws relating to Civil Procedure. In the construction of that Act and this Act no significance shall be attached to the fact that this Act was enacted at a later date.

Sec. 4. All laws and clauses in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.
H. B. 919

CHAPTER 811

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF RURAL RECREATION DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby inserted in Chapter 160 of the General Statutes a new article to read as follows:

"Article 12B

Rural Recreation Districts

Subsection 160-166.3. Election to be held upon petition of voters. Upon the petition of fifteen percent (15%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "...(Here insert name)..... Recreation District", the board of county commissioners of the county shall call an election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) of the one hundred dollars ($100.00) valuation of property, for the purpose of providing recreational programs and facilities in said district.

Upon the petition of fifteen percent (15%) of the resident freeholders living in an area which has previously been established as a recreation district and in which there has been authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one hundred dollars ($100.00) valuation of property within the area, the board of county commissioners shall call an election in said area for the purpose of submitting to the qualified voters therein the question of increasing the allowable special tax for recreational programs and facilities within said district from ten cents (10¢) on the one hundred dollars ($100.00) valuation of fifteen cents (15¢) on the one hundred dollars ($100.00) valuation on all taxable property within such district. Elections on the question of increasing the allowable tax rate for recreational programs and facilities shall not be held within the same district at intervals less than two years.

Subsection 160-166.4. Duties of county board of commissioners as to conduct of election; cost of holding. For the election so called as provided in Subsection 160-166.3, the board of commissioners of the county shall provide one or more polling places in said district, shall provide for a registrar or registrars and judges of election at said voting places, shall provide for the registration of all qualified voters living in said district, shall cause to be prepared the necessary ballots for voting at said election, shall fix the time and places for holding the same, and shall conduct said election in every other respect according to the provisions of the laws governing general elections so far as they may be applicable. The cost of holding the election shall be paid by the county.

Subsection 160-166.5. Ballots. At said election those voters who are in favor of levying a tax in said district for recreational programs and facilities therein shall vote a ballot on which shall be written or printed, "In favor of tax for recreational programs and facilities in...(Here insert name) Recreation District". Those who are against levying said tax shall vote a ballot on which shall be written or printed the words, "Against tax for recreational programs and facilities for...(Here insert name) District".
CHAPTER 811  SESSION LAWS—1969

Whenever an election is called pursuant to this Article on the question of increasing the tax limit for recreational programs and facilities in any area, those voters in favor of such increase therein shall vote a ballot on which shall be printed, "In favor of tax increase for recreational programs and facilities in ..................Recreation District". Those who are against increasing the tax limit for recreational programs and facilities therein shall vote a ballot on which shall be printed, "Against tax increase for recreational programs and facilities in.................. Recreation District". The failure of the election on the question of an increase in the tax for recreational programs and facilities shall not be deemed to be the abolishment of the special tax for recreational programs and facilities already in effect in said district.

Subsection 160-166.6. Tax to be levied and used for recreational programs and facilities. If a majority of the qualified voters voting at said election vote in favor of levying and collecting a tax in said district, then the board of county commissioners is authorized and directed to levy and collect a tax in said district in such amount as it may deem necessary, not exceeding ten cents (10¢) on the one hundred dollars ($100.00) valuation of property in said district from year to year, and shall keep the same as a separate and special fund, to be used only for furnishing recreational programs and facilities within said district, as provided in Subsection 160-166.7.

Provided, that if a majority of the qualified voters voting at such elections vote in favor of levying and collecting a tax in such district, or vote in favor of increasing the tax limit in said district, then the board of county commissioners is authorized and directed to levy and collect a tax in such districts in such amount as it may deem necessary, not exceeding fifteen cents (15¢) on the one hundred dollars ($100.00) valuation of property in said district from year to year.

Subsection 160.166.7. Methods of providing recreational programs and facilities. Upon the levy of such tax, the board of county commissioners shall, to the extent of the taxes collected hereunder, provide recreational programs and facilities for the district—

(1) By contracting with any incorporated city or town, with any incorporated nonprofit community recreation organization duly chartered under the laws of North Carolina and organized for the purposes set out in Subsection 160-157 and Subsection 160-158, or,

(2) By furnishing recreational programs and facilities itself if the county maintains organized recreational programs and facilities, or

(3) By establishing a recreation system within the district, or

(4) By utilizing any two or more of the above listed methods of furnishing recreational programs and facilities.

Subsection 160-166.8. Municipal corporations empowered to make contracts. Municipal corporations are hereby empowered to make contracts to carry out the purposes of this Article.

Subsection 160-166.9. Administration of special fund; Recreation District Commission. The special fund provided by the tax herein authorized shall be administered to provide recreational programs and facilities as provided in Subsection 160-166.7 by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, or by a recreation district commission of three qualified voters of the area, to be known as...(Here insert name)...Recreation District said board to be appointed by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county,
for a term of two years, said commission to serve at the discretion of and under the supervision of the board of county commissioners or boards of county commissioners if the area lies in more than one county.

Subsection 160-166.10. Authority, rights, privileges and immunities of counties, etc., performing services under Article. Any county, municipal corporation or recreation district performing any of the services authorized by this Article shall be subject to the same authority and immunities as a county would enjoy in the operation of a county recreation system within the county, or a municipal corporation would enjoy in the operation of a recreation system within its corporate limits.

Members of any county, municipal or recreation district shall have all of the immunities, privileges and rights, including coverage by workmen's compensation insurance, when performing any of the functions authorized by this Article, as members of a county recreation system would have in performing their duties and for a county, or as members of a municipal recreation system would have in performing their duties in for and within the corporate limits of the municipal corporation.

Subsection 160-166.11. Procedure when area lies in more than one county. In the event that an area petitioning for a tax election under this Article lies in more than one county said petition shall be submitted to the board of county commissioners of all the counties in which said area lies and election shall be called which shall be conducted by the joint boards of county commissioners and the cost of same shall be shared equally by all counties.

Upon passage, the tax herein provided shall be levied and collected by each county on all of the taxable property in its portion of the recreation district; the tax collected shall be paid into a special fund and used for the purpose of providing recreation programs and facilities for the district.

Subsection 160-166.12. Means of abolishing tax district. Upon a petition of fifteen percent (15%) of the resident freeholders of any special recreation district or area, at intervals of not less than two years, the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, shall call an election to abolish the special tax for recreation programs and facilities for the area, the election to be called and conducted as provided in Subsection 160-166.4; if a majority of the registered voters vote to abolish said tax, the commissioners shall cease levy and collecting same and any unused funds of the district shall be turned over to and used by the county commissioners of the county collecting same as a part of its general fund, and any property or properties of the district or the proceeds thereof shall be distributed, used or disposed of equitably by the board of county commissioners or the boards of county commissioners.

Subsection 160-166.13. Changes in area of district. After a recreation district has been established under the provisions of this Article and recreation commissioners have been appointed, changes in the area may be made as follows:

1. The area of any recreation district may be increased by including within the boundaries of the district any adjoining territory upon the application of the owner, or a two-thirds majority of the owners, of the territory to be included, the unanimous recommendation in writing of the recreation commissioners of said district, and the approval of the board or boards of county commissioners in the county or counties in which said recreation district is located. However, before said recreation district change is approved by the
county commissioners, notice shall be given once a week for two successive calendar weeks in a newspaper having general circulation in said district, and notice shall be posted at the courthouse door in each county affected, and at three public places in the area to be included, said notices inviting interested citizens to appear at a designated meeting of said county commissioners, said notice to be published the first time and posted not less than fifteen days prior to the date fixed for hearing before the county commissioners.

(2) The area of any recreation district may be decreased by removing therefrom any territory, upon the application of the owner or owners of the territory to be removed, the unanimous recommendation in writing of the recreation commissioners of said district, and the approval of the board or boards of county commissioners of the county or counties in which the district is located.

(3) In the case of adjoining recreation districts having in effect the same rate of tax for recreational programs and facilities, the board of county commissioners, upon petition of the recreation commissioners shall have the authority to relocate the boundary lines between such recreation districts in accordance with the petition or in such other manner as to the board may seem proper. Upon receipt of such petition, the board of county commissioners shall set a date and time for a public hearing on the petition, and notice of such hearing shall be published in some newspaper having general circulation within the districts to be affected once a week for two weeks preceding the time of the hearing. Such hearings may be adjourned from time to time and no further notice is required of such adjourned hearings. In the event any boundaries of recreation districts are altered or relocated under this Section, the same shall take effect at the beginning of the next succeeding fiscal year after such action is taken.

(4) In the case of adjoining recreation districts having in effect a different rate of tax for recreational programs and facilities, the board of county commissioners, upon petition of two thirds of the owners of the territory involved and after receiving a favorable recommendation of the recreation commissioners, may transfer such territory from one district to another and therefore relocate the boundary lines between such recreation districts in accordance with the petition or in such other manner as the board may deem proper. Upon receipt of such petition, the board of county commissioners shall set a date and time for a public hearing on the petition, and notice of such hearing shall be published in some newspaper having general circulation within the districts to be affected once a week for two weeks preceding the time of the hearing. Such hearings may be adjourned from time to time and no further notice is required of such adjourned hearings. In the event any boundaries of recreation districts are relocated under this Section, the same shall take effect at the beginning of the next succeeding fiscal year after such action is taken.

Subsection 160-166.14. Privileges and taxes where territory added to district. In case any territory is added to any recreation district, from and after such addition, the taxpayers and other residents of said added territory shall have the same rights and privileges and the taxpayers shall pay taxes at the same rates as if said territory had originally been included in the said recreation district.

Subsection 160-166.15. Privileges and taxes where territory removed from district. In case any territory is removed from any recreation district from and after
said removal, the taxpayers and other residents of said removed territory shall cease to be entitled to the rights and privileges vested in them by their inclusion in said recreation district, and the taxpayers shall no longer be required to pay taxes upon their property within said district.

Subsection 160-166.16. Contract with city or town to which all or part of district annexed concerning property of district and furnishing of recreational programs and facilities. Whenever all or any part of the area included within the territorial limits of a recreation district is annexed to or becomes a part of a city or town, the governing body of such district may contract with the governing body of such city or town to give, grant or convey to such city or town, with or without consideration, in such manner and on such terms and conditions as the governing body of such district shall deem to be in the best interests of the inhabitants of the district, all or any part of its property, including, but without limitation, any recreation equipment or facilities, and may provide in such contract for the furnishing of recreational programs and facilities by the city or town or by the district.

Subsection 160-166.17. When district or portion thereof annexed by municipality furnishing recreational programs and facilities. When the whole or any portion of a recreation district has been annexed by a municipality furnishing recreational programs and facilities to its citizens, then such recreation district or the portion thereof so annexed shall immediately thereupon cease to be a recreation district or a portion of a recreation district; and such district or portion thereof so annexed shall no longer be subject to Subsection 160-166.6 authorizing the board of county commissioners to levy and collect a tax in such district for the purpose of furnishing recreational programs and facilities therein.

Nothing herein shall be deemed to prevent the board of county commissioners from levying and collecting taxes for recreational programs and facilities in the remaining portion of a recreation district not annexed by a municipality, as aforesaid."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 927

CHAPTER 812

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRIFTON AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Grifton is hereby revised and consolidated to read as follows:

THE CHARTER OF THE TOWN OF GRIFTON

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Grifton shall continue to be a body politic and corporate under the name and style of the "Town of Grifton", and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and
alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Grifton shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Grifton shall be as follows until changed in accordance with law:

Beginning at a point in the center line of the main line of the Seaboard Coast Line Railroad on the southern side of Contentnea Creek in Lenoir County, said point being South 37 degrees 30' West along the center line of the main line of the Seaboard Coast Line Railroad 384 feet from the southern edge of the steel draw on said railroad bridge; thence from this beginning South 55 degrees 15' East 636 feet to a point; thence North 80 degrees East 2545 feet to a point; thence along a line North 30 degrees East 80 feet to the South bank of Contentnea Creek and continuing along the South bank 2060 feet in a South-southeasterly direction to a point on the southern line of the right-of-way of the transmission line to the Voice of America installation; thence North 23 degrees East, crossing Creek Road at a point 635 feet northwest of the western end of the bridge over Mill Branch, and continuing in the direction of North 23 degrees East 3000 feet more or less to a point in the center line of the Grifton-Vanceboro Highway, North Carolina State Highway 118, where a ditch crosses said highway; thence with the center line of said ditch North 37 degrees East 880 feet to a point in the center line of said ditch; thence North 31 degrees 30' West 525 feet to the center line of Wall Street, previously called "The Culture Road"; thence with the center line of said road North 62 degrees East 675 feet to a point in said center line; thence North 35 degrees 7' West 2800 feet running with a northern line of the Howell P. Rasberry Subdivision by map dated June 26, 1952, across Church Street, to a point in the center line of the Seaboard Coast Line Railroad; thence with the center line of said railroad in a southwesterly direction 940 feet to a point in said center line; thence North 47 degrees West 1600 feet to a point in the center line of the Grifton-Greenville Highway, North Carolina State Highway 11, where a ditch crosses said highway; thence with the center line of said ditch South 66 degrees 30' West 600 feet to a point in said ditch; thence South 41 degrees West 630 feet to a stake in the common line between the A. L. Patrick Estate and the McCotter Heirs property; thence with the common line between the A. L. Patrick Estate and the McCotter
Heirs property South 87 degrees West 1450 feet to a point where said line is intersected by the southern line of a thirty-foot-wide road right-of-way that is 180 feet south of and parallel to the southern line of Queen Street; thence with the southern line of this thirty-foot-wide road South 43 degrees 15' East 1180 feet to the eastern line of the A. L. Patrick Estate; thence South 59 degrees 22' West 2660 feet to the northern bank of Contentnea Creek; thence across Contentnea Creek South 68 degrees West 988 feet to a point in a ditch in Lenoir County; thence South 8 degrees West 572 feet with the line of said ditch to a point that is 250 feet from the center line of the Grifton-Hugo Highway, Rural Paved Road No. 1704; thence South 62 degrees 30' East 730 feet to a point in the center line of the Grifton-Kinston Highway, North Carolina State Highway 11, where a ditch meets said highway; thence with the line of said ditch South 32 degrees 30' East 580 feet to a point in said ditch; thence South 53 degrees East 1420 feet to a point in the center of the main line of the Seaboard Coast Line Railroad; thence North 37 degrees 30' East 488 feet to the beginning.

Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

Sec. 3.1. Composition of Board of Commissioners. The Board of Commissioners shall consist of five members to be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV.

Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. Where there is an equal division upon a question or in the appointment of officers, the Mayor shall determine the matter by his vote, but he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor and members of the Board of Commissioners shall serve for terms of two years, as provided in Article IV, beginning the day and hour of the organizational meeting following their election; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) In the event a vacancy occurs in the office of Mayor or Commissioner, the Board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

Sec. 3.4. Compensation of Mayor and Commissioner. The Mayor shall receive for his services such salary as the Board of Commissioners shall determine, and no reduction in his salary shall be made to take effect during the term in which it is voted. The Board may establish a salary for its members which may be increased or reduced.
Sec. 3.5. **Organization of Board of Commissioners; Oaths of Office.** The Board of Commissioners shall meet and organize for the transaction of business at the first regular meeting following each biennial election. Before entering upon their offices, the Mayor and each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: "I, __________________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of __________________________, on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 3.6. **Meetings of Board.** (a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Board, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Board shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

Sec. 3.7. **Quorum; Votes.** (a) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Three affirmative votes, which may include the vote of the Mayor in the event of equal division among the Commissioners shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 3.8. **Ordinances and Resolutions.** The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clauses of all ordinances shall be: "Be it ordained by the Board of Commissioners of the Town of Grifton". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

**ARTICLE IV. ELECTION PROCEDURE**

Sec. 4.1. **Regular Elections.** Regular municipal elections shall be held annually on Tuesday after the first Monday in May. In each odd-numbered year, there shall be elected a Mayor and two Commissioners to serve for terms of two years. In each even-numbered year, there shall be elected three Commissioners to serve for terms of two years."

Sec. 4.2. **Filing of Candidates.** Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty (60) days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the Town Clerk of his designee, and shall be substantially in the following form: "I __________________________, do hereby give notice that I am a candidate for election to the office of (Mayor)/(Commissioner), to be voted on at the election to
be held on __________________, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the Town of Griffon, residing at _________________________________.

Date: ____________________________ (Signature) ____________________

Sec. 4.3. Voting. In each election, each qualified voter shall be entitled to vote for one candidate for each office to be filled.

Sec. 4.4. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

In elections for Commissioner, each voter shall cast his or her vote for as many candidates as there are offices to be filled, and where a voter marks his ballot for any number of candidates for Commissioner more or less than the number of offices to be filled, such ballot shall not be counted for any of the candidates for Commissioner.

Sec. 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

ARTICLE V. TOWN ATTORNEY

Sec. 5.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

Sec. 5.2. Duties of Town Attorney: It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, Town Manager, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position of Town Attorney.

ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Sec. 6.1. Town Clerk. The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board of Commissioners and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct.

Sec. 6.2. Town Tax Collector: The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Sec. 6.3. Town Accountant. The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Sec. 6.4. Consolidation of Functions. The Board of Commissioners may consolidate any two or more of the positions of Town Clerk, Town Tax Collector, and Town
Accountant, or may assign the functions of any one or more of these positions to
the holder or holders of any other of these positions.

ARTICLE VII. FINANCE AND TAXATION

Sec. 7.1. Custody of Town Money. All moneys received by the Town for or in
connection with the business of the Town government shall be paid promptly into
the Town depository. Such institutions shall be designated by the Board of Commiss-
ioners in accordance with such regulations and subject to such requirements as
to security for deposits and interest thereon as may be established by the General
Statutes of North Carolina. All interest on moneys belonging to the Town shall
accrue to the benefit of the Town. All moneys belonging to the Town shall be dis-
bursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Sec. 7.2. Independent Audit. As soon as practicable after the close of each fiscal
year, an independent audit shall be made of all books and accounts of the Town
government by a certified public accountant or a qualified public accountant regis-
tered under Chapter 93 of the General Statutes of North Carolina, who shall have
no personal interest directly or indirectly in the affairs of the Town or of any of
its officers. The Board of Commissioners shall select the public accountant, and the
results of such audit shall be made available for inspection by any interested citizen
of the Town, and may be published if so ordered by the Board of Commissioners.

ARTICLE VIII. DISPOSAL OF PROPERTY

Sec. 8.1. Disposal of Surplus Real Property: Subject to the provisions of subsection
c of this Section, the Board of Commissioners shall have power, in addition to
the power granted by G. S. 160-59, by their unanimous vote to dispose of any real
property which the Board has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market
value of not more than two thousand dollars ($2,000.00);

(b) without bids or advertisement, by exchange for real property of like or greater
market value;

(c) No sale or exchange of real property authorized by this Section shall be
ordered by the Board of Commissioners unless it shall have caused to be published
at least once in each of the two calendar weeks immediately preceding the vote
authorizing such sale in a newspaper having general circulation in the Town a
notice of their intention to consider such sale or exchange.

Sec. 8.2. Disposal of Surplus Personal Property. The Board of Commissioners
shall have power, in addition to the power granted by G. S. 160-59, to sell or to
direct any of its officers or employees to sell any personal property, which the Board
has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market
value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such
advertisement as the Board may direct, if the property has a market value of more
than five hundred dollars ($500.00) but no more than two thousand dollars
($2,000.00); provided, all such bids received shall be recorded on the minutes of the
Board;

(c) to the highest bidder upon receipt of sealed bids after one week’s public notice,
if the property has a market value in excess of two thousand dollars ($2,000.00);
provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Board.

ARTICLE IX. POLICE

Sec. 9.1. Jurisdiction Extended. (a) The jurisdiction of the police force is hereby extended to include all territory outside and within one and one half miles of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all Town owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Sec. 9.2. Effect of Ordinances on Town Property. All applicable ordinances of the Town shall have full force and effect upon and within all property and facilities owned by the Town, whether located within or outside the corporate limits.

ARTICLE X. STREET AND SIDEWALK IMPROVEMENTS

Sec. 10.1. Street Improvements; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the City Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Sec. 10.2. When Petition Unnecessary. The Board of Commissioners may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

(a) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(b) That it is in the public interest to connect two streets, or portions of a street already improved, or

(c) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

Sec. 10.3. Street Improvement Defined. For the purposes of this Article, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Sec. 10.4. Sidewalks; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for making sidewalk improvements, the Board of Commissioners is hereby authorized to order to be made or to make sidewalk improvements or repairs without petition according to standards and specifications of the City, and to assess the total cost thereof against abutting property owners.

Sec. 10.5. Assessment Procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article,
the Board of Commissioners shall comply with the procedure provided by Article 9 of Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Sec. 10.6. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9 of Chapter 160 of the General Statutes.

ARTICLE XI. CLAIMS AGAINST THE TOWN

Sec. 11.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the Town of Grifton arising in tort or in contract shall be presented to the Board of Commissioners in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the Town on account of damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejectment of the Town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Commissioners of the claims, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longest period. The Town may at any time request the appointment of a next friend to represent any person having a potential claim against the Town and known to be suffering from physical or mental incapacity.

Sec. 11.2. Settlement of Claims. The Board of Commissioners may authorize the Town Attorney to settle claims against the Town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the Town Attorney pursuant to this Section
shall constitute a complete release of the Town from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of.

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Grifton and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the Town of Grifton;

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.


Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Grifton, and all existing rules or regulations of departments or agencies of the Town of Grifton, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the Town of Grifton or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability: If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.
CHAPTER 812  
SESSION LAWS—1969

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1969.

H. B. 942  
CHAPTER 813

AN ACT TO AMEND G. S. 47-20.5 RELATING TO INSTRUMENTS CONTAINING AFTER-ACQUIRED PROPERTY CLAUSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-20.5 is hereby amended by deleting subsection (c) thereof and by inserting in lieu thereof the following:

"(c) An after-acquired property clause is effective to pass after-acquired property as between the parties to the instrument containing such clause, but shall not be effective to pass title to after-acquired property as against lien creditors or purchasers for a valuable consideration from the grantor of the instrument unless and until such instrument has been re-registered at or subsequent to the time such after-acquired property is acquired by such grantor."

Sec. 2. G. S. 47-20.5 is hereby further amended by deleting subsection (d) thereof and by inserting in lieu thereof the following:

"(d) In lieu of re-registering the instrument containing the after-acquired property clause as specified in subsection (c), such instrument may be made effective to pass title to after-acquired property as against lien creditors and purchasers for a valuable consideration from the grantor of the instrument by registering a notice of extension as specified in subsection (e) at or subsequent to the time of acquisition of the after-acquired property by the grantor."

Sec. 3. G. S. 47-20.5 is hereby further amended by adding new subsections to read as follows:

"(g) Except as provided in subsection (h) of this Section, no instrument which has been heretofore executed or registered and which contains an after-acquired property clause shall be effective to pass title to after-acquired property as against lien creditors or purchasers for a valuable consideration from the grantor of such instrument unless and until such instrument or a notice of extension thereof has been registered or re-registered as herein provided."

"(h) Notwithstanding the provisions of this Section with respect to registration, re-registration and registration of notice of extension, an after-acquired property clause in an instrument which creates a security interest made by a public utility as defined in G. S. 62-3(23) or a natural gas company as defined in Section 2(6) of the NATURAL GAS ACT, 15 USCA 717 a(6), or by an electric or telephone membership corporation incorporated or domesticated in North Carolina shall be effective to pass after-acquired property as against lien creditors or purchasers for a valuable consideration from the grantor of the instrument from the time of original registration of such instrument."

Sec. 4. This Act shall not affect any case the litigation of which is pending upon its effective date.

Sec. 5. Except as provided in Section 4 hereof, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective after midnight on September 30, 1969, and shall apply to all instruments registered after that date.
In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. B. 951 CHAPTER 814
AN ACT ENABLING THE COUNTY OF ALAMANCE AND THE CITY OF BURLINGTON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF ALAMANCE FOR THE CITIZENS OF BURLINGTON, ALAMANCE COUNTY AND VICINITY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the "Burlington-Alamance Airport Authority" (for brevity hereinafter referred to as the "Airport Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future Acts of the General Assembly.

Sec. 2. The Airport Authority shall consist of five (5) members who shall be appointed to staggered terms of four years. Two (2) members shall be appointed by the City Council of Burlington, two (2) members shall be appointed by Alamance County Commissioners and one (1) member shall be appointed by the City Council of the City of Burlington and Alamance County Commissioners in a joint meeting. All of the members shall be residents of the County of Alamance but need not be residents of the City of Burlington. The terms of the initial five (5) members of the Authority shall be as follows: the two members to be appointed by the City Council of the City of Burlington and the member to be appointed at the joint meeting of the boards shall be a term of four years, the two members appointed by the County Commissioners shall be a term of two years; thereafter, all terms shall be for four years. Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Alamance County, an oath of office and file same with the County Commissioners of Alamance County. Upon the occurrence of any vacancy on said Authority, said vacancy shall be filled within sixty (60) days after notice thereof at a regular meeting of the governing body of the governmental unit which has a vacancy within its representation.

Sec. 3. The members shall, for the purpose of doing business, constitute a board of directors, which may adopt suitable by-laws for its management. The members of the board shall receive no compensation per diem or otherwise, but shall be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the said Airport Authority.

Sec. 4. The said Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) to purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of the County of Alamance; and for any of such purposes, to purchase, improve, own, hold, lease and/or operate real or personal property.

(1-a) To borrow money and to issue bonds and to secure the same by mortgages, with the consent of the Board of County Commissioners of Alamance County and the City Council of the City of Burlington, upon any property held or to be held by it.
(2) To sue or be sued in the name of said Airport Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any airport within the limits of said County, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Airport Authority. The said Airport Authority may acquire by purchase, or otherwise, any existing lease, leasehold right or other interest in any existing airport located in the County of Alamance.

(3) To charge and collect reasonable and adequate fees and rents for the use of the airport property or for services rendered in the operation thereof.

(4) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of the said airport — provide penalties for the violation of such rules and regulations; provided said rules and regulations and schedules of fees be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

(5) To issue bonds or other securities and obligations for the purpose of providing funds for the construction, maintenance, purchase, improvement and operation of the said airports, landing fields or other facilities. The said bonds, if and when so issued, shall be denominated "Burlington-Alamance Airport Authority Bonds", shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after their date, and shall bear such rate of interest, not exceeding six percent (6%) per annum, payable annually or semi-annually, as the said Airport Authority may determine. The bonds shall be signed by the chairman of the said Airport Authority and the corporate seal affixed or impressed upon each bond, and attested by the secretary of the said board. The coupons to be attached to said bonds shall bear the facsimile signature of the chairman of the Authority. Such bonds, notes or securities issued for the purpose, or purposes above set out, may be issued and sold with the approval of the County Commissioners of Alamance County and the City Council of the City of Burlington, but the sale shall be made under the supervision, and with the approval of the Local Government Commission.

Bonds and notes issued under this Act shall be exempt from all State, Federal, County or Municipal taxes or assessments, direct or indirect, general or special, and the interest paid of such bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Alamance or the City of Burlington, but the said Airport Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms, covenants and conditions as the said Airport Authority may deem proper.

(6) To sell, or otherwise dispose of, any property, real or personal, belonging to the Airport Authority, but no sale of real property shall be made without the approval of the Board of County Commissioners of Alamance County and the Council of the City of Burlington.

(7) To purchase such insurance as the Airport Authority shall deem necessary.

(8) To invest or reinvest, subject to the approval of the Local Government Commission, any of its funds in either bonds, notes or certificates of indebtedness of
the United States of America, or in bonds or notes of any agency or instrumentality of the United States of America, the payment of principal and interest of which is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in bonds of any county, city or town of North Carolina, which have been approved by the Local Government Commission.

(9) To purchase any of its outstanding bonds or notes.

(10) To operate, own, lease, control, regulate or grant to others the right to operate on any airport premises, restaurants, agricultural fairs, motion picture shows, and other amusements.

(11) To lease (without the joinder in the lease agreements of the owning municipalities, to-wit, the County of Alamance and the City of Burlington) for a term not to exceed twenty-five (25) years, and for purposes not inconsistent with the grants and agreements under which the said airport is held by said owning municipalities, real or personal property under the supervision of or administered by the said Authority.

(12) To contract with persons, firms or corporations for terms not to exceed twenty-five (25) years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

(13) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed twenty-five (25) years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized.

Sec. 5. The Airport Authority is hereby authorized and empowered to acquire from the County of Alamance and the City of Burlington, by agreement therewith, and such County and City are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, including non-tax monies, and which may be necessary for the construction, operation and maintenance of any airport located in the County of Alamance.

Sec. 6. Any lands acquired, owned, controlled or occupied by said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Sec. 7. Private property needed by said Airport Authority for any airport, landing field or facilities of same may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power or eminent domain, pursuant to the provisions of Chapter Forty of the General Statutes of North Carolina, as amended.

Sec. 8. The said Airport Authority shall make an annual report to the Alamance County Commissioners and the Council of the City of Burlington, setting forth in detail the operations and transactions conducted by it pursuant to this Act. The said Airport Authority shall be regarded as the corporate instrumentality and agent
for the County of Alamance and the City of Burlington for the purpose of developing airport facilities in the County of Alamance, but it shall have no power to pledge the credit of the County of Alamance, or any subdivision thereof, or to impose any obligation upon the County of Alamance or any subdivision thereof, except and when such power is expressly granted by statute or the consent of the County of Alamance and the City of Burlington.

Sec. 9. All rights and powers given to the counties or municipalities by the statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in said Airport Authority, and the County of Alamance and the City of Burlington may delegate its powers under the said acts to the Authority and the Authority shall have concurrent right with the County of Alamance to control, regulate and provide for the development of aviation in the County of Alamance.

Sec. 10. The said Airport Authority is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed by the Airport Authority to be necessary or useful in carrying out the provisions of this Act. Members of the said Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 11. The governing bodies of said City and County and each of them are hereby authorized to appropriate and use from the net proceeds derived from the operation by said City or said County, of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the establishing and maintenance of any airport in such proportion and upon such basis as may be determined by agreement between said County and City.

Sec. 12. Said authority shall have the right and is empowered to expend such funds as are appropriated from time to time by the said governmental units jointly or severally for joint airport purposes and is empowered to enter into contracts and pledge the credit of the Authority to the extent of the moneys appropriated by the said governmental units for joint airport purposes.

Sec. 13. The said Board shall have authority to deal with the Federal Aviation Administration of the United States Government and any other representative of the United States Government relative to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields established or acquired under the authority of this Act. A majority of said board shall control its decisions. Each member of said board, including the chairman, shall have one vote. At the first meeting of said board and annually thereafter, it shall elect from among its members a chairman and a secretary and a treasurer. The said board shall meet at such places and time as the chairman shall designate.

Sec. 14. The powers granted to the Authority, including the specific powers contained in Section 9 hereof, shall not be effective until such time as the members of the Authority have been appointed by the Alamance County Commissioners and the Council of the City of Burlington, and nothing herein contained shall require the Alamance County Commissioners or the Council of the City of Burlington to make initial appointments to said Authority, it being the specific intent of this legislation to enable but not require the formation of the Burlington-Alamance Airport Authority.
Sec. 15. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 16. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 952

CHAPTER 815

AN ACT AMENDING G.S. 47-71.1, RELATING TO THE VALIDATION OF CORPORATE DEEDS, SO AS TO VALIDATE DEEDS MADE PRIOR TO JANUARY 1, 1967.

The General Assembly of North Carolina do enact:

Section 1. G.S. 47-71.1 is amended by striking the figures "1963" appearing in line 2 thereof, and substituting in lieu thereof the figures "1967".

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 961

CHAPTER 816

AN ACT TO AMEND G. S. 54-44.8 TO PERMIT INVESTMENT IN BONDS OR OTHER EVIDENCES OF INDEBTEDNESS OF COUNTIES AND MUNICIPALITIES OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-44.8 is hereby amended by substituting a semicolon for the period at the end of subsection (5), and adding an additional paragraph, to be designated as sub-paragraph (h), to sub-section 5 as follows:

"(h) Bonds or other evidences of indebtedness of counties and municipalities of the State of North Carolina; provided, that said bonds or other evidences of indebtedness of such counties and municipalities shall have a rating by Moody's Investors Services, Inc., of not less than AA, and a rating by the North Carolina Municipal Council, Inc., of not less than ninety (90) points out of one hundred (100) points."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.
CHAPTER 817

H. B. 999

CHAPTER 817

AN ACT TO AMEND ARTICLE 4, SCHEDULE D, DIVISION 1 OF CHAPTER 105 OF THE GENERAL STATUTES TO PROVIDE FOR THE AMORTIZATION OF CAPITAL INVESTED IN AIR CLEANING DEVICES.

The General Assembly of North Carolina do enact:

Section 1. G. S. Section 105-130.10, as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes, is hereby amended by rewriting the same to read as follows:

"G. S. 105-130.10. Amortization of Air. Cleaning Devices and Waste Treatment Facilities. In lieu of any depreciation allowance, at the option of the corporation, a deduction shall be allowed for the amortization of the cost of any air cleaning device, sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of air or water pollution resulting from the emission of air contaminants or the discharge of sewage, industrial waste, or other polluting materials or substances into the outdoor atmosphere or streams, lakes, rivers, or coastal waters, based on a period of sixty (60) months. The deduction provided herein shall apply also to the facilities or equipment of private or public utilities built and installed primarily for the purpose of providing sewer service to residential and outlying areas. The deduction provided for in this Section shall be allowed by the Commissioner of Revenue only upon the condition that the corporation claiming such allowance shall furnish to the Commissioner a certificate from the Board of Water and Air Resources certifying that said Board has found as a fact that the air cleaning device, waste treatment plant, or other pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such construction, plant or equipment complies with the requirements of said Board with respect to such devices, construction, plants or equipment, that such device, plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources, and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions. The deduction herein provided for shall also be allowed as to plants or equipment constructed or installed after January 1, 1955, but only with respect to the undepreciated value of such plants or equipment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1015

CHAPTER 818

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF DUNN AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Dunn is hereby revised and consolidated to read as follows:
THE CHARTER OF THE CITY OF DUNN

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Dunn shall continue to be a body politic and corporate under the name and style of the "City of Dunn", and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Dunn shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Dunn shall be as follows until changed in accordance with law:

Beginning at the center of the Seaboard Coastline Railroad right-of-way, it being the center of the western main line railroad track at a point 4215 feet northwardly from its intersection with the center of Broad Street in the City of Dunn, and runs thence perpendicular to said railroad right-of-way N 52 degrees W 1360 feet to the East margin of North McKay Avenue; thence along the East margin of North McKay Avenue N 50 degrees-18'-25"E 1884.83 feet to a point in the run of Stoney Run; thence Northwardly in the run of Stoney Run to the center of U. S. Highway 301; thence N 22 degrees-07'-20" W 187.77 feet along the run of Stoney Run to the Southeast corner of Memorial Cemetery; thence continuing along the run of Stoney Run in a North and Northeasterly direction approximately 880 feet to the Northeast corner of Memorial Cemetery; thence N 85 degrees-46'-40" W 2160.66 feet along the north margin of Memorial Cemetery to the west margin of State Road 1715; thence N 86 degrees-21'-30" W 1308.78 feet to a point in the East margin of Westhaven #2 Subdivision; thence N 12 degrees-16' E along the East margin of Westhaven #2 Subdivision 283.57 feet to the Northeast corner of Westhaven #2 Subdivision; thence along the North margin of Westhaven #2 Subdivision the following two courses and distances; N 84 degrees-25' W 355.15 feet and N 55 degrees-54' W 552.84 feet to the Northwest corner of Westhaven #2 Subdivision; thence along the West margin of Westhaven #2 Subdivision the following three courses and distances; S 38 degrees-12' W 524.15 feet and S 33 degrees-57' E 34.12 feet and S 36 degrees-35' W 424.42 feet to the East margin of Brookwood Subdivision; thence N 51 degrees-19'-05" W 1067.23 feet along the East margin of Brookwood

883
CHAPTER 818  SESSION LAWS—1969

Subdivision to its northeast corner; thence along the North margin of Brookwood Subdivision S 37 degrees-35'-45" W 865.85 feet to the west margin of Friendly Road (S.R. #1716); thence S 50 degrees-36'15" E 469.40 feet along the West margin of Friendly Road (S. R. 1716); thence along the North sight line of (S.R. 1717) and (S.R. 1716) S 07 degrees-36'-55" E 92.44 feet to a point in the North margin of State Road 1717; thence along the North margin of State Road 1717 S 35 degrees-23'-5" W 1214.77 feet to a point in the sight distance line of S. R. 1725 and S. R. 1717; thence continuing on across State Road 1725 (Old Coats Road or Ashe Avenue) on the same course S 35 degrees-23'-05" W 520.85 feet to a point in the East margin of the Durham & Southern Railroad Right-of-Way; thence along the said East margin of the Durham & Southern Railroad Right-of-Way N 41 degrees-41'40" W 481.05 feet to a point in the extension of the west property line of Dunn Promoters, Incorporated; thence along the said west property line of Dunn Promoters, Incorporated S 03 degrees-05'-10" W 2182.14 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 51 degrees-02'-10" W 548.32 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 09 degrees-11'-30" W 62.96 feet; thence S 79 degrees-40'-20" W 63.77 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 51 degrees-10'-50" W 1041.06 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 04 degrees-54'-10" W 51.95 feet; thence S 85 degrees-05'-50" W 65.12 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence along the following courses and distances on a line 200 feet north of the north margin of U. S. Highway 421; N 52 degrees-11' W 692.17 feet and N 56 degrees-08' W 473.03 feet and N 60 degrees-53'-50" W 376.48 feet, and N 65 degrees-01'-20" W 491.60 feet; thence N 67 degrees-06' W 258.26 feet; thence N 73 degrees-06'-30" W 1631.49 feet to a point in the run of Black River; thence southwardly along the Run of Black River approximately 1660 feet to the south margin of Briarcliff Subdivision; thence along the said south margin of Briarcliff Subdivision S 72 degrees-15'-20" E 1649.00 feet; thence S 16 degrees-06'-20" W 593.69 feet; thence S 02 degrees-54'-50" W 700.00 feet to a point 150 feet north of the north margin of Erwin Road (S.R. 1718); thence the following courses and distances along the line 150 feet north of the north margin of Erwin Road (S.R. 1718) N 79 degrees-59'-50" W 181.47 feet, and N 69 degrees-48'-40" W 365.01 feet and N 62 degrees-58'-40" W 438.00 feet; thence S 27 degrees-00'-30" W 210.00 feet to a point in the south margin of Erwin Road (S.R. 1718); thence along the south margin of the said Erwin Road (S. R. 1718) N 62 degrees-59'-30" W 178.12 feet; thence S 16 degrees-47'30" W 855.04 feet to a point in the north margin of State Road 1735; thence S 21 degrees-01'-40" E 210.00 feet to a point 150 feet south of the south margin of State Road 1735; thence parallel with said State Road 1735 N 69 degrees-58'-20" E 484.74 feet; thence S 04 degrees-28'-10" E 629.26 feet; thence S 04 degrees-02'-08" E along the west property line of Dunn Meat Packers 688.75 feet; thence N 74 degrees-33'-30" E 724.89 feet to a point in the east margin of State Road 1844; thence along the east margin of the said State Road 1844 N 13 degrees-17'-30" W 615.99 feet; thence N 87 degrees-51'-50" E 258.28 feet; thence N 02 degrees-08'-10" W 291.74 feet; thence N 87 degrees-51'-50" E 226.64 feet to the west margin of Bruce Drive; thence along the west margin of the said Bruce Drive S 00 degrees-46'-40" E 1407.50 feet; thence N 69 degrees-53'-50" E 226.04 feet; thence N 00 degrees-46'-40" W 1666.53 feet along a line parallel with and 150 feet east of the east margin of the 30 foot Right-of-Way of Bruce Drive to a point 250 feet south of the south margin of Erwin Road (S. R. 1718); thence along this line parallel with and 250 feet south of the south margin of Erwin
Road (S. R. 1718) N 87 degrees-54'-20" E 1059.75 feet to a point in the west margin of Tilghman Drive; thence along the west margin of the said Tilghman Drive S 02 degrees-05'-40" E 50.00 feet to a point 300 feet south of the south margin of Erwin Road (S. R. 1718); thence along the line parallel with and 300 feet south of the south margin of Erwin Road (S. R. 1718) N 87 degrees-54'-20" E 439.76 feet, and N 83 degrees-13'-50" E 345.35 feet; thence S 13 degrees-04'-10" E 56.42 feet; thence S 03 degrees-04'-10" E 107.62 feet; thence N 82 degrees-01'-40" E 138.63 feet to a point in the east margin of Powell Avenue, said point being S 0 degrees-35' W 439.38 feet from the south margin of Erwin Road (S. R. 1718); thence N 82 degrees-28' E 620.93 feet; thence N 82 degrees-47' E 533.51 feet; thence S 9 degrees-59' W 708.2 feet; thence S 89 degrees-17' E approximately 340 feet to a point in the south margin of West Pope Street, if extended; thence eastwardly along the south margin of West Pope Street approximately 390 feet; thence S 39 degrees W 150 feet; thence S 51 degrees E 195 feet to a point in the east margin of Watauga Avenue, if extended; thence N 39 degrees E along the east margin of Watauga Avenue, if extended, 150 feet to the south margin of West Pope Street; thence S 51 degrees E along the south margin of West Pope Street approximately 540 feet; thence S 39 degrees W 150 feet; thence S 51 degrees E 756 feet to the west margin of General Lee Avenue; thence S 39 degrees W along the west margin of General Lee Avenue, if extended, 1670 feet to the north margin of Greenwood Cemetery; thence westwardly along the north margin of Greenwood Cemetery 490 feet to the west margin of Greenwood Cemetery; thence southwardly 425 feet along the west margin of Greenwood Cemetery to the north margin of Susan Tart Road; thence westwardly along the north margin of the Susan Tart Road approximately 2300 feet to the east margin of Tilghman Drive; thence N 3 degrees-05' E along the east margin of Tilghman Drive 1359 feet; thence N 87 degrees-55' W 782 feet to the run of Fish Pond Branch; thence down the run of Fish Pond Branch the following courses and distances; S 49 degrees-25' W 206 feet, and S 66 degrees-40' W 164 feet, and S 72 degrees-20' W 108 feet; thence S 5 degrees-40' W 1015 feet a point on the south side of Susan Tart Road; thence S 82 degrees E approximately 990 feet along the south margin of Susan Tart Road to the dividing line ditch between the property of the Jesse Tart Estate and Alsey B. Johnson; thence southward along the said dividing line ditch between the Susan Tart Estate and the Alsey B. Johnson land 150 feet; thence eastwardly along a line parallel with, and 150 feet south of, the Susan Tart Road, a distance of approximately 2600 feet to a point in the west margin of General Lee Avenue if extended; thence S 39 degrees W approximately 260 feet to a point which is 4215 feet southward from the center of Broad Street; thence eastwardly parallel with the first line in this description to a point in the west margin of the right-of-way of the Seaboard Coastline Railroad; thence S 39 degrees-00' W along the west margin of the right-of-way of the Seaboard Coastline Railroad 2574.22 feet; thence S 73 degrees-09'-30" E 866.34 feet to a point in the west margin of U. S. Highway 301; thence S 39 degrees-00' W along the west margin of U. S. Highway 301-95.81 feet; thence S 54 degrees-33'-10" E 273.85 feet; thence N 52 degrees-00' E. 197.47 feet; thence S 31 degrees-25'-30" E 917.71 feet; thence N 67 degrees-07'-50" E 398.44 feet; thence S 22 degrees-44'-30" E 551.60 feet; thence S 48 degrees-15'-30" E 377.27 feet to the northwest corner of Oakdale Subdivision; thence along the west margin of Oakdale Subdivision S 64 degrees-30'-40" W 401.95 feet to the southwest corner of said subdivision; thence along the south margin of Oakdale Subdivision S 23 degrees-44'-20" E 538.20 feet to a point in the west margin of State Road S. R. 1791; thence S 69 degrees-29'-40" E 339.48 feet; thence
CHAPTER 818  
SESSION LAWS—1969

N 86 degrees-25'-20" E 329.54 feet to a point in the west margin of south Elm Avenue Extension; thence along the west margin of South Elm Avenue Extension S 05 degrees-40'-20" E 492.80 feet to the Southwest corner of Clover Terrace Subdivision; thence along the South margin of Clover Terrace Subdivision N 86 degrees-10'-30" E 1238.95 feet; thence S 03 degrees-19'-30" E 86.00 feet; S 81 degrees-29'-30" E 74.25 feet to the southeast corner of the Clover Terrace Subdivision, said point also being in the west margin of the right-of-way of U. S. Highway I-95; thence along the west margin of U. S. Highway I-95 the following courses and distances; N 30 degrees-36'-50" E approximately 2250 feet to a point in the west right-of-way line of the Southwest entrance ramp onto U. S. Highway I-95 from Pope Road; thence S 51 degrees E approximately 550 feet across the right-of-way of U. S. Highway I-95 to a point in the east right-of-way line of the southeast exit ramp from U. S. Highway I-95 onto Pope Road, said point also being in the west margin of the right-of-way of Pope Road; thence in an Easterly direction 100 feet across the right-of-way of Pope Road to a point in the East margin of the right-of-way of Pope Road; thence S 16 degrees E 540.3 feet along the East margin of the right-of-way of Pope Road; thence S 77 degrees-30" E 667.8 feet; thence N 17 degrees-45' W 1094.3 feet; thence N 74 degrees W 375.8 feet to a point in the East margin of the northeast entrance ramp onto U. S. Highway I-95 from Pope Road; thence N 51 degrees W approximately 450 feet across the right-of-way of U. S. Highway I-95 to a point in the west right-of-way line of the northwest exit ramp from U. S. Highway I-95 onto Pope Road; thence the following courses and distances along the west margin of U. S. Highway I-95; N 30 degrees-33'-40" E 642.48 feet; and N 29 degrees 35'-40" E 1055.57 feet, and N 18 degrees-09' E 124.55 feet to a point which is 4400 feet from the center of the Seaboard Coastline Railroad Right-of-way; thence northwardly parallel with the Seaboard Coast Line Railroad Right-of-way approximately 770 feet to a point in the western margin of the right-of-way of U. S. Highway I-95; thence N 85 degrees-35' E along the western margin of U. S. Highway I-95 146.8 feet; thence N 38 degrees-13' E 262 feet to a point in the south margin of East Broad Street; thence S 51 degrees-35' E along the south margin of East Broad Street approximately 40.6 feet; thence along a line parallel with and 50 feet east of the east margin of Holland Avenue to a point 150 feet north of the north margin of East Broad Street; thence N 52 degrees W 160 feet along the south line of lot #42 as shown on map of J. B. Holland Property; thence N 38 degrees E 47 feet; thence S 52 degrees E 60 feet to a point in the west margin of Holland Avenue; thence along the west margin of Holland Avenue N 38 degrees E 94 feet; thence N 52 degrees W 60 feet along the north line of lot #40 as shown on map of J. B. Holland property; thence N 38 degrees E on a line parallel with, and 4400 feet from the center line of the right-of-way of the Seaboard Coast Line Railroad approximately 1200 feet to a point in the north margin of East Cleveland Street, if extended; thence with said north margin of East Cleveland Street, if extended, in a westerly direction approximately 1000 feet to a point in the east margin of Resthaven Memorial Cemetery; thence N 9 degrees-01' W along the east margin of Resthaven Memorial Cemetery approximately 560 feet to the northeast corner of said Resthaven Memorial Cemetery; thence N 86 degrees-29' W along the north margin of the said Resthaven Memorial Cemetery approximately 190 feet to a point on the line of the east margin of Little Avenue, if extended; thence N 38 degrees E along the line of the east margin of Little Avenue, if extended, and parallel with the right-of-way line of the Seaboard Coast Line Railroad, approximately 2400 feet to a point on a line 4215 feet northward from the center line of Broad Street; thence westward along this said line

886
approximately 100 feet to a point in the east margin of the right-of-way of Jonesboro Road; thence along the east margin of Jonesboro Road the following courses and distances; S 70 degrees-35' W approximately 300 feet, and S 64 degrees-45' W 1200 feet to the intersection with Carolina Drive; thence along the east margin of Carolina Drive the following courses and distances; S 73 degrees W 146 feet, and S 73 degrees-50' W 1568 feet; (Note: the following courses until noted otherwise are around boundary of Lakeside Village Subdivision) thence N 8 degrees-50' W 258 feet; thence N 77 degrees-45' E 622 feet; thence N 44 degrees-20' W 1114 feet; thence N 6 degrees-10' E 500 feet; thence N 55 degrees-20' W 1470 feet; thence S 39 degrees-15' W 1700 feet; thence N 68 degrees W 345 feet; thence S 30 degrees-45' W 330 feet; thence S 25 degrees-45' E 397 feet; thence S 57 degrees-35' W 298 feet; thence S 18 degrees-20' W 650 feet; thence S 0 degrees-15' E 409 feet to a point in the west margin of Carolina Drive (End of Lakeside Village Subdivision); thence along the west margin of Carolina Drive approximately 600 feet to its intersection with the first line extended eastwardly; thence westwardly with said first line to its intersection with the center of the Seaboard Coast Line Railroad right-of-way, the point of beginning. (The last line and the first line of this description being one continuous line.)

Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND CITY COUNCIL

Sec. 3.1. Composition of City Council. The City Council shall consist of six members to be elected by the qualified voters of the City voting at large in the manner provided in Article IV.

Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the City voting at large in the manner provided in Article IV. The Mayor shall be the official head of the City government and shall preside at all meetings of the City Council. Where there is an equal division on a question, the Mayor shall determine the matter by his vote, but he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor and members of the City Council shall serve for terms of four years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the City Council or to serve in such capacity, unless he is a resident and a qualified voter of the City.

(c) In the event a vacancy occurs in the office of Mayor or Councilman, the Council shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.
CHAPTER 818  SESSION LAWS—1969

Sec. 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the City Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members which may be increased or reduced.

Sec. 3.5. Organization of Council; Oaths of Office. The City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, _______________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of _______________, on which I am about to enter, according to my best skill and ability; so help me. God."

Sec. 3.6. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

Sec. 3.7. Quorum: Votes. (a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Four affirmative votes, which may include the vote of the Mayor in case of equal division among the Council shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the City Council of the City of Dunn". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE

Sec. 4.1. Wards. The City shall be divided into four wards for purposes of conducting elections of Councilmen. There shall be four ward seats and two at large seats on the Council. One Councilman shall reside in each of the four wards, but all six Councilmen shall be elected by all the qualified voters of the City. The four wards shall continue as now constituted, until changed in accordance with law.

Sec. 4.2. Regular Elections. Elections shall be held quadrennially on the Tuesday after the first Monday in May, beginning in 1971. In the 1971 election and quadrennially thereafter, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of four years. In the 1971 election and quadrennially thereafter, the candidates for ward seats from each ward and
the two candidates for at large seats who receive the largest numbers of votes cast
for such seats shall be declared elected for terms of four years.

Sec. 4.3. Voting. In each election, each qualified voter shall be entitled to vote
for one candidate for each office to be filled.

Sec. 4.4. Filing of Candidates. Each qualified person who would offer himself
as a candidate for the office of Mayor or Councilman shall file with the City Clerk
a statement giving notice of his candidacy. Such notice shall be filed not earlier
than sixty (60) days nor later than five o'clock p.m. on the second Friday preceding
the election at which he offers his candidacy, shall be accompanied by payment
of a filing fee of five dollars ($5.00), shall be signed in the presence of the City
Clerk of his designee, and shall be substantially in the following form: "I

___________________________.do hereby give notice that I am a candidate for
election to the office of (Mayor, Councilman at large) (Councilman, Ward_)., to
be voted on at the election to be held on __________________________, and I hereby
request that my name be placed on the official ballot for such office. I also certify
that I am a resident and qualified voter of the City of Dunn, residing at

Date: _____________________________.(Signature)

Sec. 4.5. Ballots. No names other than those of candidates who have properly
filed notice as herein required shall be printed upon the ballots for any municipal
election.

Sec. 4.6. Regulation of Elections. All municipal elections shall be conducted
in accordance with the general laws of North Carolina relating to municipal elec-
tions, except as otherwise herein provided.

ARTICLE V. CITY MANAGER

Sec. 5.1. Appointment; Compensation. The City Council shall appoint an officer
whose title shall be City Manager and who shall be the head of the administrative
branch of the City government. The City Manager shall be chosen by the Council
solely on the basis of his executive and administrative qualifications with special
reference to his actual experience in, or knowledge of, accepted practice in respect
to the duties of his office as hereinafter prescribed. At the time of his appointment
he need not be a resident of the City, but shall reside therein during his tenure
of office. No person elected as Mayor or as a member of the City Council shall
be eligible for appointment as City Manager until one year shall have elapsed follow-
ing the expiration of the term for which he was elected. The City Manager shall
serve at the pleasure of the Council and shall receive such salary as the Council
shall fix. In case of absence or disability of the City Manager, the Council may
designate a qualified administrative officer of the City to perform the duties of the
Manager during such absence or disability.

Sec. 5.2. Chief Administrator. The City Manager shall be responsible to the
City Council for the proper administration of all the affairs of the City. As chief
administrator, the City Manager shall have the power to appoint and remove all
officers, department heads, and employees in the administrative service of the City,
except the City Attorney, who shall be appointed as provided in Article VI. Neither
the Mayor nor the City Council nor any of its committees or members shall direct
or request the appointment of any person to, or his removal from, office by the
City Manager, or in any manner take part in the appointment or removal of officers
and employees in the administrative service of the City. Except for the purpose
of inquiry, the Mayor and the City Council and its members shall deal with officers
and employees in the administrative service only through the City Manager, and
neither the Mayor nor the City Council nor any of its members shall give orders or directions to any subordinate of the City Manager, either publicly or privately.

Sec. 5.3. Duties of City Manager. It shall be the duty of the City Manager to supervise the administration of the affairs of the City to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the City Council concerning the affairs of the City as he shall deem expedient; to keep the City Council advised of the financial condition and the future financial needs of the City; to attend all meetings of the City Council and to prepare and submit to it such reports as he may deem expedient or as may be required of him by the Council, and to perform all other duties as may be required of him by the City Council.

ARTICLE VI. CITY ATTORNEY

Sec. 6.1. Appointment; Qualifications; Term; Compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the Council and shall receive such compensation as the Council shall determine.

Sec. 6.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, City Council, City Manager, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the City Council; and to perform such other duties as may be required of him by virtue of his position of City Attorney.

ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Sec. 7.1. City Clerk. The City Manager shall appoint a City Clerk to keep a journal of the proceedings of the City Council and to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City Manager may direct.

Sec. 7.2. City Tax Collector. The City manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the City, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Sec. 7.3. City Accountant. The City Manager may appoint a City Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Sec. 7.4. Consolidation of Functions. The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, City Tax Collector, and City Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The City Manager may also, with the approval of the City Council, himself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

ARTICLE VIII. FINANCE AND TAXATION

Sec. 8.1. Custody of City Money. All moneys received by the City for or in connection with the business of the City government shall be paid promptly into the City
depository or depositories. Such institutions shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Sec. 8.2. *Independent Audit.* As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the City government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the City or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the City Council.

Sec. 8.3. *Appropriations for Industrial Development.* The City Council is hereby authorized to appropriate from any available non-tax revenues an amount not to exceed the sum of five thousand dollars ($5,000.00) annually to be used for advertising and publicizing the advantages and facilities of the City in such manner as in the judgement and discretion of the City Council will promote and enhance the industrial and economic welfare of the citizens and taxpayers of the City. Such appropriations are hereby declared to be for a public purpose. The money so appropriated may be expended either directly by the City Council or through the facilities of such agency as the Council may elect, and shall be used in such manner as will, in the opinion of the Council, best serve the purposes herein set forth.

**ARTICLE IX. DISPOSAL OF PROPERTY**

Sec. 9.1. *Disposal of Surplus Real Property.* Subject to the provisions of subsection (c) of this Section, the Mayor and City Council shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the Council has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars ($2,000.00);

(b) without bids or advertisement, by exchange for real property of like or greater market value.

(c) No sale or exchange of real property authorized by this Section shall be ordered by the Mayor and City Council unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the City a notice of their intention to consider such sale or exchange.

Sec. 9.2. *Disposal of Surplus Personal Property.* The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the Council has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Council may direct, if the property has a market value of
more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Council,

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Council.

ARTICLE X. POLICE

Sec. 10.1. Jurisdiction Extended. (a) The jurisdiction of the police force is hereby extended to include all unincorporated territory outside and within one and one half miles of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all City owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Sec. 10.2. Effect of Ordinances on City Property. All applicable ordinances of the City shall have full force and effect upon and within all property and facilities owned by the City, whether located within or outside the corporate limits.

ARTICLE XI. STREET AND SIDEWALK IMPROVEMENTS

Sec. 11.1. Street Improvements; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the City for making street improvements, the City Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Sec. 11.2. When Petition Unnecessary. The City Council may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

(a) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(b) That it is in the public interest to connect two streets, or portions of a street already improved, or

(c) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

Sec. 11.3. Street Improvement Defined. For the purposes of this Article, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.
Sec. 11.4. Sidewalks; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the City for making sidewalk improvements, the City Council is hereby authorized to order to be made or to make sidewalk improvements or repairs without petition according to standards and specifications of the City, and to assess the total cost thereof against abutting property owners.

Sec. 11.5. Assessment Procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the City Council shall comply with the procedure provided by Article 9 of Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Sec. 11.6. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9 of Chapter 160 of the General Statutes.

ARTICLE XII. REGULATORY POWERS

Sec. 12.1 Subdivision Regulations. Any ordinance of the City Council adopted pursuant to the provisions of G. S. 160-226 through 160-227 may also provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing, and guttering sidewalks; and street and storm drainage facilities in accordance with City standards and specifications and, to assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

Sec. 12.2. Regulatory Codes. The City Council is hereby authorized to make effective and to enforce within the unincorporated territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the City regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200(28) relating to unsafe buildings. In addition, the City Council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the City; provided, that the City Council may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

ARTICLE XIII. CLAIMS AGAINST THE CITY

Sec. 13.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the City of Dunn arising in tort or in contract shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the
claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any public purpose, or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the City Council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity.

Sec. 13.2. Settlement of Claims by City Manager. The City Manager may, with the approval of the City Council, settle claims against the City for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this Section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements, and all such releases, shall be approved in advance by the City Attorney.

Sec. 2. The purpose of this Act is to revise the Charter of the City of Dunn and to consolidate herein certain acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the City of Dunn;
(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

(c) c.1147, Session Laws, 1949; c.728, Session Laws, 1965; or any other Act relating to the operation of alcoholic beverage control stores in the City of Dunn.

Sec. 4. (a) The following acts or portions of acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed: Chapter 23, Private Laws, 1887; Chapter 105, Private Laws, 1887; Chapter 191, Private Laws, 1889; Chapter 197, Private Laws, 1893; Chapter 164, Private Laws, 1897; Chapter 303, Private Laws, 1899; Chapter 116, Private Laws, 1901; Chapter 316, Private Laws, 1901; Chapter 300, Private Laws, 1903; Chapter 175, Private Laws, 1905; Chapter 235, Private Laws, 1905; Chapter 792, Public Laws, 1907; Chapter 861, Public Laws, 1909; Chapter 235, Private Laws, 1911; Chapter 239, Private Laws, 1911; Chapter 27, Private Laws, 1913 (Regular Session); Chapter 28, Private Laws, 1913 (Regular Session); Chapter 358, Private Laws, 1913 (Regular Session); Chapter 421, Public-Local Laws, 1913 (Regular Session); Chapter 39, Private Laws, 1913 (Extra Session); Chapter 13, Private Laws, 1915; Chapter 560, Public-Local Laws, 1919; Chapter 214, Private Laws, 1921 (Regular Session); Chapter 76, Private Laws, 1921 (Extra Session); Chapter 129, Private Laws, 1923; Chapter 67, Private Laws, 1925; Chapter 82, Private Laws, 1925; Chapter 201, Private Laws, 1925; Chapter 2, Private Laws, 1935; Chapter 51, Private Laws, 1935; Chapter 79, Public-Local Laws, 1937; Chapter 695, Public Laws, 1903; Chapter 733, Public Laws, 1905; Chapter 241, Public Laws, 1907; Chapter 577, Public Laws, 1905; Chapter 309, Private Laws, 1907; Chapter 136, Public-Local Laws, 1913 (Extra Session); Chapter 27, Private Laws, 1919; Chapter 18, Private Laws, 1925; Chapter 46, Private Laws, 1929; Chapter 117, Private Laws, 1931; Chapter 453, Session Laws, 1947; Chapter 563, Session Laws, 1949; Chapter 1095, Session Laws, 1949; Chapter 123, Session Laws, 1951; Chapter 124, Session Laws, 1951; Chapter 177, Session Laws, 1951; Chapter 235, Session Laws, 1951; Chapter 550, Session Laws, 1951; Chapter 178, Session Laws, 1953; Chapter 654, Session Laws, 1953; Chapter 754, Session Laws, 1955; Chapter 1150, Session Laws, 1959; Chapter 907, Session Laws, 1961; Chapter 885, Session Laws, 1963; Chapter 1160, Session Laws, 1963; Chapter 1075, Session Laws, 1965.

(b) The following acts, which have been superseded by application of the Judicial Department Act of 1965 in the County of Harnett, are hereby repealed: Chapter 598, Public-Local Laws, 1911; Chapter 499, Public-Local Laws, 1913 (Regular Session); Chapter 661, Public-Local Laws, 1913 (Regular Session); Chapter 626, Public-Local Laws, 1915; Chapter 813, Public-Local Laws, 1915; Chapter 72, Public-Local Laws, 1935; Chapter 457, Public-Local Laws, 1939; Chapter 232, Session Laws, 1945; Chapter 754, Session Laws, 1949; Chapter 970, Session Laws, 1949; Chapter 1001, Session Laws, 1949; Chapter 817, Session Laws, 1951; Chapter 544, Session Laws, 1953; Chapter 951, Session Laws, 1953; Chapter 474, Session Laws, 1955; Chapter 683, Session Laws, 1955; Chapter 829, Session Laws, 1957; Chapter 1200, Session Laws, 1959; Chapter 1126, Session Laws, 1965.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;
(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Dunn, and all existing rules or regulations of departments or agencies of the City of Dunn, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Dunn or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability: If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1040

CHAPTER 819

AN ACT TO INCORPORATE THE TOWN OF POLKVILLE IN CLEVELAND COUNTY SUBJECT TO AN ELECTION.

The General Assembly of North Carolina do enact:

Section 1. (a) The Board of Elections of Cleveland County shall conduct a special election on Tuesday, July 22, 1969, for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Polkville the question whether or not such area shall be incorporated as a municipal corporation known as the Town of Polkville, and to elect the members of the governing body if said area is incorporated. On such day, the polls shall be open from 6:30 a.m. until 6:30 p.m. The Board of Elections for Cleveland County in conducting the election required to be held herein shall follow the procedure as outlined in this Act and the General Statutes of North Carolina relating to municipal elections where not in conflict with this Act.

(b) A new registration of all qualified voters in the described area shall be conducted for the purpose of registering the names of those who desire to vote in such special election. The registration book for such new registration shall be open from Monday, June 30, 1969, through Friday, July 18, 1969, excluding Sundays and Friday, July 4, 1969, and shall remain open on each day from 9:00 a.m. until 5:00 p.m. On the Saturdays of July 5 and July 12, the books shall be kept at the polling place. On other days during the registration period, it may be kept at the home
or place of business of the registrar, or at the polling place, as designated in the notice hereinafter required. Saturday, July 19, 1969, shall be Challenge Day.

(c) The Board of Elections of Cleveland County shall, not later than Monday, June 17, 1969, appoint a registrar and two judges of election and designate a polling place for the special election.

(d) Not later than Friday, June 20, 1969, the Board of Elections of Cleveland County shall cause to be posted at the Polkville Post Office, at the Polkville Fire Station, and at such other public places as the Board may choose, a notice stating the time, the polling place, and the purpose of the special election; the names of the registrar and judges of election; the dates, hours, and place or places of registration; the date, time, and place for challenges; that the registration is a complete new registration for the special election; and that candidates for election to the Town Board of Commissioners must file with the Board notice of candidacy not earlier than Monday, June 23, 1969, and not later than 5:00 p.m. on Friday, July 11, 1969. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Polkville community.

(e) Any qualified voter who would offer himself as a candidate for Commissioner in such election shall file with the Chairman or Clerk of the Board of Elections of Cleveland County a written statement giving notice of his candidacy. Such notice shall be filed not earlier than Monday, June 23, 1969, and not later than 5:00 p.m. on Friday, July 11, 1969, and shall be substantially in the following form: "I, __________________________, do hereby give notice that I am a candidate for election to the office of Commissioner, Town of Polkville, to be voted on at the election to be held on Tuesday, July 22, 1969, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Polkville, residing at __________________________.

(Date) __________________________. (Signature) __________________________.

Witness: __________________________." 

(f) In the special election, those voters who favor the incorporation of the Town of Polkville as provided in this Act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Town of Polkville", and those voters who are opposed to the incorporation of the Town of Polkville as provided in this Act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of Town of Polkville".

(g) Also in the special election, each qualified registered voter shall be entitled to vote for five (5) candidates for Commissioner upon a ballot on which shall be listed, in alphabetical order, the names of all persons who filed notice of candidacy with the Board of Elections during the period hereinafore established.

Sec. 2. If a majority of the votes cast in such special election shall be cast "AGAINST Incorporation of Town of Polkville", then Sections 4 through 13 of this Act shall have no force and effect.

Sec. 3. If a majority of the votes cast in such special election shall be cast "FOR Incorporation of Town of Polkville", then Sections 10 through 13 of this Act shall be in full force and effect from and after July 22, 1969.

Sec. 4. (a) In the special election, the three (3) candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four (4) years or until their successors are elected and qualified,
and the two (2) candidates for Commissioner who receive the next largest numbers of votes cast for Commissioner shall be declared elected for terms of two (2) years or until their successors are elected and qualified. In case of a tie between opposing candidates, the Board of Elections shall determine the result by lot.

(b) The Chairman of the Board of Elections shall notify the persons elected as Commissioners, and shall designate some qualified officer to administer to them the oath of office, which shall be done as soon as practicable following their election.

Sec. 5. The following provisions of law shall constitute the Charter of the Town of Polkville in Cleveland County:

"THE CHARTER OF THE TOWN OF POLKVILLE"

"ARTICLE I. INCORPORATION AND CORPORATE POWERS"

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Town of Polkville', and shall be vested with all property which may be acquired by the Town, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Polkville shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES"

"Section 2.1. Corporate Boundaries. (a) For the purposes of conducting the special election on the question of incorporation and for the election of Town Commissioners and for all other purposes, the corporate boundaries of the Town of Polkville shall be as follows until changed in accordance with law: All of the area lying and being within a circle with a radius of one (1) mile, with the center of said circle being at a point in the center of North Carolina Highway #226 where it intersects with the center of North Carolina Highway #182.

(b) As soon as practicable following their election, the Board of Commissioners of the Town of Polkville shall cause to be made an accurate survey of the corporate boundaries and shall cause to be made an accurate map based upon such survey. After such survey and map is completed, and after the Board of Commissioners of the Town of Polkville finds and declares upon its minutes that the boundaries shown on such map do not vary from the description in subsection (a) of this Section,
they shall cause accurate copies of such map to be filed in the office of the register of deeds of Cleveland County and in the office of the Secretary of State of North Carolina. From and after the time a copy of such map is filed in the office of the register of deeds of Cleveland County, the corporate boundaries as shown thereon shall be the corporate boundaries of the Town of Polkville until changed in accordance with law. An accurate copy of such map shall also be maintained in the Town offices.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS"

"Section 3.1. Mayor and Mayor Pro Tempore. The Board of Commissioners shall choose one of its number to be the Mayor of the Town of Polkville. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall also choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor and Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the Board of Commissioners.

"Section 3.2. Composition of Board of Commissioners. The Board of Commissioners shall consist of five (5) members to be elected by and from the qualified voters of the Town voting at large in the manner provided by Article IV.

"Section 3.3. Terms; Qualifications; Vacancies. (a) Except for the initial terms of office hereinbefore specified, the Mayor and the members of the Board of Commissioners shall serve for terms of four (4) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as a member of the Board of Commissioners, or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) If any elected Commissioner shall refuse to qualify, or if there shall be any vacancy in the office of Commissioner after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term. Any Commissioner so appointed shall have the same authority and powers as if regularly elected.

"Section 3.4. Compensation of Mayor and Commissioners. The Mayor and other members of the Board of Commissioners shall receive for their services such salary as the Board of Commissioners shall determine. After the initial salaries have been established, such salaries may be increased or decreased as the Board of Commissioners sees fit, but no increase or decrease shall be made to take effect during the respective term of office which he is serving at the time the increase or decrease is voted.

"Section 3.5. Organization of Board; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, each Commissioner shall take, subscribe, and have entered upon the
minutes of the Board the following oath of office: 'I, __________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of Commissioner, on which I am about to enter, according to my best skill and ability; so help me, God.'

"Section 3.6. Meetings of Board. (a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Commissioners, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the Board of Commissioners shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Section 3.7. Quorum: Votes. (a) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the members of the Board of Commissioners shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Polkville.' All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

"ARTICLE IV. ELECTION PROCEDURE

"Section 4.1. Regular Municipal Elections. Following the initial election hereinbefore provided for, regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971. In the regular 1971 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two (2) Commissioners to serve for a term of four (4) years, or until their successors are elected and qualify. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large three (3) Commissioners to serve for terms of four (4) years, or until their successors are elected and qualify.

"Section 4.2. Voting. In the regular 1971 election and quadrennially thereafter, each voter shall be entitled to vote for two (2) candidates for Commissioner, and the two (2) candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected. In the 1973 election and quadrennially thereafter, each voter shall be entitled to vote for three (3) candidates for Commissioner, and the three (3) candidates who receive the largest numbers of votes cast for Commissioner shall be declared elected. In case of a tie between opposing candidates, the election officials shall determine the result by lot.
"Section 4.3. **Marking of Ballots.** In all regular municipal elections, each voter shall cast his vote for as many candidates as there are offices to be filled, and where an elector marks a ballot for any number of candidates less than the number of offices to be filled, such ballot shall not be counted for any of the candidates. There shall be printed on all ballots for Commissioner the number of candidates to be voted for.

"Section 4.4. **Filing of Candidates.** Each qualified person who would offer himself as a candidate for the office of Commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), and shall be substantially in the following form: 'I, _______________________, do hereby give notice that I am a candidate for election to the office of Commissioner, Town of Polkville, to be voted on at the election to be held on ________________, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Polkville, residing at _______________________.

______ (Date) _______________ (Signature) _______________.

(Witness) _______________.

"Section 4.5. **Regulation of Elections.** All municipal elections shall be conducted in accordance with the provisions of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. TOWN ATTORNEY

"Section 5.1. **Appointment; Qualifications; Term; Compensation.** The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

"Section 5.2. **Duties of Town Attorney.** It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 6.1. **Town Clerk.** The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Section 6.2. **Town Tax Collector.** The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 6.3. **Town Accountant.** The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.
"Section 6.4. Consolidation of Functions. The Board of Commissioners may, in its discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Board may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.5. Other Employees. The Board of Commissioners may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the affairs of the Town, and may, in its discretion, appoint a person to supervise all Town departments, and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney.

"ARTICLE VII. FINANCE

"Section 7.1. Custody of Town Money. All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository. Such institution shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Section 7.2. Issuance of Bonds. The Town may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Section 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Commissioners.

"Section 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Town for the fiscal year 1969-70 and subsequent years. The Town may obtain from Cleveland County, and the County Tax Supervisor shall provide upon request, a record of property within the corporate limits which was listed for taxation as of January 1, 1969.

"ARTICLE VIII. CLAIMS AGAINST THE TOWN

"Section 8.1. Title to Properties Used for Certain Purposes. In the absence of any contracts with the Town in relation to the lands used or occupied by it for the purposes of streets, sidewalks, alleys, or other public works of the Town signed by the owner thereof or his agent, it shall be conclusively presumed that said land has been granted to the Town by the owner or owners, and the Town shall have
good right and title thereto and shall have, hold, and enjoy the same. Unless the owner or owners of said land, or those claiming under them, shall make claim or demand in writing addressed to the Board of Commissioners within two (2) years following the date when such land was taken, he or they shall be forever barred from recovering such land or having any compensation therefor; provided, nothing herein shall affect the rights of persons under disabilities until two (2) years following removal thereof.

"Section 8.2. Tort Claims. All claims or demands against the Town arising in tort shall be presented to the Board of Commissioners in writing, signed by the claimant or his attorney or agent, within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim or demand is so presented within ninety (90) days, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

"ARTICLE IX. GENERAL PROVISIONS

"Section 9.1. Health and Well-Being of Citizens. The Board of Commissioners of the Town shall have the power and the right to adopt such rules and regulations for the effective policing of the Town as they may deem necessary, and to take all necessary steps for the proper enforcement of the same; and the Board of Commissioners shall have the right and the power to adopt such rules and regulations for the preservation and protection of the health and well-being of the Town and its citizens as they may deem necessary, and to take all necessary steps for the proper enforcement of the same.

"Section 9.2. North Carolina General Statutes. The Town shall have the benefit of and be subject to all the provisions of Chapter 160 of the General Statutes of North Carolina and all laws amendatory thereof, and shall have the benefit of and be subject to all the provisions of all general laws regulating towns and cities, except in so far as said Chapter 160 and the aforesaid laws are modified and changed by the provisions of this Town Charter."

Sec. 6. If any provisions of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provision or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. Subject to the provisions of Sections 1 through 3 hereof, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1969.
CHAPTER 820

AN ACT TO AMEND CHAPTER 224 OF THE PRIVATE LAWS OF 1901, AS AMENDED BY CHAPTER 178 OF THE PRIVATE LAWS OF 1917, TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ELLENBORO.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Ellenboro, as established by Chapter 224 of the Private Laws of 1901 and Chapter 178 of the Private laws of 1917, are hereby extended to include the following described territory:

BEGINNING at the point of intersection of the East right of way line of North Carolina Rural Road Number 1777 with the City Limit boundary line of the Town of Ellenboro as established by Chapter 224 of the Private Laws of 1901, and the line runs thence with the East right of way line of North Carolina Rural Road Number 1777 in a Northwesterly direction for a distance of 2100 feet to a point in the East right of way line of said road; thence in a Westerly direction for a distance of 900 feet to a point in the North right of way line of North Carolina Rural Road Number 1791; thence with the North right of way line of North Carolina Rural Road Number 1791 in a Westerly direction a distance of 500 feet to the center line of North Carolina Rural Road Number 1007; thence continuing in a Westerly direction with the North edge of an unnumbered street 135 feet to a point in the West right of way line of North Carolina Rural Road Number 1568; thence with the West right of way line of North Carolina Rural Road Number 1568 a distance of 2350 feet to the center line of U. S. Highway Number 74; thence with the center line of U. S. Highway Number 74 in a Southeasterly direction a distance of 100 feet to the City Limit boundary line of the Town of Ellenboro as established by Chapter 224 of the Private Laws of 1901; thence with the City Limit boundary line of the Town of Ellenboro as so established in an Easterly direction a distance of 1500 feet to the place of BEGINNING.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1063

CHAPTER 821

AN ACT TO GRANT THE AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS AND TO CLARIFY THE SMALL WATERSHED LAWS WITH RESPECT TO PROJECT MAINTENANCE IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wayne County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed three cents (3c) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared...

904
to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. General Statutes 139-8 is hereby amended by inserting in line 1 of paragraph (6) of said Section, after the word "structures" and before the word "as", the words and punctuation ", works and projects"; and paragraph (6) of said Section is further amended by adding at the end of said paragraph, before the period, the following: ", including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake"; so that said paragraph (6) as so amended will read as follows:

"(6) To construct, improve, operate, and maintain such structures, works and projects as may be necessary or convenient for the performance of any of the operations authorized in this Chapter, including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake."

Sec. 3. (a) It is hereby declared that the provisions of General Statutes Chapter 139 were intended to authorize the maintenance of watershed improvement works and projects, as well as watershed improvement structures. All expenditures heretofore incurred by any local watershed sponsor for any such maintenance of works, projects, or structures are hereby validated and confirmed.

(b) The proceeds of any tax heretofore approved by the voters of a county for a county watershed improvement program, or authorized by special or local act for a county watershed improvement program, may be expended for such maintenance of works and projects, as well as structures, if the board of county commissioners or other watershed governing body after a public hearing determines that the proceeds should be so expended. Notice of such hearing shall be published as provided for notices under Article 2 of General Statutes Chapter 139.

(c) The proceeds of any tax hereafter approved by the voters of a county for a watershed improvement program may be expended for such maintenance of works and projects, as well as structures, with or without the holding of a public hearing as designated by subsection (b) of this Section, even though any election procedures preliminary to the vote approving the tax may have been initiated prior to the ratification of this Act.

(d) No action based on the alleged invalidity of the expenditures herein confirmed or of the use of tax proceeds herein authorized shall lie after January 1, 1970, to enjoin or contest any such expenditure or any such use of tax proceeds.

Sec. 4. This Act shall be applicable only in Wayne County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.
CHAPTER 822

H. B. 1075

CHAPTER 822

AN ACT TO AMEND THE WATER POLLUTION CONTROL LAWS TO CLARIFY THE AUTHORITY OF THE NORTH CAROLINA BOARD OF WATER AND AIR RESOURCES TO Classify Waters FOR SCIENTIFIC OR RESEARCH USES.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 143-214.1(d)(3) is amended by inserting after the word and punctuation "generation," and before the word "the" the words "scientific or research uses", so that said paragraph as so amended will read as follows:

"(3) The uses and extent thereof which have been made, are being made, or may in the future be made, of such water for domestic consumption, bathing, fish or wildlife and their culture, industrial consumption, transportation, fire prevention, power generation, scientific or research uses, the disposal of sewage, industrial wastes and other wastes, or any other uses."

Sec. 2. It is hereby declared to be the intent of this Act to clarify the authority of the North Carolina Board of Water and Air Resources to classify streams under the water pollution control laws for scientific or research uses. It is further declared to be the intent of this Act that the Board of Water and Air Resources may develop a supplemental classification of streams for scientific or research uses together with standards applicable to said classification, and that said classification may be assigned to any identified waters (whether previously classified or reclassified or proposed for reclassification) pursuant to the procedures prescribed by law for reclassification or reclassification of waters.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1180

CHAPTER 823

AN ACT TO AUTHORIZE THE BOARD OF ELECTIONS OF ORANGE COUNTY TO TRANSFER THE NAMES OF SUPPLEMENTAL REGISTRANTS TO THE REGISTRATION BOOKS OF ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Elections of Orange County is authorized and empowered to transfer the names of all persons registering during the registration period prior to the May, 1969, General Municipal Election of the Town of Chapel Hill, and the election for terms on the Chapel Hill City Board of Education, to the permanent registration books of Orange County. The registrars appointed by said Board of Elections for the election precincts lying within the corporate limits of the Town of Chapel Hill and the boundaries of the Chapel Hill City Administrative School District, are directed to place the names of all persons who presented themselves for registration during such registration period, and who were duly registered on the supplementary registration books of said precinct on the permanent registration books of Orange County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1094  CHAPTER 824
AN ACT TO CONFIRM AND VALIDATE THE REGULAR MUNICIPAL ELECTION IN THE TOWN OF ARLINGTON, YADKIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The registration of voters, subsequent to the disappearance of the registration books, held in connection with the regular municipal election in the Town of Arlington, and all acts performed in holding and conducting the regular municipal election held in the Town of Arlington, Yadkin County, on Tuesday, May 6, 1969, are hereby affirmed, ratified and validated in all respects.

Sec. 2. During the regular registration period, prior to the next regular municipal election, or prior to any special election called in the Town of Arlington, a complete new registration of the qualified voters shall be held as provided by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1098  CHAPTER 825
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Indian Trail is hereby revised and consolidated to read as follows:

THE CHARTER OF THE TOWN OF INDIAN TRAIL

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Indian Trail shall continue to be a body politic and corporate under the name and style of the "Town of Indian Trail", and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition
to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Indian Trail shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Indian Trail shall be as follows until changed in accordance with law:

All that territory lying and being within a circle, the radius being one-half mile from a point at the center of the Rural Paved Road No. 1008 crossing the centerline of the track of the Seaboard Coast Line Railroad Company at said place.

Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND TOWN COUNCIL

Sec. 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

Sec. 3.2. The three Town Council members elected at the regular 1969 election shall serve in such capacity until the regular 1971 election. Beginning in 1971, the Town Council shall consist of five members elected in the manner provided in Article IV.

Sec. 3.3. Terms; Qualifications; Vacancies. (a) Beginning with the regular election in 1971, the Mayor and the members of the Town Council shall serve for terms of four (4) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be a vacancy in the office of Mayor or Councilman, after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term. Any mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

Sec. 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The

908
Council may establish a salary for its members which may be increased or reduced, but no reduction shall be made to take effect as to any Councilman during the respective term of office which he is serving at the time the reduction is voted.

Sec. 3.5. Organization of Council; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, ____________________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ____________________________, on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 3.6. Meetings of Council. (a) The Town Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) The affirmative vote of a majority of the members of the Town Council shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the Town Council of the Town of Indian Trail". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE

Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971. In the regular 1971 election, there shall be elected by the qualified voters of the Town voting at large a Mayor and five (5) Councilmen. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of four (4) years. The three (3) candidates for Councilman who receive the largest numbers of votes cast for Councilman shall be declared elected for terms of four (4) years, and the two (2) candidates for Councilman who receive the next largest numbers of votes cast for Councilman shall be declared elected for terms of two (2) years. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two (2)
Councilmen to serve for terms of four (4) years. In the regular 1975 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three (3) Councilmen to serve for terms of four (4) years. In case of a tie between opposing candidates, the election officials shall determine the result by lot.

Sec. 4.2. Voting. In the regular 1971 election, each voter shall be entitled to vote for one (1) candidate for Mayor and for five (5) candidates for Councilman. In the regular 1973 election and quadrennially thereafter, each voter shall be entitled to vote for two (2) candidates for Councilman. In the regular 1975 election and quadrennially thereafter, each voter shall be entitled to vote for one (1) candidate for Mayor and for three (3) candidates for Councilman.

Sec. 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Councilman shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the Town Clerk or his designee, and shall be substantially in the following form: "I _______ __________, do hereby give notice that I am a candidate for election to the office of ______________, Town of Indian Trail, to be voted on at the election to be held on ____________, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Indian Trail, residing at _____________________________.

Date: _____________________________.

(Signature) _____________________."

Sec. 4.4. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

Sec. 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

ARTICLE V. TOWN ATTORNEY

Sec. 5.1. Appointment; Qualifications; Term; Compensation. The Town Council shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Council and shall receive such compensation as the Council shall determine.

Sec. 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Town Council, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Town Council; and to perform such other duties as may be required of him by virtue of his position of Town Attorney.

ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Sec. 6.1. Town Clerk. The Town Council shall appoint a Town Clerk to keep a journal of the proceedings of the Town Council and to maintain in a safe place
all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Council may direct.

Sec. 6.2. Town Tax Collector. The Town Council may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Sec. 6.3. Town Accountant. The Town Council may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Sec. 6.4. Consolidation of Functions. The Town Council may, in its discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Council may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

Sec. 6.5. Other Employees. The Town Council may create and fill by appointment the position of Town Manager to supervise all Town departments, and may, in its discretion, delegate to the Town Manager the power of appointment and removal of department heads and employees, other than the Town Attorney.

ARTICLE VII. FINANCE AND TAXATION

Sec. 7.1. Custody of Town Money. All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository or depositories. Such institutions shall be designated by the Town Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Sec. 7.2. Issuance of Bonds. The Town may issue its bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

Sec. 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

Sec. 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Town Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Town Council.

ARTICLE VIII. CLAIMS AGAINST THE TOWN

Sec. 8.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the Town of Indian Trail arising in tort or in contract shall be presented to the Town Council in writing, signed by the claimant, his attorney or agent, within
ninety days after the claim or demand is due or the cause of action accrues, and
no suit or action shall be brought thereon within thirty days or after the expiration
of twelve months from the time said claim or demand is so presented. Unless the
claim or demand is so presented within ninety days after the cause of action accrues,
and unless suit is brought within twelve months thereafter, any action thereon
shall be barred.

(b) No action shall be instituted against the Town on account of damages to
or compensation for real property taken or used by the Town for any public purpose,
or for the ejectment of the Town therefrom, or to remove a cloud upon the title
thereof, unless, within two years after such alleged use, the owner, his executor,
administrator, guardian, or next friend, shall have given notice in writing to the
Town Council of the claim, stating in the notice the date that the alleged use com-
menced, a description of property alleged to have been used, and the amount of
the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if
a complainant suffers from physical or mental incapacity that renders it impossible
for him to give notice, his action shall not be barred if notice of claim is given
by him or on his behalf within six months after the termination of his incapacity;
provided, that minority shall not of itself constitute physical or mental incapacity.
If the complainant is a minor, his action shall not be barred if notice of claim is
given on his behalf within three years after the happening or the infliction of the
injury complained of; or, if the minor suffers from physical or mental incapacity
that renders it impossible for him to give notice, his action shall not be barred
if notice of claim is given on his behalf within six months after termination of
the incapacity, or within three years after the happening or the infliction of the
injury complained of, whichever is the longer period. The Town may at any time
request the appointment of a next friend to represent any person having a potential
claim against the Town and known to be suffering from physical or mental incapaci-
ty.

ARTICLE IX. MISCELLANEOUS PROVISIONS.

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Indian
Trail and to consolidate herein certain acts concerning the property, affairs, and
government of the Town. It is intended to continue without interruption those provi-
sions of prior acts which are consolidated into this Act, so that all rights and liabili-
ties that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner
to affect any of the following acts, portions of acts, or amendments thereto, whether
or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools
in the Town of Indian Trail;

(b) Any acts validating, confirming, approving, or legalizing official proceedings,
actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for
which enacted, or having been consolidated into this Act, are hereby repealed: Chap-
ter 322, Private Laws, 1907; Chapter 492, Public-Local Laws, 1911.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect
in any way any rights or interests (whether public or private):
(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Indian Trail, and all existing rules or regulations of departments or agencies of the Town of Indian Trail, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the Town of Indian Trail or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1136

CHAPTER 826

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CREEDMOOR AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Creedmoor is hereby revised and consolidated to read as follows:

THE CHARTER OF THE CITY OF CREEDMOOR

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Creedmoor shall continue to be a body politic and corporate under the name and style of the "City of Creedmoor", and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.
Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Creedmoor shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Creedmoor shall be as follows until changed in accordance with law:

BEGINNING at a point in the center of Lake Road, which said point is marked by an iron pin on the southwest side of said Road, thence North 88 degrees 35' E., crossing the Stem Road, 2,504 feet to an iron pin; thence N. 72 degrees 58' E. 3,339 feet to an iron pin; thence N. 1 degree 30' E. 176 feet to an iron pin; thence S. 82 degrees 15' E., crossing U. S. Highway #15, 280 feet to an iron pin; thence S. 1 degree 30' W. 69 feet to an iron pin; thence S. 88 degrees 40' E., crossing the Southern Railroad right-of-way, 1,620 feet to an iron pin; thence S. 4 degrees 53' W. 1,104 feet to an iron pin on the north side of Moss Road; thence S. 62 degrees 15' E. 220 feet to an iron pin; thence a curved line with a radius of 129.90 and a distance of 112.02 feet to an iron pin; thence S. 12 degrees 50' E. 55 feet to an iron pin; thence S. 8 degrees 34' E. 175 feet to an iron pin; thence S. 8 degrees 16' E. 313 feet to an iron pin; thence S. 83 degrees 45' W. 430 feet to an iron pin; thence S. 4 degrees 53' W., crossing N. C. Highway #56 and Church Street, 6,085 feet to an iron pin; thence N. 79 degrees 25' W., crossing N. C. Highway #50 and the Southern Railroad right-of-way and Old Durham Road, 6,487.7 feet to an iron pin on the northwest side of said Old Durham Road; thence N. 16 degrees 0' W. 2,125 feet to an iron pin; thence N. 61 degrees 30' W. 747 feet to an iron pin on the southwest side of U. S. Highway #15; thence N. 52 degrees 30' E. 300 feet to an iron pin; thence N. 55 degrees 15' E. 157 feet to an iron pin on the southwest side of U. S. Highway #15; thence N. 33 degrees 0' W., crossing said U. S. Highway #15, 451.5 feet to an iron pin; thence S. 87 degrees 45' E. 246 feet to an iron pin; thence N. 11 degrees 33' W. 2,720 feet to an iron pin; thence N. 71 degrees 57' E. 761 feet to the point and place of the BEGINNING.

The above description is according to plat and survey of Johnnie C. Currin, R. L. S. (made from existing maps and surveys), which plat is dated April 8, 1969.

Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

Sec. 3.1. Composition of Board of Commissioners. The Board of Commissioners shall consist of five members to be elected by the qualified voters of the City voting at large in the manner provided in Article IV.

Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the City voting at large in the manner provided in
Article IV. The Mayor shall be the official head of the City government and shall preside at all meetings of the Board of Commissioners. Where there is an equal division on a question, the Mayor shall determine the matter by his vote, but he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor shall serve for a term of two years and members of the Board of Commissioners shall serve for terms of four years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners or to serve in such capacity, unless he is a resident and a qualified voter of the City.

(c) In the event a vacancy occurs in the office of Mayor or Commissioner, the Board of Commissioners shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

Sec. 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Board of Commissioners shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Board of Commissioners may establish a salary for its members which may be increased or reduced, but no reduction shall be made to take effect as to any Commissioner during the respective term of office which he is serving at the time the reduction is voted.

Sec. 3.5. Organization of Board; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: "I,______________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of______________________, on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 3.6. Meetings of Board. (a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Board, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Board shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.
(b) Three affirmative votes, which may include the vote of the Mayor in case of equal division among the Commissioners shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 3.8. *Ordinances and Resolutions.* The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clauses of all ordinances shall be: "Be it ordained by the Board of Commissioners of the City of Creedmoor." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

**ARTICLE IV. ELECTION PROCEDURE**

Sec. 4.1. *Regular Elections.* Elections shall be held biennially on the Tuesday after the first Monday in May, beginning in 1971. In each election, there shall be elected a Mayor to serve for a term of two years, and the candidate who receives the largest number of votes cast for Mayor shall be declared elected. In the 1971 election and quadrennially thereafter, the three candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four years. In the 1973 election and quadrennially thereafter, the two candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four years.

Sec. 4.2. *Filing of Candidates.* Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner shall file with the City Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty (60) days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the City Clerk or his designee, and shall be substantially in the following form: "I _ , do hereby give notice that I am a candidate for election to the office of (Mayor/Commissioner), to be voted on at the election to be held on ________________, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the City of Creedmoor, residing at ___________________________._ Date:_________________________._ (Signature)_."

Sec. 4.5. *Ballots.* No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

Sec. 4.6. *Voting.* In each election, each qualified voter shall be entitled to vote for one candidate for each office to be filled.

Sec. 4.7. *Regulation of Elections.* All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

**ARTICLE V. CITY ATTORNEY**

Sec. 5.1. *Appointment; Qualifications; Term; Compensation.* The Board of Commissioners shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the Board and shall receive such compensation as the Board shall determine.
Sec. 5.2. **Duties of City Attorney.** It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, Board of Commissioners, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position of City Attorney.

**ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES**

Sec. 6.1. **City Clerk.** The Board of Commissioners shall appoint a City Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the Board may direct.

Sec. 6.2. **City Tax Collector.** The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the City, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Sec. 6.3. **City Accountant.** The Board of Commissioners may appoint a City Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Sec. 6.4. **Consolidation of Functions.** The Board of Commissioners may, in its discretion, consolidate any two or more of the positions of City Clerk, City Tax Collector, and City Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Board of Commissioners may also, in its discretion, appoint or designate a single employee to perform all or any part of the functions of any of the named offices, in lieu of appointing several persons to perform the same.

**ARTICLE VII. FINANCE AND TAXATION**

Sec. 7.1. **Custody of City Money.** All moneys received by the City for or in connection with the business of the City government shall be paid promptly into the City depository or depositories. Such institutions shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Sec. 7.2. **Issuance of Bonds.** The City may issue bonds for the purpose and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

Sec. 7.3. **Purchases and Contracts.** Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

Sec. 7.4. **Independent Audit.** As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the City government by a certified public accountant, who shall have no personal interest directly or indirectly in the affairs of the City or of any of its officers. The Board
of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the Board of Commissioners.

ARTICLE VIII. POLICE

Sec. 8.1. Jurisdiction Extended. (a) The jurisdiction of the police force is hereby extended to include all unincorporated territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all City owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Sec. 8.2. Effect of Ordinances on City Property. All applicable ordinances of the City shall have full force and effect upon and within all property and facilities owned by the City, whether located within or outside the corporate limits.

ARTICLE IX. CLAIMS AGAINST THE CITY

Sec. 9.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the City of Creedmoor arising in tort or in contract shall be presented to the Board of Commissioners in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any public purpose, or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Commissioners of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longest period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity.
Sec. 2. The purpose of this Act is to revise the Charter of the City of Creedmoor and to consolidate herein certain acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the City of Creedmoor;

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed: Chapter 232, Private Laws, 1895; Chapter 398, Private Laws, 1905; Chapter 220, Private Laws, 1907; Chapter 170, Private Laws, 1913 (Regular Session); Chapter 167, Private Laws, 1917; Chapter 229, Private Laws, 1935; Chapter 522, Public-Local Laws, 1939; Chapter 590, Session Laws, 1943; Chapter 397, Session Laws, 1949; Chapter 1145, Session Laws, 1951; Chapter 1146, Session Laws, 1951; Chapter 777, Session Laws, 1959; Chapter 917, Session Laws, 1961; Chapter 1020, Session Laws, 1961; Chapter 81, Session Laws, 1963.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Creedmoor, and all existing rules or regulations of departments or agencies of the City of Creedmoor, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Creedmoor or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.
CHAPTER 826  SESSION LAWS—1969

Sec. 10. This Act shall be effective upon its ratification.
    In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 562  CHAPTER 827

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR A REASSIGNMENT OF THE ESCHEATS.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of North Carolina, as revised and amended by a revision and amendment submitted to the qualified voters by A Bill To Be Entitled an Act to Revise and Amend the Constitution of North Carolina, H.B. 231, enacted as Chapter 1258 of the Session Laws of 1969, is amended by rewriting Article IX, Sec. 10, thereof to read as follows:

"Sec. 10. Escheats."

"(1) Escheats prior to July 1, 1971. All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.

"(2) Escheats after June 30, 1971. All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law."

Sec. 2. The Constitution of North Carolina, as that document read on January 1, 1969, is amended by rewriting Article IX, Sec. 7, thereof to read as follows:

"Sec. 7. Benefits of the University; escheats."

"(1) Benefits. The General Assembly shall provide that the benefits of The University of North Carolina, as far as practicable, be extended to the youth of the State free of expense for tuition.

"(2) Escheats prior to July 1, 1971. All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.

"(3) Escheats after June 30, 1971. All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law."

Sec. 3. The amendment set out in Sections 1 and 2 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing elections in this State.

Sec. 4. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

` FOR constitutional amendment providing that after June 30, 1971, the escheats shall be used to aid North Carolina residents enrolled in any public institution of higher education in this State.`
AGAINST constitutional amendment providing that after June 30, 1971, the escheats shall be used to aid North Carolina residents enrolled in any public institution of higher education in this State.

Those qualified voters favoring the amendment set out in Sections 1 and 2 of this Act shall vote by marking an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by making an X or a check in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this Section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 5. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the revision and amendment submitted to the qualified voters by A Bill To Be Entitled an Act to Revise and Amend the Constitution of North Carolina are in favor of that revision and amendment, then the Governor shall certify the amendment set out in Section 1 of this Act to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and the amendment shall become effective on July 1 next after its ratification by the voters.

Sec. 6. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the revision and amendment submitted to the qualified voters by A Bill To Be Entitled an Act to Revise and Amend the Constitution of North Carolina are against that revision and amendment, then the Governor shall certify the amendment set out in Section 2 of this Act to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and the amendment shall become effective on July 1 next after its ratification by the voters.

Sec. 7. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1969.

H. B. 883

CHAPTER 828

AN ACT TO AUTHORIZE THE MERGER OF TWO OR MORE ADJOINING COUNTY SCHOOL ADMINISTRATIVE UNITS AND CITY UNITS CONTAINED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. A new section, to be designated G.S. 115-74.2, shall be inserted in Chapter 115 of the General Statutes immediately following G.S. 115-74.1 and shall read as follows:

Section 115-74.2. Merger of Two or More Adjoining County School Administrative Units.

(a) Boards of education of contiguous counties or boards of education in a group of counties in which each county is contiguous with at least one other county in the group, and any city administrative unit located in counties to be merged, may merge school administrative units upon approval by the State Board of Education of a written plan for merger submitted by the boards of education involved and
bearing the approval of the tax levying body for the school units. The plan shall be consistent with the General Statutes, shall contain provisions covering those items listed in G.S. 115-74.1 (providing for the merger of units in the same county), and shall contain any other provision deemed necessary or appropriate by the State Board of Education or the local boards of education for the merger of school units in two or more counties.

(b) The plan of merger, including any arrangements for financing or taxing for the schools in the new administrative unit, may be, but is not required to be, submitted for the approval of the voters of the geographic area affected in a referendum or election called for the purpose of approving these matters. Such elections or referendums, if held, shall be held under the provisions governing elections or referendums as set forth in G.S. 115-122. Each board of county commissioners shall have authority to have such elections or referendums conducted by the board of elections of its county under the provisions set forth in G.S. 115-122.

(c) If twenty percent (20%) of the qualified voters of a county to be merged, petition the Board of County Commissioners of their county for an election as to whether their county shall be included in the proposed merger, the Board of County Commissioners shall call an election on this question for its county under the provisions of G.S. 115-122. The petition must be submitted to the Board of County Commissioners within ten (10) days following the public hearing required by G.S. 115-74.1 on the proposed plan of merger. The Board of County Commissioners shall have authority to have such an election conducted by the Board of Election of its county under the provisions set forth in G.S. 115-122.

(d) Boards of education considering a merger of two or more counties may spend money necessary for studying and preparing for such a merger.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 906

CHAPTER 829
AN ACT RELATING TO SPECIAL ASSESSMENTS BY THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY FOR WATER AND SEWER FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Guilford County shall have the authority to assess for the cost of water and sewer lines and systems according to the street, road, highway frontage, and in the same manner and to the same extent that the assessment would be made if the improvements were constructed in a street, road, or highway.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.
H. B. 1005

CHAPTER 830

AN ACT AUTHORIZING THE JOINT LEASING OF A CIVIC CENTER BY THE COUNTY OF MECKLENBURG AND THE CITY OF CHARLOTTE AND PROVIDING FOR THE OPERATION OF SAID CIVIC CENTER AND THE EXISTING CHARLOTTE AUDITORIUM AND COLISEUM BY A SINGLE BOARD.

The General Assembly of North Carolina do enact:

Section 1. Subject only to approval at an election as provided in this Act, the governing bodies of the County of Mecklenburg and the City of Charlotte are hereby authorized and empowered jointly to lease from any person or persons, for an original term of not exceeding forty-five years and a renewal term of not exceeding thirty years, and for such rental as may be mutually agreed upon, a building or buildings, or any part or parts thereof, to be used as a civic center, including, but without limitation, convention, exhibition, auditorium, meeting room, parking and other appurtenant facilities, and to levy and collect a special tax for the purpose of meeting their respective obligations under such lease; provided, however, that the land upon which the building or buildings are located is within the corporate limits of the City of Charlotte. Any such lease may contain such provisions with respect to renewal options, refinancing, options to purchase any building or part thereof, rights to execute a new lease beyond the above stated original and renewal terms for the land on which the building or buildings are situated if options to purchase are exercised, rights of assignment and sublease and such other details as may be agreed upon between the parties.

Sec. 2. The governing bodies of the County of Mecklenburg and the City of Charlotte shall determine in joint or separate sessions the policy to be followed with respect to and the general use which shall be made of the civic center, the term of the lease, the rentals and all other necessary details, and the County and the City shall enter into such contracts or agreements with each other as they may deem necessary with respect to such determinations. The County and the City shall each bear an equal share of the rental payable thereon and the costs of maintenance and operation thereof.

The operation of said civic center shall be entrusted to a board of seven members to be known as the Charlotte-Mecklenburg Civic Center Board. Three members of said Board shall be appointed by the City Council of the City of Charlotte, three members shall be appointed by the Board of Commissioners for the County of Mecklenburg and one member shall be appointed by said City Council and said Board of Commissioners acting jointly. Of the members initially appointed by each of the two governing bodies acting separately, one shall be appointed for a term of three years, one shall be appointed for a term of two years and one shall be appointed for a term of one year. The member initially appointed by the two governing bodies acting jointly shall be appointed for a term of three years. Thereafter all regular appointments shall be for a term of three years. Any vacancy occurring in the membership of the Board shall be filled by the proper governing body for the unexpired term. Any member of the Board may be removed for cause at any time by the governing body who appointed him. The Board shall elect one of its members as chairman and may elect such other officers as it deems necessary or desirable. The Board shall have all powers necessary or convenient to effectuate the purposes of this Act and the efficient operation of the civic center.
CHAPTER 830    SESSION LAWS—1969

Sec. 3. The lease shall not become effective until approved by the vote of a majority of the qualified voters of the County and the City who vote thereon in separate special elections held prior to July 1, 1970, which elections may be held on the same day.

For the purpose of submitting this matter to the qualified voters of the County a special election shall be called by the Board of Commissioners for the County of Mecklenburg. Such special election shall be called and held in the same manner as provided by The County Finance Act for the authorization of bonds of the County, with such changes in points of detail as may be necessary for application to the subject of the election, and shall be supervised by the Mecklenburg County Board of Elections. A question in substantially the following form shall be submitted to the qualified voters of the County of Mecklenburg:

Shall the Board of Commissioners for the County of Mecklenburg be authorized to join with the City Council of the City of Charlotte in leasing for ___ years a building or buildings or any part or parts thereof to be used as a civic center, including, but without limitation, convention, exhibition, auditorium, meeting room, parking and other appurtenant facilities, with an option to renew said lease for a period of ___ years at an annual rental of not exceeding $_______.

the County to pay in equal annual installments as its share of the rent due over the original term of the lease an aggregate amount not exceeding $______ and to bear equally with the City its share of the cost of maintenance and operation of said civic center, and to levy and collect, if necessary, a tax without limitation of rate or amount, on all taxable property, real and personal, in the County of Mecklenburg for the purpose of providing funds to meet the County's obligations under the lease?

The Board of Commissioners shall prepare a statement showing the number of votes cast for and against the question, and the number of voters qualified to vote in the election, and declaring the result of the election, which statement shall be signed by a majority of the members of the Board of Commissioners and delivered to the Clerk, who shall record it in the minutes of the Board of Commissioners, and file the original in his office and publish it once. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within 30 days after the publication of such statement of result.

For the purpose of submitting this matter to the qualified voters of the City of Charlotte a special election shall be called by the City Council of the City of Charlotte. Such election shall be called and held in the same manner as provided by The Municipal Finance Act for the authorization of bonds of the City, with such changes in points of detail as may be necessary for application to the subject of the election. The question submitted to the qualified voters of the City of Charlotte shall be in substantially the following form:

Shall the City Council of the City of Charlotte be authorized to join with the Board of Commissioners for the County of Mecklenburg in leasing for ___ years a building or buildings or any part or parts thereof to be used as a civic center, including, but without limitation, convention, exhibition, auditorium, meeting room, parking and other appurtenant facilities, with an option to renew said lease for a period of ___ years at an annual rental of not exceeding $_______.

924
the City to pay in equal annual installments as its share of the rent due over
the original term of the lease an aggregate amount not exceeding $____

and to bear equally with the County its share of the cost of maintenance and
operation of said civic center, and to levy and collect, if necessary, a tax without
limitation of rate or amount, on all taxable property, real and personal, in the
City of Charlotte for the purpose of providing funds to meet the City's obligations
under the lease?

The City Council shall prepare a statement showing the number of votes cast
for and against the question submitted, and the number of voters qualified to vote
in the election, and declaring the result of the election, which statement shall be
signed by a majority of the members of the City Council and delivered to the City
Clerk, who shall record it in the book of ordinances and file the original in his
office and publish it once. No right of action or defense founded upon the invalidity
of the election shall be asserted, nor shall the validity of the election be open to
question in any court upon any ground whatever, except in an action or proceeding
commenced within 30 days after the publication of such statement.

Sec. 4. With the exception of those amounts representing land rent and reim-
bursement of the lessor for payments made by him on account of taxes, interest
and insurance, the sum of the rentals payable by the County to the lessor over
the original term of the lease shall constitute a debt of the County for the purposes
of G. S. 153-84 and the sum of the rentals payable by the City to the lessor over
the original term of the lease shall constitute a debt of the City for the purposes
of G. S. 160-383. If the County and the City shall exercise an option to renew such
lease for an additional term, the sum of the annual rentals payable by the County
and the City for such additional term shall become, at the time of the exercise
of such option, debts of the County and the City for the purposes of G. S. 153-
84 and G. S. 160-383, respectively.

Sec. 5. Subject to the provisions of the lease, the Charlotte-Mecklenburg Civic
Center Board is hereby authorized to sublease the civic center or any part or parts
thereof to any person or persons upon such terms as may mutually be agreed upon.

Sec. 6. The levy of taxes by the County of Mecklenburg in the manner and
to the extent provided by this Act for the payment of obligations incurred pursuant
to this Act is hereby declared to be a special purpose and the General Assembly
does hereby give its special approval to the levy of such taxes for such special pur-
pose.

Sec. 7. No portion of the civic center acquired through the exercise of an option
to purchase shall be sold, encumbered, conveyed or otherwise disposed of except
by joint action of the County and the City; provided, however, that the County or
the City may purchase the interest of the other upon such terms as may mutually
be agreed upon.

Sec. 8. The City of Charlotte is hereby authorized, by majority vote of its City
Council, to transfer to the Charlotte-Mecklenburg Civic Center Board control of
the management and operation of the existing Charlotte Auditorium and Coliseum,
upon such terms and conditions as it may by resolution determine. Upon such trans-
fer said Board shall accede to all powers of and duties imposed upon the Charlotte
Auditorium-Coliseum Authority, and said Authority shall cease to exist.

Sec. 9. The powers granted by this Act are in addition to and not in substitution
for any other powers heretofore or hereafter granted by any other law.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this
Act are hereby repealed.
CHAPTER 830  SESSION LAWS—1969

Sec. 11. This Act shall be in full force and effect from and after its ratification. In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 1106  CHAPTER 831

AN ACT TO PROVIDE A CIVIL REMEDY FOR THE PROTECTION AND HUMANE TREATMENT OF ANIMALS TO SUPPLEMENT EXISTING CRIMINAL REMEDIES IN G. S. 14-360.

The General Assembly of North Carolina do enact:

Section 1. There is hereby added to the General Statutes the following new chapter to be designated Chapter 19A:

`Chapter 19A—Protection of Animals

Section 19A-1 Definitions. For the purposes of this Chapter the following definition of terms shall be applicable:

(1) The term 'cruelty' shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such term shall not be construed to prohibit lawful taking or attempting to take game animals or birds as allowed by law, provided further that such term shall not include activities sponsored by agencies or institutions conducting bio-medical research or training or for sport as provided by the laws of North Carolina.

(2) The terms 'animals' and 'dumb animals' shall be held to include every useful living creature.

(3) The term 'person' as used herein shall be held to include any persons, firm or corporation, including any non-profit corporation, such as a society for the prevention of cruelty to animals.

Section 19A-2 Purpose. It shall be the purpose of this Act to provide a civil remedy for the protection and humane treatment of animals in addition to any criminal remedies that are available and it shall be proper in any action to combine causes of action against one or more defendants for the protection of one or more animals. A real party in interest as plaintiff shall be held to include any 'person' as hereinbefore defined even though such person does not have a possessory or ownership right in an animal; a real party in interest as defendant shall include any person who owns or has possession of an animal.

Section 19A-3 Preliminary Injunction or Restraining Order. Upon the filing of a verified complaint in Superior Court in the county in which cruelty to an animal has allegedly occurred, and upon petition for a preliminary injunction or temporary restraining order, the resident judge or any judge holding a regular or special term of Court may in the court's discretion issue such preliminary injunction or temporary restraining order, the duration of which shall be twenty (20) days. Such injunction or restraining order may in the discretion of the court issue without prior notice to any person named as a defendant in the verified complaint, if service of process cannot be obtained, and such injunction may issue immediately and as soon as practicable be served upon every person named as a defendant. Every such preliminary injunction or restraining order, if the petition or complaint so requests, may in the discretion of the Court give plaintiff the right to temporarily correct the condition giving rise to the cruel treatment of an animal; and if it shall appear

926
upon the face of the complaint or verified petition, that the condition giving rise
to the cruel treatment of an animal requires that plaintiff take custody of an animal,
then it shall be proper for the Court in its discretion in the order to allow plaintiff
to take possession of the animal.

Section 19A-4 Permanent Injunction. On the date specified in a preliminary
injunction or temporary restraining order, which date shall not be later than twenty
(20) days from the issuance thereof, a resident Superior Court judge or a Superior
Court judge holding a regular or special term of Superior Court in the county in
which the action is brought shall determine the merits of the action by trial without
jury, and upon hearing such evidence as may be presented, shall enter orders as
he deems appropriate, including the issuance of a permanent injunction or final
determination of the custody of the animal where appropriate."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of
June, 1969.

H. B. 1171 CHAPTEB 832
AN ACT TO PERMIT A REFERENDUM IN MUNICIPALITIES CONCERNING
THE SALE OF ALCOHOLIC BEVERAGES IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The provisions of this Act shall apply to any incorporated municipality
in Rockingham, Cleveland and Stokes Counties which have and maintain an
organized municipal police force of one or more full-time officers, who each receive
an annual salary, paid monthly or weekly.

The State Board of Alcoholic Control is hereby empowered to determine upon
application of the governing body of any municipality, whether such municipality
comes within the provisions of this Section, and any such determination shall be
solely within the discretion of the State Board of Alcoholic Control. The State Board
of Alcoholic Control shall supply the application forms.

Sec. 2. Any eligible incorporated municipality in Rockingham County, to which
this Act is applicable, is authorized to call a special election, as hereinafter provided,
and submit to the qualified voters the question of setting up and operating in such
municipality liquor control stores.

Sec. 3. The election shall be called in such municipality by its governing body
upon receipt of a petition signed by at least twenty-five per cent (25%) of the registered
voters of said municipality, of the number who voted in the last municipal
election for mayor or governing body.

Sec. 4. In calling for such special liquor election, the governing body shall give
at least thirty (30) days public notice of the same prior to the opening of the registration
books, and the registration books shall remain open for the same period of
time before such special liquor election as they are required by law to remain open
before a regular election for municipal officers. A new registration of voters for
such special liquor election is not required, and all qualified electors who are properly
registered prior to the registration for the special election, as well as those electors
who register for said special liquor election, shall be entitled to vote in said election.
Sec. 5. At said election the qualified voters favoring the setting up and operating of liquor stores in such municipality shall mark the ballot in the voting square to the left of the words "For municipal liquor control stores", printed on the ballot, and those opposed to setting up and operating liquor control stores in such municipality shall mark in the voting square to the left of the words "Against municipal liquor control stores", printed on the same ballot. If a majority of the votes cast in such election shall be for municipal liquor control stores, then a liquor store or stores may be set up and operated in such municipality as herein provided, and if a majority of the votes cast at said election shall be against municipal liquor control stores, then no liquor store shall be set up or operated in said municipality under the provisions of this Act.

Sec. 6. No election under this Act shall be held on the day of a regular election for municipal officers, or within thirty (30) days of such an election, and the day of such election under this Act shall be fixed by the governing body of the municipality wherein the same is held.

Sec. 7. No election on the question of setting up, operating or discontinuing liquor control stores shall be called and held in a municipality under the provisions of this Act within three (3) years from the holding of the last such election under this Act.

Sec. 8. No election shall be held under the provisions of this Act less than sixty (60) days after the day that the election is called by the governing body. If, within thirty days following the publication of the call of the election, as provided in Section 4 of this Act, a county referendum is called pursuant to G. S. 18-61, the municipal election shall be thereby stayed until after said county election. If, at said county election, a majority of the votes cast shall be for county liquor control stores, the municipal election shall not be held, but, if, at said county election, a majority of the votes cast shall be against county liquor stores, the governing body of the municipality shall reset the date of the municipal liquor election. In resetting the election, the governing body shall give at least twenty (20) days' public notice of the same prior to the opening of the registration books.

Sec. 9. In the event that a majority of the votes cast shall be for municipal liquor stores, the governing body of said municipality shall certify the results immediately to the State Board of Alcoholic Control and shall immediately create a municipal board of alcoholic control, to be composed of a chairman and two members who shall be well known for their character, ability, and business acumen. The members of the board shall be appointed by the governing body. At the time of the original appointments, one of said members shall be appointed for three years, one for two years, and one for one year, and as their terms expire their successors shall be appointed for terms of three years each. Vacancies shall be filled by the governing body for the unexpired term. The board shall be known as the "(name of city) Board of Alcoholic Control". The governing body of the municipality shall designate one of the members of the Board to serve as chairman, and the compensation of the chairman and all members of the Board shall be fixed by the governing body.

Sec. 10. Any board of alcoholic control created hereunder shall have all of the powers and duties imposed by G. S. 18-45 on county boards of alcoholic control, and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control, as provided in G. S. 18-39. Said municipal board of alcoholic control and the operation of any store authorized under the provisions of this Act shall be subject to and pursuant to the provi-
sions of Article 3 of Chapter 18 of the General Statutes of North Carolina, except to the extent which the said provisions may be in conflict with the provisions of this Act. Wherever the word "county" board of alcoholic control appears in said Article, it shall include the municipal board of alcoholic control as herein provided. Said municipal board of alcoholic control shall be authorized to employ legal counsel and such other employees as it may deem necessary and fix their compensation.

Sec. 11. Any special election called under the provisions of this Act shall be conducted under the same statutes, rules and regulations which apply to regular elections for municipal officers in such municipality, and the cost shall be paid from the general fund of said municipality.

Sec. 12. Out of the total receipts derived from the operation of any alcoholic beverage control store created hereunder, after payment of all costs and operating expenses and after retaining sufficient and proper working capital, the board of alcoholic control shall expend the sum of not less than five nor more than fifteen per cent for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. If any alcoholic beverage control store is created hereunder in the city of Eden, five percent (5%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Morehead Memorial Hospital, Eden, N. C. and five percent (5%) of the net profits shall be paid to the board of trustees of the Rockingham County Public Library; if any alcoholic beverage control store is established in the town of Madison, two and one-half percent (2 1/2%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Morehead Memorial Hospital, Eden, N. C. and five percent (5%) of the net profits shall be paid to the board of trustees of the Rockingham County Public Library; if any alcoholic beverage control store is established in the town of Mayodan, two and one-half percent (2 1/2%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Rockingham County Public Library; if any alcoholic beverage control store is established in the town of Stoneville, two and one-half percent (2 1/2%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Morehead Memorial Hospital, Eden, N. C. and five percent (5%) of the net profits shall be paid to the board of trustees of the Rockingham County Public Library. The Board shall employ one or more law enforcement officers, to be appointed by and directly responsible to said board. Such law enforcement officer or officers shall have county-wide jurisdiction and shall have the same powers and authority as provided in G. S. 18-45 (15). The remaining proceeds shall be paid out and distributed as follows:

(a) Fifty per cent (50%) to the general fund of the municipality, to be expended for any public purpose of the municipality.

(b) Fifty per cent (50%) to the general fund of the county in which said municipality is located, to be expended for any public purpose of the county.
CHAPTER 832  SESSION LAWS—1969

Sec. 13. If, after the establishment of a liquor store or stores in a municipality under the provisions of this Act, a county election is called pursuant to G. S. 18-61 and a majority of the votes cast at such election shall be for county liquor stores, then within six months following establishment of and opening of any county liquor control stores, the municipal control board shall close the municipal stores and shall thereafter cease to operate the same. During the six months period, the municipal control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of the municipal control board and convert the same into money and shall, after making a true and faithful accounting, turn all money in its hands over to the general fund of the municipality. Subsequent to the closing of the said municipal stores, as herein provided, the municipality shall be entitled to a share of the net profits of the county liquor stores, which share shall be the same percentage of total net profits of the county stores as the population of the municipality is of the total population of the county.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 515  CHAPTER 833

AN ACT TO AMEND CHAPTER 75 OF THE GENERAL STATUTES TO PROVIDE CIVIL REMEDIES AGAINST UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN TRADE OR COMMERCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. Chapter 75, as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended as follows:

(a) By changing the chapter title from "Monopolies and Trusts" to "Monopolies, Trusts and Consumer Protection."

(b) By adding a new section thereto immediately following G. S. 75-1, to be designated as G. S. 75-1.1 and to read as follows:

"G. S. 75-1.1. Methods of competition, acts and practices regulated; legislative policy: (a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful. (b) The purpose of this Section is to declare, and to provide civil legal means to maintain, ethical standards of dealings between persons engaged in business, and between persons engaged in business and the consuming public within this State, to the end that good faith and fair dealings between buyers and sellers at all levels of commerce be had in this State. (c) Nothing in this Section shall apply to acts done by the publisher, owner, agent, or employee of a newspaper, periodical or radio or television station, or other advertising medium in the publication or dissemination of an advertisement, when the owner, agent or employee did not have knowledge of the false, misleading or deceptive character of the advertisement and when the newspaper, periodical or radio or television station, or other advertising medium did not have a direct financial interest in the sale or distribution of the advertised product or service. (d) Any party claiming to be exempt from the provisions of this Section shall have the burden of proof with respect to such claim."
(c) By inserting the words ", with the exception of G. S. 75-1.1 (the violation of which does not constitute a crime)," between the word "chapter" and the word "shall" on line 6 of G. S. 75-6.

(d) By inserting the words ", with the exception of G. S. 75-1.1 (the violation of which does not constitute a crime)," between the word "chapter" on line 4 and the word "shall" on line 4 in G. S. 75-7.

(e) By inserting the words "or persons" between the word "corporations" on line 3 and the word "doing" on line 3 in G. S. 75-9, and by inserting the words "or persons" between the word "corporations" on line 6 and the word "in" on line 7 in G. S. 75-9.

(f) By inserting the words "or business" between the word "corporation" and the word "and" on line 3 in G. S. 75-10.

(g) By inserting the words "or businesses" between the word "corporations" and the word "to" on line 5 in G. S. 75-10.

(h) By inserting the words "or businesses," between the word "corporations" and the word "or" on line 6 in G. S. 75-10.

(i) By rewriting G. S. 75-11 to read as follows: "G. S. 75-11. Person examined exempt from prosecution. No natural person examined, as provided in G. S. 75-10, shall be subject to indictment, criminal prosecution, criminal punishment or criminal penalty by reason of or on account of anything disclosed by him upon examination, and full immunity from criminal prosecution and criminal punishment by reason of or on account of anything so disclosed is hereby extended to all natural persons so examined. The immunity herein granted shall not apply to civil actions instituted pursuant to this Chapter."

(j) By inserting the words "or person" between the word "corporation" and the word "unlawfully" on lines 1 and 2 of G. S. 75-12 and between the word "corporation" and the word "shall" on line 5 thereof and between the word "corporation" and the word "shall" on line 9 thereof.

(k) By adding in G. S. 75-14 the words ", including (but not limited to) permanent or temporary injunctions and temporary restraining orders," immediately following the words "mandatory order" in line 3 thereof.

(l) By deleting the words "If the business" at the beginning of G. S. 75-16 and inserting in lieu thereof the words "If any person shall be injured or the business".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

S. B. 601

CHAPTER 834

AN ACT TO AMEND G. S. 160-382, TO FIX THE PERIOD OF USEFULNESS OF CABLE TELEVISION SYSTEMS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of Section 160-382 of Article 28 of Chapter 160 of the General Statutes, the same being a part of The Municipal Finance Act, 1921, is hereby amended by adding thereto a new subdivision numbered "(22)" to read as follows:

931
CHAPTER 834

"(23) Cable television systems, thirty years."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

S. B. 648

CHAPTER 835

AN ACT TO EXTEND THE JURISDICTION OF THE CHIEF OF POLICE AND MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF GASTONIA TO INCLUDE ALL THE TERRITORY SITUATED WITHIN FIVE MILES OF THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the Chief of Police and each and every member of the Police Department of the City of Gastonia and of the City of Kings Mountain are hereby given the same jurisdiction and power in all territory situated within five miles of their respective corporate limits as are now exercised by police officers within the corporate limits of said municipality.

Sec. 2. In the event of land lying outside the corporate limits of either city and lying within another municipality, the jurisdiction of the Chief of Police and members of the Police Department of that city shall terminate at the corporate limits of such other municipality unless such other municipality, by action of its governing body, permits the Chief of Police and members of the Police Department of the City to exercise the power vested in them under this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. B. 640

CHAPTER 836

AN ACT TO AMEND CHAPTER 371, SESSION LAWS OF 1967, RELATING TO COMPENSATION OF CERTAIN OFFICIALS OF MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 371, Session Laws of 1967, is hereby amended by deleting from lines 4 and 5 the words and figures "four thousand six hundred dollars ($4,600.00) nor more than six thousand one hundred dollars ($6,100.00)" and inserting in lieu thereof the words and figures "seven thousand five hundred dollars ($7,500.00)".

Sec. 2. Section 5 of Chapter 371, Session Laws of 1967, is hereby amended by deleting from lines 3, 4, and 5 the words and figures "five thousand dollars ($5,000.00) nor more than eight thousand two hundred dollars ($8,200.00)" and inserting in lieu thereof the words and figures "six thousand dollars ($6,000.00)".

Sec. 3. Section 6 of Chapter 371, Session Laws of 1967, is hereby amended by rewriting the first sentence of the fourth paragraph thereof to read as follows:
"The chief deputy sheriff shall receive an annual salary of not less than four thousand two hundred dollars ($4,200.00)."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 358, Session Laws of 1969.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 13th day of June, 1969.

H. B. 1113

CHAPTER 837

AN ACT TO AMEND G. S. 134-22 TO CHANGE THE NAME OF THE STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS TO SAMARKAND MANOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 134-22 is hereby amended by striking out from the second line thereof the words "the State Home and Industrial School for Girls" and substituting the words "Samarkand Manor".

Sec. 2. G. S. 134-33(1) is hereby amended by striking out the words "the State Home and Industrial School for Girls and Women" and substituting in lieu thereof the words "Samarkand Manor".

Sec. 3. G. S. 134-34 is hereby amended by striking out from the third line thereof the words "State Home and Industrial School for Girls" and substituting in lieu thereof the words "Samarkand Manor".

Sec. 4. Wherever else in the General Statutes the words "State Home and Industrial School for Girls" may appear, the same shall be stricken out and the words "Samarkand Manor" inserted in lieu thereof.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 85

CHAPTER 838

AN ACT TO AMEND THE MOTOR VEHICLES LAW WITH REGARD TO NOTATION OF SECURITY INTERESTS ON TITLES SO AS TO CONFORM TO THE UNIFORM COMMERCIAL CODE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is hereby amended to conform to the Uniform Commercial Code by rewriting G. S. 20-58 through G. S. 20-58.8 to read as follows:

"Sec. 20-58. Perfection by indication of security interest on certificate of title. (a) Except as provided in G. S. 20-58.8, a security interest in a vehicle of a type for which a certificate of title is required shall be perfected only as hereinafter provided.

"(1) If the vehicle is not registered in this State, the application for notation of a security interest shall be the application for certificate of title provided for in G. S. 20-52.

"(2) If the vehicle is registered in this State, the application for notation of a security interest shall be in the form prescribed by the Department, signed by the
debtor, and containing the amount, date and nature of the security agreement, and
the name and address of the secured party from whom information concerning the
security interest may be obtained. The application must be accompanied by the
existing certificate of title unless it is in the possession of a prior secured party.
If there is an existing certificate of title issued by this or any other jurisdiction
in the possession of a prior secured party, the application for notation of the security
interest shall in addition, contain the name and address of such prior secured party.

"(3) If the application for notation of security interest is made in order to continue
the perfection of a security interest perfected in another jurisdiction, it may be
signed by the secured party instead of the debtor. Such application shall be accompa-
nied by documentary evidence of a perfected security interest. No such application
shall be valid unless an application for a certificate of title has been made in North
Carolina.

"Sec. 20-58.1. Duty of the Department upon receipt of application for notation
of security interest. (a) Upon receipt of an application for notation of security inter-
est, the required fee and accompanying documents required by G. S. 20-58, the
Department, if it finds the application and accompanying documents in order, shall
either endorse upon the certificate of title or issue a new certificate of title contain-
ing, the name and address of each secured party, the amount of each security inter-
est, and the date of perfection of each security interest as determined by the Depart-
ment. The Department shall deliver or mail the certificate to the first secured party
named in it and shall also notify the new secured party that his security interest
has been noted upon the certificate of title.

"(b) If the certificate of title is in the possession of some prior secured party,
the Department, when satisfied that the application is in order, shall procure the
certificate of title from the secured party in whose possession it is being held, for
the sole purpose of noting the new security interest. Upon request of the Depart-
ment, a secured party in possession of a certificate of title shall forthwith deliver
or mail the certificate of title to the Department. Such delivery of the certificate
does not affect the rights of any secured party under his security agreement.

"Sec. 20-58.2. Date of perfection. If the application for notation of security inter-
est with the required fee is delivered to the Department within ten (10) days after
the date of the security agreement, the security interest is perfected as of that date.
Otherwise, the security interest is perfected as of the date of delivery of the applica-
tion to the Department.

"Sec. 20-58.3. Notation of assignment of security interest on certificate of title.
An assignee of a security interest may have the certificate of title endorsed or issued
with the assignee named as the secured party, upon delivering to the Department
on a form prescribed by the Department, with the required fee, an assignment by
the secured party named in the certificate together with the certificate of title. The
assignment must contain the address of the assignee from which information con-
cerning the security interest may be obtained. If the certificate of title is in the
possession of some other secured party the procedure prescribed by G. S. 20-58.1(b)
shall be followed.

"Sec. 20-58.4. Release of security interest. (a) Upon the satisfaction or other dis-
charge of a security interest in a vehicle for which the certificate of title is in the
possession of the secured party, the secured party shall within ten (10) days after
demand and, in any event, within thirty (30) days, execute a release of his security
interest, in the space provided therefor on the certificate or as the Department
prescribes, and mail or deliver the certificate and release to the next secured party
named therein, or if none, to the owner or other person authorized to receive the
certificate for the owner.

"(b) Upon the satisfaction or other discharge of a security interest in a vehicle
for which the certificate of title is in the possession of a prior secured party, the
secured party whose security interest is satisfied shall within ten (10) days execute
a release of his security interest in such form as the Department prescribes and
mail or deliver the same to the owner or other person authorized to receive the
same for the owner.

"(c) An owner, upon securing the release of any security interest in a vehicle
shown upon the certificate of title issued therefor, may exhibit the documents evi-
dencing such release, signed by the person or persons making such release, and
the certificate of title to the Department which shall, when satisfied as to the genu-
ineness and regularity of the release, issue to the owner either a new certificate
of title in proper form or an endorsement or rider attached thereto showing the
release of the security interest.

"(d) If an owner exhibits documents evidencing the release of a security interest
as provided in subsection (c) of this Section but is unable to furnish the certificate
of title to the Department because it is in possession of a prior secured party, the
Department, when satisfied as to the genuineness and regularity of the release,
shall procure the certificate of title from the person in possession thereof for the
sole purpose of noting thereon the release of the subsequent security interest, follow-
ing which the Department shall return the certificate of title to the person from
whom it was obtained and notify the owner that the release has been noted on
the certificate of title.

"(e) If it is impossible for the owner to secure from the secured party the release
contemplated by this Section, the owner may exhibit to the Department such evi-
dence as may be available showing satisfaction or other discharge of the debt
secured, together with a sworn affidavit by the owner that the debt has been satis-
fied, which the Department may treat as a proper release for purposes of this
Section when satisfied as to the genuineness, truth and sufficiency thereof. Prior
to cancellation of a security interest under the provisions of this subsection, at least
fifteen (15) days' notice of the pendency thereof shall be given to the secured party
at his last known address by the Department by registered letter.

"Sec. 20-58.5. Duration of security interests in favor of firms which cease to do
business. Any security interest recorded in favor of a firm or corporation which,
since the recording of such security interest, has dissolved, ceased to do business,
or gone out of business for any reason, and which remains of record as a security
interest of such firm or corporation for a period of more than three years from
the date of the recording thereof, shall become null and void and of no further
force and effect.

"Sec. 20-58.6. Duty of secured party to disclose information. A secured party
named in a certificate of title shall, upon written request of the Department, the
owner or another secured party named on the certificate, disclose information as
to his security agreement and the indebtedness secured by it.
"Sec. 20-58.7. Cancellation of certificate. The cancellation of a certificate of title shall not, in and of itself, affect the validity of a security interest noted on it.


"(b) The provisions of G. S. 20-58 through 20-58.8 inclusive shall not apply to or affect:

"(1) A lien given by statute or rule of law for storage of a motor vehicle or to a supplier of services or materials for a vehicle;

"(2) A lien arising by virtue of a statute in favor of the United States, this State or any political subdivision of this State; or

"(3) A security interest in a vehicle created by a manufacturer or by a dealer in new or used vehicles who holds the vehicle in his inventory. Such security interests shall be perfected by filing a financing statement under Article 9 of the Uniform Commercial Code.

"(c) When the term 'lien' is used in other sections of this Chapter, or has been used prior to October 1, 1969, with reference to transactions governed by G. S. 20-58 through 20-58.8, to describe contractual agreements creating security interests in personal property, the term 'lien' shall be construed to refer to a 'security interest' as the term is used in G. S. 20-58 through 20-58.8 and the Uniform Commercial Code."

Sec. 2. This Act shall not be construed so as to invalidate any security interest in a motor vehicle properly perfected in North Carolina prior to the effective date of this Act.

Sec. 3. G. S. 20-58.9 is hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on October 1, 1969.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 466

CHAPTER 839

AN ACT TO AMEND G. S. 55-132 SO AS TO PERMIT FOREIGN CORPORATIONS FROM THE STATES OF GEORGIA, SOUTH CAROLINA, TENNESSEE AND VIRGINIA TO ACT AS TESTAMENTARY TRUSTEES, ADMINISTRATORS OR EXECUTORS IN NORTH CAROLINA ON A RECIPROCAL BASIS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (b) of G. S. 55-132 is amended by changing the period at the end of said paragraph to comma, and adding thereto the following:

", except that a foreign corporation chartered under the banking laws of Georgia, South Carolina, Tennessee or Virginia or as a National Banking Association in any said States may act as testamentary trustee, or executor in this State if:

"(1) It has a bona fide capital of at least two hundred and fifty thousand dollars ($250,000.00) actually paid in;

"(2) It is authorized to act in such fiduciary capacity in the State in which it is incorporated or if such foreign corporation be a national banking association in the state in which it has its principal place of business; and
"(3) Any bank or other corporation organized under the laws of this State or a national banking association having its principal place of business in this State is permitted by law to act in such fiduciary capacity in the State in which such foreign corporation seeking to act in this State is organized or in which it has its principal place of business if it is a national banking association without further showing or qualification other than that it is authorized to act in such fiduciary capacity in this State and upon compliance with the laws of such other state, if any, concerning service of process on nonresident fiduciaries. Unless assets of the estate are to be removed from within the State of North Carolina, such foreign corporations seeking to act as testamentary trustee, or executor in this State, upon qualifying to act in such fiduciary capacity, shall not be required by law to give bond except as required of a resident corporate fiduciary in like circumstances. No officer, employee or agent of any such foreign corporation shall be eligible or entitled to serve as testamentary trustee, or executor in this State whether such officer, employee, or agent is a resident or a nonresident of this State if such officer, employee, or agent is acting as testamentary trustee, or executor on behalf of any such foreign corporation except when such foreign corporation itself shall be eligible to so serve."

Sec. 2. A foreign corporation qualifying as testamentary trustee or executor under the provisions of this Act shall appoint a process agent in the same manner as now provided under General Statute 28-186 in the case of nonresident executors.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 472

CHAPTER 840

AN ACT CREATING A TOBACCO MUSEUM AND ESTABLISHING A BOARD TO ESTABLISH AND OPERATE THE MUSEUM.

The General Assembly of North Carolina do enact:

WHEREAS, tobacco is the most important crop, economically, grown in this State; and

WHEREAS, Rockingham, Nash and Edgecombe Counties have long been leaders in and important to the tobacco industry in this State; Now, therefore.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Tobacco Museum Board, an agency of the State, composed of eighteen (18) members. The Director of the Department of Conservation and Development and the Director of the Department of Archives and History shall be ex officio members of the Board. The initial members of the Board shall be appointed by and serve for terms as follows: Three members shall be selected by the Rockingham County Historical Society, two of whom shall serve for terms of two years, and one of whom shall serve for the term of one year. Three members shall be selected by the Nash and Edgecombe County Historical Societies, two of whom shall serve for the term of one year and one of whom shall serve for the term of two years. Four members shall be appointed by the Lieutenant Governor, two of whom shall serve for terms of one year and two of whom shall serve for terms of two years. Four members shall be appointed by the Speaker of
the House of Representatives, two of whom shall serve for terms of one year and
two of whom shall serve for terms of two years. Two members shall be appointed
by the Governor, one of whom shall serve for one year and one of whom shall
serve for two years. After the terms of the initial members of the Board expire,
all members of the Board shall serve for terms of two years. Members of the Board
shall be eligible to serve for successive terms and shall serve without pay and with-
out expense allowance.

Sec. 2. The Board shall select its own Chairman and Vice Chairman who shall
serve for terms of one year. A quorum for any meeting of the Board shall be nine
members.

Sec. 3. It shall be the duty of the Board to establish, supervise, manage and
maintain the Tobacco Museums. The Board may establish a reasonable fee for view-
ing the Museums which fees shall be used to defray the expenses of the Museums.
To accomplish these purposes, the Board shall have authority to buy and sell real
and personal property and to accept donations of real or personal property from
any source. The Board shall not contract any debt in its purchase of real or personal
property.

Sec. 4. One of the Tobacco Museums shall be located within Rockingham County
at a site to be determined by the Board, and shall emphasize the history and develop-
ment of tobacco manufacturing. One of the Tobacco Museums shall be located in
Nash or Edgecombe Counties at a site to be determined by the Board and shall
emphasize the history and development of growing and marketing of tobacco.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of
June, 1969.

S. B. 608

CHAPTER 841

AN ACT TO AMEND CHAPTER 141 OF THE GENERAL STATUTES TO PRO-
VIDE FOR THE ESTABLISHMENT OF A LATERAL SEAWARD BOUNDARY
BETWEEN THIS STATE AND THE STATE OF VIRGINIA.

THAT, WHEREAS, it is in the best interest of the State of North Carolina that
the lateral seaward boundaries of the State be fixed and determined; and

WHEREAS, the State of Virginia desires that a lateral seaward boundary
between the two States be so established; and

WHEREAS, the seaward limit of North Carolina shall be and remain as it now
is or as it may hereafter be fixed by the Congress of the United States; and

WHEREAS, such boundary is to be considered to extend beyond the seaward
limit of the sovereign jurisdiction of this State should any need for further delimita-
tion arise;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. That Chapter 141 of the General Statutes be and is hereby amended
by adding thereto a new Section to be designated as G. S. 141-8 to read as follows:

"The northern lateral seaward boundary of this State shall be an extension of
the present North Carolina-Virginia boundary beginning at its intersection with
the low water mark of the Atlantic Ocean thence due east to the seaward limit of North Carolina as now or hereafter fixed by the Congress of the United States; such boundary to be extended on the same true 90 degree bearing as far as a need for further delimitation may arise; provided, however, that this Act shall stand repealed should the Congress of the United States not ratify, confirm, adopt or otherwise consent to the effect of the same by November 1, 1970.

"Provided further, that this Act shall stand repealed should the State of Virginia not ratify, confirm, adopt or otherwise consent to the effect of the Act establishing the lateral seaward boundary between the States of North Carolina and Virginia."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 609

CHAPTER 842

AN ACT TO AMEND CHAPTER 141 OF THE GENERAL STATUTES TO PROVIDE FOR THE ESTABLISHMENT OF A LATERAL SEAWARD BOUNDARY BETWEEN THIS STATE AND THE STATE OF SOUTH CAROLINA.

THAT, WHEREAS, it is in the best interest of the State of North Carolina that the lateral seaward boundaries of the State be fixed and determined; and

WHEREAS, the State of South Carolina desires that a lateral seaward boundary between the two States be so established; and

WHEREAS, the seaward limit of North Carolina shall be and remain as it now is or as it may hereafter be fixed by the Congress of the United States; and

WHEREAS, such boundary is to be considered to extend beyond the seaward limit of the sovereign jurisdiction of this State should any need for further delimitation arise;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. That Chapter 141 of the General Statutes be and is hereby amended by adding thereto a new Section to be designated as G. S. 141-7 to read as follows:

"The southern lateral seaward boundary of this State shall be an extension of the present North Carolina-South Carolina boundary seaward in a straight line projection to a control point of latitude 33 degrees 47 minutes North; thence due East to the seaward limit of North Carolina as now or hereafter fixed by the Congress of the United States; such boundary to be extended on the same true 90 degree bearing as far as a need for further delimitation may arise; provided, however, that this Act shall stand repealed should the Congress of the United States not ratify, confirm, adopt or otherwise consent to the effect of the same by November 1, 1970.

"Provided further, that this Act shall stand repealed should the State of South Carolina not ratify, confirm, adopt or otherwise consent to the effect of the Act establishing the lateral seaward boundary between the States of North Carolina and South Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
CHAPTER 842  

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 642  

CHAPTER 843  

AN ACT TO PROVIDE FOR THE LICENSING OF NURSING HOME ADMINISTRATORS; TO CREATE THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS; TO PRESCRIBE ITS MEMBERSHIP, POWERS, DUTIES AND FUNCTIONS; TO PROVIDE REQUIREMENTS FOR LICENSURE AS A NURSING HOME ADMINISTRATOR; AND TO PROVIDE FOR LICENSE FEES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90 of the General Statutes is amended by adding a new Article 20 as follows:

"Article 20  
Nursing Home Administrator Act  
Section 90-275. Title. This Act shall be known and may be cited as the "Nursing Home Administrator Act."  
Section 90-276. Definitions. For the purposes of this Act, and as used herein:

(a) The term "Board" means the North Carolina State Board of Examiners for Nursing Home Administrators hereinafter created.

(b) The term "Nursing Home Administrator" means a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether such individual has an ownership interest in such home, and whether his functions and duties are shared with one or more individuals.

(c) The term "Nursing Home" means any institution or facility defined as such for licensing purposes under Section 9(c) of Chapter 130 of the General Statutes, whether proprietary or non-profit, including but not limited to, nursing homes owned or administered by the federal or state government or any agency or political subdivision thereof, and nursing homes operated in combination with a home for the aged or any other facility. Provided, this Act shall not apply to any institution conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of such church or denomination and exempt from licensing, and, notwithstanding any other provision of this Act, no license and registration or provisional license shall be required of any individual responsible for planning, organizing, directing, controlling and administering such institution.

Section 90-277. Composition of Board. There is hereby created the State Board of Examiners for Nursing Home Administrators which shall consist of six members. The State Health Director or his designee shall be an ex officio member who shall serve as secretary for the Board and have no vote. The Governor shall appoint two members from a list of active administrators of nursing homes certified as such by the State Health Director; one member from a list of active administrators of Non-Profit Nursing Homes certified as such by the State Health Director; one member who is a practicing licensed physician; and one member who is professionally involved in health care training or administration. On the effective date of this
Act, three members shall be appointed by the Governor for terms of three years, two members shall be appointed for two years, and thereafter all terms shall be three years, but no member shall serve more than two consecutive full terms.

Any vacancy occurring in the position of an appointive member shall be filled by the Governor for the unexpired term in the same manner as for new appointments. Appointive members may be removed by the Governor for cause after due notice and hearing. The three nursing home administrators initially appointed to the Board shall be deemed to be and shall become licensed Nursing Home Administrators immediately upon their appointment and qualification as members of the Board.

Section 90-278. Qualifications for Licensure. The Board shall have authority to issue licenses to qualified persons as Nursing Home Administrators, and shall establish qualification criteria for such Nursing Home Administrators.

(a) A license as a Nursing Home Administrator shall be issued to any person upon the Board's determination that:

1. he is at least 21 years of age, of good moral character and of sound physical and mental health; and

2. he has satisfactorily completed a course in instruction and training prescribed by the Board, which course shall be so designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by nursing homes, the laws governing the operation of nursing homes and the protection of the interests of patients therein, and the elements of good nursing home administration; or have presented evidence satisfactory to the Board of sufficient education, training or experience in the foregoing fields to administer, supervise and manage a nursing home; and

3. he has passed an examination administered by the Board and designed to test for competence in the subject matters referred to in subsection (2) hereof.

(b) A provisional license shall be issued to any person upon the Board's determination that he has met the requirements in Subsection (a)(1) hereof and is certified by the State Health Director as having served as administrator of a licensed nursing home for a period of one (1) year immediately preceding the effective date of this Article. All such provisional licenses shall terminate two years after issuance or June 30, 1972, whichever is earlier, and none shall be issued by the Board thereafter.

(c) A temporary license may be issued under requirements and conditions prescribed by the Board to any person to act or serve as administrator of a nursing home without meeting the requirements for full licensure, but only when there are unusual circumstances preventing compliance with the procedures for licensing elsewhere provided by this Act. The temporary license shall be issued by the secretary only for the period prior to the next meeting of the Board, at which time the Board may renew such temporary license for a further period only up to one year.

Section 90-279. Licensing Function. The Board shall license nursing home administrators in accordance with rules and regulations issued and from time to time revised by it. A nursing home administrator's license shall not be transferable and shall be valid until expiration or until suspended or revoked for violation of this Act or of the standards established by the Board pursuant to this Act. Denial of issuance or renewal, suspension or revocation by the Board shall be subject to the provisions of Chapter 150 of the General Statutes entitled "Uniform Revocation of Licenses."
Section 90-280. License Fees; Display of License. Each person licensed as a Nursing Home Administrator shall be required to pay a license fee in an amount to be fixed by the Board, which fee shall not exceed one hundred dollars ($100.00). A license shall expire on the 30th day of September of the second year following its issuance, and shall be renewable biennially upon payment of a renewal fee, fixed by the Board not to exceed one hundred dollars ($100.00). Each person licensed as a Nursing Home Administrator shall be required to display his license certificate in a conspicuous place in his place of employment.

Section 90-281. Collection of Funds. All fees and other moneys collected and received by the Board shall be handled as provided by law and as prescribed by the State Treasurer. Such funds shall be used and expended by the Board to pay the compensation and travel expenses of members and employees of the Board and other expenses necessary for the Board to administer and carry out the provisions of this Article. The financial records of the Board shall be subjected to an annual audit, supervised by the State Auditor, and paid for out of the funds of the Board.

Section 90-282. Advisory Council. The Board may create an advisory council to make recommendations and to supply information to the Board pertaining to the administration and enforcement of this Act, but the advisory council shall have no executive, administrative, or appointive powers or duties.

Section 90-283. Organization of Board; Compensation; Employees and Services. The Board shall elect from its membership a chairman and vice-chairman, and shall adopt rules and regulations to govern its proceedings. Board members shall be entitled to receive only such compensation and reimbursement as is prescribed by Chapter 138 of the General Statutes for State Boards generally. At any meeting a majority of the voting members shall constitute a quorum. The Board may, in accordance with the State Personnel Act, employ any necessary personnel to assist it in the performance of its duties and may contract for such services as may be necessary to carry out the provisions of this Article.

Section 90-284. Exclusive Jurisdiction of Board. The Board shall have exclusive authority to determine the qualifications, skill and fitness of any person to serve as an Administrator of a Nursing Home under the provisions of this Act, and the holder of a license under the provisions of this Act shall be deemed qualified to serve as the Administrator of a Nursing Home for all purposes.

Section 90-285. Functions and Duties of the Board. The Board shall meet at least once annually in Raleigh or any other location designated by the chairman and shall have the following functions and duties:

(a) Develop, impose and enforce rules and regulations setting out standards which must be met by individuals in order to receive and hold a license as a Nursing Home Administrator, which standards shall be designed to insure that Nursing Home Administrators shall be individuals who are of good character and who are otherwise suitable, by training or experience in the field of institutional administration, to serve as nursing home administrators.

(b) Develop and apply appropriate methods and procedures, including examination and investigations, for determining whether individuals meet such standards, and administer an examination at least twice each year at such times and places as the Board shall designate.

(c) Issue licenses to qualified individuals; and for cause, after due notice and hearing, revoke, suspend, or deny renewal of licenses previously issued by the Board.
in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards.

(d) Establish and implement procedures designed to insure that individuals licensed as Nursing Home Administrators will, during any period that they serve as such, comply with the requirements of such standards.

(e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any individual licensed as a Nursing Home Administrator has failed to comply with the requirements of such standards.

(f) Conduct a continuing study and investigation of nursing homes and Nursing Home Administrators within the state in order to make improvements in the standards imposed for the licensing of Administrators and of procedures and methods for the enforcement of such standards, and to raise the quality of nursing home administration in such other ways as may be effective.

(g) Conduct, or cause to be conducted by contract or otherwise, one or more courses of instruction and training sufficient to meet the requirements of this Article, and make provisions for the conduct of such courses and their accessibility to residents of this state, unless it finds that there are sufficient courses conducted by others within this state. In lieu thereof the Board may approve courses conducted within and without this state as sufficient to meet the education and training requirements of this Article.

(h) Make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the State to meet the requirements set forth in Section 1908 of the Social Security Act, the Federal rules and regulations promulgated thereunder, and other pertinent Federal authority.

(i) Receive and disburse any funds appropriated or given to the Board, including any Federal funds, to carry out the purposes of this Act.

(j) Maintain a register of all applications for licensing and registration of nursing home administrators, which register shall show: The place or residence, name and age of each applicant; the name and address of employer or business connection of each applicant; the date of application; information of educational and experience qualifications; the action taken by the Board and the dates; the serial number of the license issued to the applicant; and such other pertinent information as may be deemed necessary.

Section 90-286. Renewal of License. Every holder of a Nursing Home Administrators license shall renew it biennially, by making application to the Board. Renewals of licenses shall be granted as a matter of course, unless the Board finds that the applicant has acted or failed to act in such a manner, or under circumstances, as would constitute grounds for suspension, revocation, or denial of renewal of a license, as provided by this Act and the rules and regulations issued pursuant to this Act.

Section 90-287. Reciprocity with Other States. The Board may issue a nursing home administrators license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction, provided that the Board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this State, and that the applicant is otherwise qualified.
Section 90-288. Misdemeanor. It shall be unlawful and constitute a misdemeanor or punishable upon conviction by a fine or imprisonment in the discretion of the court, (a) for any person to act or serve in the capacity as, or hold himself out to be, a Nursing Home Administrator, or use any title, sign, or other indication that he is a Nursing Home Administrator, unless he is the holder of a valid license as a Nursing Home Administrator, issued in accordance with the provisions of this Article, and (b) for any person to violate any of the provisions of this Article or any rules and regulations issued pursuant thereto.

Sec. 2. G.S. 150-9, as it appears in the 1967 Cumulative Supplement Volume 3C, is amended by adding the words and punctuation, "the North Carolina State Board of Examiners for Nursing Home Administrators" following the comma and preceding the word "and" in the next to last line thereof.

Sec. 3. If any section or provision of this Act shall be declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality and validity of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of this Act are declared to be severable.

Sec. 4. All laws and clauses of laws in conflict with any of the provisions of this Act are hereby repealed.

Sec. 5. This Article shall take effect on July 1, 1969, but no licenses shall be required or issued prior to October 1, 1969.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 751

CHAPTER 844

AN ACT TO PROVIDE FOR A BLANKET BOND FOR STATE OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 134-99 is hereby amended by adding a second sentence as follows:

"The bonds herein provided for shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 2. G.S. 134-72 is hereby amended by adding a second sentence as follows:

"The bonds herein provided for shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 3. Line 10 of G.S. 90-159(e) is hereby amended by inserting after "payable to the Board." the following sentence:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 4. G.S. 88-14 is hereby amended by inserting in line 23 after "of such office." the following sentence:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 5. G.S. 143-246 is hereby amended by inserting in line 20 after "duties of office." the following sentence:
"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 6. G.S. 53-92 is hereby amended by inserting at the end of the first paragraph the following sentence:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 7. G.S. 58-7 is hereby amended by adding at the end the following:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 8. G.S. 74A-2(c) is hereby amended by repealing the second sentence and proviso and by inserting in lieu thereof the following:

"Such bonds shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 9. G.S. 106-434 is hereby amended by inserting at the end a sentence as follows:

"Such bonds shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 10. G.S. 130-192 is hereby amended by adding at the end of the first paragraph the following:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 11. G.S. 136-4.1 is hereby amended by adding at the end the following:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 12. G.S. 143-3.2 is hereby amended by adding at the end the following:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 13. G.S. 147-57 is hereby amended by adding at the end the following:

"Such bond shall be made as part of the blanket bond of State officers and employees provided for in G.S. 128-8."

Sec. 14. It is the intent and purpose of this Act that all officers and employees of State departments, institutions and agencies be covered by the blanket bond provided for in G.S. 128-8.

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 16. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 765

CHAPTER 845

AN ACT TO REMOVE THE LIMITATION ON THE AMOUNT OF GROUP INSURANCE COVERAGE WHICH MUNICIPALITIES MAY PROVIDE FOR THEIR EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-200(25) is hereby amended by rewriting the second sentence thereof to read as follows:
CHAPTER 845  SESSION LAWS—1969

"To purchase, with or without employee participation in payment of premiums, health, accident, disability and life group insurance for the benefit of city employees."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective upon its ratification.
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 728  CHAPTER 846
AN ACT TO AMEND G. S. 153-266.3 RELATING TO SUB-DIVISION REGULATIONS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-266.3 is hereby amended by adding at the end thereof the following paragraph:
"Such ordinance may provide for the more orderly development of sub-divisions within the county or portions thereof where sewer or water can be made available by requiring the construction of community service facilities in accordance with county policies and standards and, to assure compliance with such requirements, the ordinance may provide for the posting of bond or such other method as shall offer guarantee of compliance."
Sec. 2. This Act shall apply to Guilford County only.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 899  CHAPTER 847
AN ACT TO AMEND G.S. 135-27 RELATING TO RETIREMENT BENEFITS OF CERTAIN EMPLOYEES OF THE NORTH CAROLINA STATE FIREMEN'S ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. G.S. 135-27, as the same appears in the 1967 Supplement to the 1964 Replacement Volume 3B of the General Statutes, is hereby amended by inserting the words "North Carolina State Firemen's Association," immediately following the words "State Employees' Association," in line four thereof.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1099  CHAPTER 848
AN ACT TO AMEND G. S. 47A-3 TO REDEFINE A "UNIT" OR "CONDOMINIUM UNIT" AND DEFINE "BUILDING".

The General Assembly of North Carolina do enact:

Section 1. G. S. 47A-3 (12), as the same appears in 1966 Replacement Volume 2A of the North Carolina General Statutes, is amended to read as follows:
"(12) 'Unit' or 'condominium unit' means an enclosed space consisting of one or more rooms occupying all or a part of a floor or floors in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use and shall include such accessory spaces and areas as may be described in the declaration, such as garage space, storage space, balcony, terrace or patio, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare."

Sec. 2. G. S. 47A-3, as the same appears in 1966 Replacement Volume 2A of the North Carolina General Statutes, is amended by adding thereto subsection (15), as follows:

"(15) 'Building' means a building, or a group of buildings, each building containing two (2) or more units, and comprising a part of the Property."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1103

CHAPTER 849

AN ACT AMENDING G. S. 106-189, RELATING TO THE LABELING REQUIREMENTS FOR THE SALE OF FARM PRODUCTS, SO AS TO PROVIDE THAT UNGRADED PEACHES NEED NOT BE SO LABELED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-189 is amended by inserting a sentence after the sentence ending in line 9 thereof as follows: "This proviso shall not apply to peaches."

Sec. 2. It is the intent and purpose of this Act to exempt peaches from the requirements of Article 17 of Chapter 106 that ungraded peaches, when sold or offered for sale, shall be marked "ungraded", "field run", "not graded", "grade not determined" or "unclassified", or words of similar import.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1152

CHAPTER 850

AN ACT AMENDING CHAPTER 162A OF THE GENERAL STATUTES, THE SAME BEING THE NORTH CAROLINA WATER AND SEWER AUTHORITIES ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 162A of the General Statutes, the same being the North Carolina Water and Sewer Authorities Act, is hereby amended as follows:

(a) G.S. 162A-2 is hereby amended by adding thereto the following subsection:

"(8a) The word 'revenues' shall mean all moneys received by an authority from or in connection with any sewer system or water system including, without limitation, any moneys received as interest"

(b) G.S. 162A-4 is hereby amended by rewriting the first paragraph thereof to read as follows:
"A certified copy of each such resolution signifying the desire of a political subdivision to withdraw from or to join an existing authority, together with proof of publication of the notice of hearing on each such resolution and, in cases where such resolution provides for the political subdivision joining the authority, certified copies of the resolution of the governing bodies creating the authority consenting to such joining shall be filed with the Secretary of State of North Carolina."

(c) G.S. 162A-5 is hereby amended by rewriting the first paragraph thereof to read as follows:

"162A-5. Members of authority; organization; quorum.

"Each authority organized under this chapter shall consist of the number of members as may be agreed upon by the participating political subdivision, such members to be selected by the respective political subdivision. A proportionate number (as nearly as can be) of members of the authority first appointed shall have terms expiring two years, four years and six years respectively from the date on which the creation of the authority becomes effective. Successor members and members appointed by a political subdivision subsequently joining the authority shall each be appointed for a term of six years, but any person appointed to fill the vacancy shall be appointed to serve only for the unexpired term and any member may be reappointed. Appointments of successor members shall, in each instance, be made by the governing body of the political subdivision appointing the member whose successor is to be appointed. Any member of the authority may be removed, with or without cause, by the governing body appointing said member.

(d) G.S. 162A-6 is hereby amended by adding thereto the following subsection:

"(12a) To receive and accept from any federal, state or other public agency and any private agency, person or other entity, donations, loans, grants, aid or contributions of any money, property, labor or other things of value for any sewer system or water system, and to agree to apply and use the same in accordance with the terms and conditions under which the same are provided."

(e) G.S. 162A-8 is hereby amended by striking out the words and figures: "five per centum (5%)" as it appears in two places in the first paragraph thereof, and substituting therefor the words and figures: "seven per centum (7%)," and by adding the following sentence at the end of said first paragraph:

"The limitation set forth above on the interest rate or rates which bonds issued hereunder shall bear shall not apply to any issue of bonds with respect to which any federal, State or other public agency shall have agreed to make annual interest grants to an authority, and in calculating the amount of interest required to be paid on the money received for such bonds within the limitation stated in the next preceding sentence the total of such annual interest grants shall be deducted from the total amount of interest on such bonds."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
H. B. 1174  

CHAPTER 851

AN ACT REWRITING G. S. 65-29 RELATING TO PERPETUAL CARE CEMETERIES, SO AS TO PERMIT THEIR SALE TO ESTABLISHED CHURCHES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 65-29 is rewritten in its entirety to read as follows:

"Sec. 65-29. In the event of the voluntary purchase by any city or town or church of a cemetery providing perpetual care of lots under this Article, it shall be lawful for the cemetery to provide in its agreement with purchasers that in the event of the voluntary purchase by such municipality or church of such cemetery property, such cemetery shall retain for its own any amount accumulated in such perpetual care fund on sale of lots made subsequent to the ratification of this Article: Provided, such municipality or church purchasing and accepting a conveyance of said cemetery property shall, as part of the consideration for the making by such cemetery of said conveyance, assume in writing all obligations of such cemetery in connection with the maintenance thereof. In the event of the voluntary purchase by any city, town, or church of a cemetery providing perpetual care of lots under this Article, it shall be lawful for the purchaser to assume the trust fund intact, reimbursing said owner of such cemetery for such fund."

Sec. 2. No perpetual care cemetery may be purchased by a church unless such cemetery adjoins the church cemetery and unless the purchaser is a church which has been established at its present location for at least 25 years immediately prior to said purchase.

Sec. 3. For the purposes of this Act, a church shall be deemed to include a synagogue, generally recognized religious denomination or religious order, whether incorporated or unincorporated.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1211  

CHAPTER 852

AN ACT TO PROVIDE THAT WESTERN CAROLINA UNIVERSITY SHALL RECEIVE COPIES OF THE SESSION LAWS, GENERAL STATUTES OF NORTH CAROLINA AND PUBLICATIONS OF STATE OFFICIALS AND DEPARTMENT HEADS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 147-45, as the same appears in the 1967 Cumulative Supplement to Volume 3C, is hereby amended by adding immediately after the words "Wake Forest College" and immediately before the words "Lenoir Rhyne College" the words and figures as follows:

"Western Carolina University ......................... 1 1 1"

Sec. 2. G.S. 147-45, as the same appears in the 1967 Cumulative Supplement to Volume 3C, is further amended by striking the word "College" immediately after
CHAPTER 852

THE ACT

AN ACT TO MAKE THE MOTOR VEHICLE LAWS OF THE STATE APPLICABLE TO THE STREETS, ROADS, ALLEYS, AND DRIVEWAYS ON THE CAMPUS OF WESTERN CAROLINA UNIVERSITY.

The General Assembly of North Carolina do enact:

Section 1. All of the provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles thereon are hereby made applicable to the streets, roads, alleys and driveways on the campus of Western Carolina University. Any person violating any of the provisions of said Chapter 20 of the General Statutes, as herein made applicable, in or on the streets, roads, alleys or driveways on the campus of Western Carolina University shall, upon conviction thereof, be punished as therein prescribed and as provided by Chapter 20 of the General Statutes, relating to motor vehicles. Nothing herein contained shall be construed as in any way interfering with the ownership and control of such streets, roads, alleys and driveways on the campus of Western Carolina University as is now vested by law in the Board of Trustees of Western Carolina University.

Sec. 2. The Board of Trustees of Western Carolina University is authorized and empowered to make such additional rules and regulations and adopt such additional ordinances with respect to the use of the streets, roads, alleys and driveways on the campus of Western Carolina University, and to establish parking areas on the said campus not inconsistent with the provisions of Chapter 20 of the General Statutes of North Carolina. All regulations and ordinances adopted pursuant to the authority of this Section shall be recorded in the proceedings of the Board of Trustees, printed, and copies of such regulations and ordinances shall be filed in the Office of the Secretary of State of North Carolina. Any person violating any of such regulations or ordinances shall, upon conviction thereof, be guilty of a misdemeanor, and shall be punishable by a fine of not exceeding fifty dollars ($50.00) or imprisonment for not exceeding thirty (30) days or, in the discretion of the Court, both such fine and imprisonment.

Sec. 3. The Board of Trustees of Western Carolina University may by regulation or ordinance provide for a system of registration of all motor vehicles where the owner of said motor vehicle intends and does park same in the parking places or assigned parking places on the campus of Western Carolina University or the owner keeps said vehicle on the campus of Western Carolina University. The Board of Trustees of Western Carolina University may by regulation or ordinance establish a system of citations that may be issued to owners of motor vehicles who park their vehicles on the campus of said University in violation of the traffic or parking regulations as established by law or regulation. The Board of Trustees of Western
Carolina University may by regulation or ordinance provide that the administrative officers or the Student Government or a combination thereof may administer said system of citations and exercise the right to prohibit repeated violators of such ordinances and regulations from parking on the campus or using the parking facilities thereof.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 892

CHAPTER 854

AN ACT REVOKING THE CHARTER OF THE TOWN OF MANCHESTER IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 288, Private Laws of 1895, and all laws amending same, are hereby repealed.

Sec. 2. It is the intent of this Act to revoke the Charter of the Town of Manchester in Cumberland County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1050

CHAPTER 855

AN ACT TO PROVIDE FOR GARNISHMENT AND ATTACHMENT IN COLLECTION OF DELINQUENT FIRE PROTECTION SERVICE CHARGES DUE TO SCOTLAND COUNTY AND MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Whenever fire protection services are provided by a county or by a municipally owned and operated fire protection service and a recipient of such services or one legally responsible for the support of a recipient of such services fails to pay charges fixed for such services for a period of ninety (90) days after the rendering of such services, the county or municipality providing the fire protection services may treat the amount due for such services as if it were a tax due to the county or municipality and may proceed to collect the amount due through the use of Attachment and Garnishment proceedings as set out in G. S. 105-385(d).

Sec. 2. There is hereby created a general lien upon the real property of any person who has been furnished fire protection service by a county or municipal agency or at the expense of a county or municipal government, or upon the real property of one legally responsible for the support of any person who has been furnished such service.

Sec. 3. No lien created by Section 2 of this Act shall be valid but from the time of filing in the office of the Clerk of Superior Court a statement containing the name and address of the person against whom the lien is claimed, the name of the county or municipality claiming the lien, the amount of the unpaid charge for fire protection service, and the date and place of furnishing the service for which
CHAPTER 855      SESSION LAWS—1969

charges are asserted and the lien claimed. No lien under this Act shall be valid unless filed after ninety (90) days of the date of the furnishing of fire protection service, and within one hundred eighty (180) days of the date of the furnishing of such service.

Sec. 4. Liens created by this Act may be discharged as follows:

(1) By filing with the Clerk of Superior Court a receipt of acknowledgment, signed by the county treasurer, that the lien has been paid or discharged;

(2) By depositing with the Clerk of Superior Court money equal to the amount of the claim, which money shall be held for the benefit of the claimant; or

(3) By an entry in the lien docket that the action on the part of the lien claimant to enforce the lien has been dismissed, or a judgment has been rendered against the claimant in such action.

Sec. 5. The provisions of this Act shall apply only to Scotland County and the municipalities therein.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be effective on and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1141      CHAPTER 856

AN ACT TO AMEND ARTICLE 14A OF CHAPTER 160 OF THE GENERAL STATUTES, RELATING TO THE PRESERVATION OF OPEN SPACES AND AREAS, SO AS TO MAKE THE SAME APPLICABLE TO ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-181.10 is hereby amended by striking out the words "Rockingham County" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1222      CHAPTER 857

AN ACT TO RESTRICT LICENSING OF CARNIVALS WITHIN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Orange County shall have power to direct the sheriff or tax collector of the county to refuse to issue any license to any carnival company and shows of like character conducted for profit under the same management, whether under canvas or not, whenever in the opinion of the board of county commissioners the public welfare will be endangered by the licensing of such companies.

Sec. 2. Chapter 670 of the 1947 Session Laws is amended by deleting from the provisions of said chapter "Orange County".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect after and from its ratification.
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 425

CHAPTER 858

AN ACT TO PROHIBIT THE TAKING OF GAME FROM PUBLIC HIGHWAYS IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to hunt, take or kill any species of birds, animals, or beasts, or attempt to hunt, take or kill any species of birds, animals or beasts by the use of firearms from the roadway, right of way of any public highway, roadway or publicly maintained thoroughfare in Stanly County.

Sec. 2. Any person, association of persons, or any firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not to exceed fifty dollars ($50.00) or imprisoned for a period not to exceed thirty (30) days, or both, in the discretion of the court.

Sec. 3. All lawful peace officers of the county and State, including Wildlife Game Protectors, are hereby authorized, and it shall be their duty to aid in the enforcement of this law.

Sec. 4. This Act shall apply only to Stanly County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 782

CHAPTER 859

AN ACT AMENDING CHAPTER 196 OF THE SESSION LAWS OF 1967 CONCERNING THE LOCATION OF ALCOHOLIC BEVERAGE CONTROL STORES IN THE TOWN OF MOUNT PLEASANT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 196 of the Session Laws of 1967 is amended by changing the second sentence of Section 5 to read as follows:

"Provided, that no Town Alcoholic Beverage Control Stores authorized under this Act shall be located or operated within 450 feet of any school building or church building in the Town of Mount Pleasant.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

953
AN ACT TO RESTRICT THE PRESENCE OF CERTAIN PERSONS ON THE CAMPUSES OF STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING AND TO REGULATE THE USE OF SOUND-AMPLIFYING EQUIPMENT.

The General Assembly of North Carolina do enact:

Section 1. The Chancellor or President of any State-supported institution of higher learning may designate periods of time during which the campuses of such institutions and designated buildings and facilities connected therewith are off-limits and subject to a curfew as to all persons who are not faculty members, staff personnel, currently enrolled students of that institution, local law enforcement officers, members of the National Guard on active duty, members of the General Assembly, the Governor of North Carolina and/or his designated agents, persons authorized by the chief administrative officer of the institution or his designated agent, and any person who satisfactorily identifies himself as a reporter for any newspaper, magazine, radio or television station. Any person not herein authorized who comes onto or remains on said campus in violation of this Section shall be punished as hereinafter set out in Section 3.

Sec. 2. Any person who during such period of curfew utilizes sound-amplifying equipment of any kind or nature upon the premises subject to such curfew in an educational, administrative building, or in any facility owned or controlled by the State or a State institution of higher learning, or upon the campus or grounds of any such institution, without the permission of the administrative head of the institution or his designated agent, shall be guilty of a misdemeanor and punished as hereinafter set forth. For the purposes of this Section the term "sound-amplifying equipment" shall mean any device, machine, or mechanical contrivance which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker, but this Section shall not include radios and televisions.

Sec. 3. Any person convicted of violating any provision or Section of this Act, or who shall enter a plea of guilty to such violation or a plea of nolo contendere, shall be fined not exceeding five hundred dollars ($500.00) or imprisoned not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

Sec. 4. If any clause or clauses of this Act are held to be in violation of the Constitution of the United States or the Constitution of North Carolina, such clauses shall be stricken and the remainder shall continue to be in full force and effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
H. B. 960  
CHAPTER 861
AN ACT TO AMEND G. S. 36-3 TO PERMIT INVESTMENT IN SAVINGS AND LOAN ASSOCIATIONS INSURED BY AN APPROVED MUTUAL DEPOSIT GUARANTY ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 36-3 is hereby amended by striking the period at the end thereof and adding the following: "or by any mutual deposit guaranty association authorized by the Commissioner of Insurance of North Carolina to do business in North Carolina pursuant to Article 7A of Chapter 54 of the General Statutes of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 962  
CHAPTER 862
AN ACT TO AMEND G. S. 159-28.1(c)(5) TO PERMIT INVESTMENT IN SAVINGS AND LOAN ASSOCIATIONS INSURED BY AN APPROVED MUTUAL DEPOSIT GUARANTY ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 159-28.1(c)(5) is hereby amended by striking the semicolon at the end thereof and adding the following: "or by any mutual deposit guaranty association authorized by the Commissioner of Insurance of North Carolina to do business in North Carolina pursuant to Article 7A of Chapter 54 of the General Statutes of North Carolina, provided that in the case of a savings and loan association which is insured by a mutual deposit guaranty association, the maximum investment each governing body may make in each such savings and loan association shall be fifteen thousand dollars ($15,000.00);".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 967  
CHAPTER 863
AN ACT TO AMEND G.S. 41-2.1, RELATING TO RIGHT OF SURVIVORSHIP IN BANK DEPOSITS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 41-2.1 (b)(4) is hereby amended by adding immediately following the words "of the deceased," in line three the words "or to the clerk of the superior court if the amount is less than one thousand dollars ($1,000.00), in accordance with G.S. 28-68."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
CHAPTER 864  

H. B. 1062  

AN ACT TO AUTHORIZE THE CLERK OF COURT TO INDEX AND CROSS-IN-DEX CERTAIN CONDEMNATION PROCEEDINGS. 

The General Assembly of North Carolina do enact: 

Section 1. Chapter 40, Article 2, of the General Statutes is hereby amended by adding a new section immediately following G. S. 40-12, and immediately preceding G. S. 40-13, to be numbered G. S. 40-12.1, and to read as follows: 

G. S. 40-12.1. Notice of proceedings. Notice of all proceedings brought hereunder shall be filed with the Clerk of Superior Court of each county in which any part of the real estate is located in the form and manner provided by G. S. 1-116, and the Clerk shall index and cross-index this notice as required by G. S. 1-117, provided the Clerk shall always index the name of the condemnor in the record of lis pendens and in the judgment docket as required by G. S. 2-42 as the plaintiff and the name of the property owner or property owners as the defendants irrespective of whether the condemning party is the plaintiff or defendant. The filing of such notice shall be constructive notice of the proceeding to any person who subsequently acquires any interest in or lien upon said property, and the condemnor shall take all property condemned under this Article free of the claims of any such person. 

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. 

Sec. 3. This Act shall be in full force and effect from and after its ratification. 

In the General Assembly read three times and ratified, this the 16th day of June, 1969. 

H. B. 1126  

CHAPTER 865  

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 20 OF THE NORTH CAROLINA GENERAL STATUTES TO PROVIDE FOR ISSUANCE OF INSTRUCTIONAL PERMITS TO DRIVER TRAINEES IN DRIVER TRAINING SCHOOLS APPROVED BY THE DEPARTMENT OF PUBLIC INSTRUCTION. 

The General Assembly of North Carolina do enact: 

Section 1. G.S. 20-7(1-1) as the same appears in the 1965 Replacement Volume 1C of the North Carolina General Statutes is hereby amended by deleting the words appearing in lines 3 and 4 thereof reading "as provided in G.S. 20-88.1" and substituting in lieu thereof the words "approved by the State Superintendent of Public Instruction". 

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. 

Sec. 3. This Act shall become effective upon its ratification. 

In the General Assembly read three times and ratified, this the 16th day of June, 1969. 

H. B. 1147  

CHAPTER 866  

AN ACT TO AMEND G. S. 20-124 TO CORRECT ERROR. 

The General Assembly of North Carolina do enact: 

Section 1. G. S. 20-124(f) as same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by striking the letter "(d)" appearing in line 5 thereof and inserting in lieu thereof the letter "(e)".
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 388

CHAPTER 867

AN ACT TO PROVIDE MAXIMUM SAFETY FOR THE TRAVELING PUBLIC BY REMOVING HABITUAL TRAFFIC OFFENDERS FROM THE HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes of North Carolina is amended by inserting therein a new Article 8 to read as follows:

"ARTICLE 8

Habitual Offenders

G. S. 20-220. Declaration of Policy: It is hereby declared to be the policy of North Carolina: (1) To provide maximum safety for all persons who travel or otherwise use the public highways of this State; and

(2) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference to the safety and welfare of others and their disrespect for the laws of this State, the orders of its Courts, and the statutorily required acts of its administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of this State and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of the traffic laws.

G. S. 20-221. Habitual offender defined. An habitual offender shall be any person, resident or nonresident, whose record, as maintained in the office of the Department of Motor Vehicles, shows that such person has accumulated the convictions for separate and distinct offenses described in subsections (a), (b), or (c), of this Section, committed after the effective date of this Act and within a seven year period, Provided, that where multiple convictions result from a series of offenses committed within a six hour period, only one conviction shall be recorded for the purposes of this Article, as follows:

(a) Three or more convictions arising from separate acts of any one or more of the following offenses, either singularly or in combination:

(1) Voluntary and involuntary manslaughter resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;

(3) Driving a motor vehicle while operator's or chauffeur's license is suspended or revoked;

(4) Any offense punishable as a felony under the motor vehicle laws of North Carolina or any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and render aid as required under the laws of this State in the event of a motor vehicle accident;

(6) Failure of the driver of a motor vehicle involved in an accident resulting
only in damage to an attended or unattended vehicle or other property in excess of one hundred dollars ($100.00) to stop close to the scene of such accident and report his identity or otherwise report such accident in violation of law.

(7) Any motor vehicle moving violation committed during a period of suspension or revocation.

(b) Twelve or more convictions of any separate and distinct offenses in the operation of a motor vehicle which are required to be reported to the Department of Motor Vehicles and the conviction whereof authorizes or requires the Department of Motor Vehicles to suspend or revoke the privilege to operate motor vehicles on the highways of this State for a period of thirty days or more and such convictions shall include those offenses enumerated in subsection (a) above when taken with and added to those offenses described herein.

(c) The offenses included in subsections (a) and (b) hereof shall be deemed to include offenses under any valid town, city or county ordinance paralleling and substantially conforming to the State’s statutory provisions concerning such offenses and all changes in or amendments thereto and any Federal law, any law of another State or any valid town, city or county ordinance of another State substantially conforming to the aforesaid State’s statutory provisions.

(d) For the purpose of this Article, the term "conviction" shall mean a final conviction. Also for the purposes of this Article a forfeiture of bail or collateral deposited to secure a defendant’s appearance in Court in North Carolina, which forfeiture has not been vacated, shall be equivalent to a conviction.

G. S. 20-222. Commissioner to certify record to Superior Court. The Commissioner of Motor Vehicles shall certify, substantially in the manner provided for in G. S. 20-42(b) three abstracts of the conviction record as maintained in his office of any person whose record appears to bring him within the definition of an habitual offender, as defined in G. S. 20-221, to the Superior Court solicitor of the judicial district in which such person resides according to the records of the Department of Motor Vehicles or to the Superior Court solicitor for the County of Wake if such person is not a resident of this State. Such abstract may be admitted as evidence as provided in G. S. 20-42(b). Such abstract shall be competent evidence that the person named therein was duly convicted by the Court wherein such conviction or holding was made of each offense shown by such abstract.

G. S. 20-223. Solicitor to initiate court proceeding, petition. The solicitor, upon receiving the aforesaid abstract from the Commissioner, shall forthwith file a petition against the person named therein in the Superior Court Division of the county wherein such person resides or, in the case of a nonresident, in the Superior Court Division of Wake County. The petition shall request the Court to determine whether or not the person named therein is an habitual offender.

G. S. 20-224. Service of petition, order to show cause. Upon the filing of the petition, any Superior Court judge having jurisdiction over criminal cases within the county shall enter an order incorporating by attachment the aforesaid abstract and directed to the person named therein to appear at the next Criminal Session of the Court and show cause why he should not be barred from operating a motor vehicle on the highways of this State. A copy of the petition, the show cause order and the abstract shall be served upon the person named therein in the manner prescribed by law for the service of process. Service thereof on any nonresident
of this State may be made in the same manner as in any action or proceeding arising out of a collision on the highways in this State in the manner provided in G. S. 1-105 which is hereby made applicable to these proceedings except that any fee for such service shall be taxed against the person named in the petition as a part of the cost of such proceeding.

G. S. 20-225. Hearing, procedure. The matter shall be heard at the Criminal Session of the Court by the judge without a jury. If such person denies that he was convicted of any offense shown in the abstract and necessary for a holding that he is an habitual offender, and if the Court cannot, on the evidence available to it, determine the issue, the Court may require of the Department of Motor Vehicles certified copies of such records respecting the matter as it may have in its possession. If, upon an examination of such records, the Court is still unable to make such determination, it shall certify the decision of such issue to the Court in which such conviction was reportedly made. The Court to which such certification is made shall forthwith conduct a hearing to determine such issue and send a certified copy of its final order determining such issue to the Court in which the petition was filed.

G. S. 20-226. Court's Findings, Judgment. If the Court finds that such person is not the same person named in the aforesaid abstract, or that he is not an habitual offender under this Article, the proceeding shall be dismissed, but if the Court finds that such person is the same person named in the abstract and that such person is an habitual offender, the Court shall so find and by appropriate judgment shall direct that such person not operate a motor vehicle on the highways of the State of North Carolina and to surrender to the Court all licenses or permits to operate a motor vehicle upon the highways of this State. The Clerk of the Court shall forthwith transmit a copy of such judgment together with any licenses or permits surrendered to the Department of Motor Vehicles.

G. S. 20-227. No new license issued for five years. No license to operate a motor vehicle in North Carolina shall be issued to an habitual offender, (1) For a period of five years from the date of the judgement of the Court finding such person to be an habitual offender and (2) Until the privilege of such person to operate a motor vehicle in this State has been restored by judgment of the Superior Court Division.

G. S. 20-228. Driving after judgment prohibited. It shall be unlawful for any person to operate any motor vehicle in this State while the judgment of the Court prohibiting the operation remains in effect. Any person found to be an habitual offender under the provisions of this Article who is thereafter convicted of operating a motor vehicle in this State while the judgment of the Court prohibiting such operation is in effect, shall be guilty of a misdemeanor and imprisoned for not less than one year nor more than five years or by fine or imprisonment in the discretion of the Court.

For the purpose of enforcing this Section, in any case in which the accused is charged with driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked or is charged with driving without a license, the Court before hearing such charge shall require the Solicitor to determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this State. If the Solicitor determines that the accused has been so held, he shall cause the appropriate criminal charges to be lodged against the accused.
G. S. 20-229. Restoration of driving privilege. At the expiration of five years from the date of any final judgment of the Court entered under the provisions of this Article finding a person to be an habitual offender and directing him not to operate a motor vehicle in this State, such person may petition the Court in which he was found to be an habitual offender, or the Superior Court Division of any county in this State having criminal jurisdiction over the place in which such person then resides, for restoration of his privilege to operate a motor vehicle in this State. Upon such petition, the court shall restore to such person the privilege to operate a motor vehicle in this State.

G. S. 20-230. Appeals. An appeal may be taken from any final action or judgment entered under the provisions of this Article in the same manner and form as appeals in civil actions.

G. S. 20-231. No existing law modified. Nothing in this Article shall be construed as amending, modifying or repealing any existing law of North Carolina or any existing ordinance of any political subdivision relating to the operation of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof; or shall be construed so as to preclude the exercise of the regulatory powers of any division, agency, department or political subdivision of this State having the statutory authority to regulate such operation and licensing.

Sec. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 762

CHAPTER 868

AN ACT TO AMEND ARTICLE 15 OF CHAPTER 160 OF THE GENERAL STATUTES RELATING TO UNFIT DWELLINGS TO PROVIDE FOR THE RECORDING AND PRIORITY OF LIENS AND TO PROVIDE A METHOD OF APPEALS FOR PROPERTY OWNERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-184(5) is hereby amended by adding at the end thereof the following new sentence: "Such ordinance shall be recorded in the office of the Register of Deeds in the County wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index."

Sec. 2. G. S. 160-184(6) is hereby amended by changing the period at the end of the first sentence thereof to a comma and by adding immediately after such comma the following: "which lien shall be filed, have the same priority and be collected as provided by Article 9 of Chapter 160 of the General Statutes."

Sec. 3. G. S. 160-186 is hereby amended by striking out the second sentence and inserting in lieu thereof the following: "Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected."

Sec. 4. G. S. 160-186 is hereby further amended by striking out the last sentence thereof.

Sec. 5. G. S. 160-187 is hereby rewritten to read as follows: "G. S. 160-187. Remedies. (a) The governing body may provide for the creation and organization of a Housing Appeals Board to which appeals may be taken from any decision or order of the public officer, or may provide for such appeals to be heard and determined by its Zoning Board of Adjustment."
(b) The Housing Appeals Board, if created, shall consist of five members to serve for three-year staggered terms. It shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

(c) An appeal from any decision or order of the public officer may be taken by any person aggrieved thereby or by any officer, board or commission of the municipality. Any appeal from the public officer shall be taken within such 10 days from the rendering of the decision or service of the order, and shall be taken by filing with the public officer and with the Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the public officer certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the Board, or by a court of record upon petition made pursuant to subsection (f) of this Section.

(d) The Appeals Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the public officer, but the concurrence of four members of the Board shall be necessary to reverse or modify any decision or order of the public officer. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(e) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(f) Any person aggrieved by an order issued by the public officer or a decision rendered by the Board may petition the superior court for an injunction restraining the public officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the public officer pending a final disposition of the cause; provided, however, that such petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be had by the court on any such petition within twenty (20) days, and
shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(g) In case any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Article or of any ordinance or code adopted under authority of this Article or any valid order or decision of the public officer or Board made pursuant to any ordinance or code adopted under authority of this Article, the public officer or Board may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate such violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling."

Sec. 6. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 321

CHAPTER 869

AN ACT TO REVISE AND CLARIFY THE LAW RELATING TO RIOTS AND CIVIL DISORDERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes of North Carolina is amended to add a new article as follows:

"Article 36A.

"Riots and Civil Disorders.

"Sec. 14-288.1. Definitions. Unless the context clearly requires otherwise, the definitions in this Section apply throughout this Article:

"Chairman of the Board of County Commissioners: The chairman of the board of county commissioners or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the county has specified who is to act in lieu of the chairman with respect to a particular power or duty set out in this Article, the term 'chairman of the board of county commissioners' shall apply to the person generally authorized to act in lieu of the chairman.

"Dangerous Weapon or Substance: Any deadly weapon, ammunition, explosive, incendiary device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when the circumstances indicate a probability that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.

"Declared State of Emergency: A state of emergency found and proclaimed by the Governor under the authority of Section 14-288.15, by any mayor or other municipal official or officials under the authority of Section 14-288.12, by any chair-
man of the board of commissioners of any county or other county official or officials under the authority of Section 14-288.13, by any chairman of the board of county commissioners acting under the authority of Section 14-288.14, by any chief executive official or acting chief executive official of any county or municipality acting under the authority of any other applicable statute or provision of the common law to preserve the public peace in a state of emergency, or by any executive official or military commanding officer of the United States or the State of North Carolina who becomes primarily responsible under applicable law for the preservation of the public peace within any part of North Carolina.

*Disorderly Conduct: As defined in Section 14-288.4(a).*

*Law Enforcement Officer: Any officer of the State of North Carolina or any of its political subdivisions authorized to make arrests; any other person authorized under the laws of North Carolina to make arrests and either acting within his territorial jurisdiction or in an area in which he has been lawfully called to duty by the Governor or any mayor or chairman of the board of county commissioners; any member of the armed forces of the United States, the North Carolina National Guard, or the State Defense Militia called to duty in a state of emergency in North Carolina and made responsible for enforcing the laws of North Carolina or preserving the public peace; or any officer of the United States authorized to make arrests without warrant and assigned to duties that include preserving the public peace in North Carolina.

*Mayor: The mayor or other chief executive official of a municipality or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the municipality has specified who is to act in lieu of the mayor with respect to a particular power or duty set out in this Article, the word 'mayor' shall apply to the person generally authorized to act in lieu of the mayor.*

*Municipality: Any active incorporated city or town, but not including any sanitary district or other municipal corporation that is not a city or town. An 'active' municipality is one which has conducted the most recent election required by its charter or the general law, whichever is applicable, and which has the authority to enact general police-power ordinances.*

*Public Disturbance: Any annoying, disturbing, or alarming act or condition exceeding the bounds of social toleration normal for the time and place in question which occurs in a public place or which occurs in, affects persons in, or is likely to affect persons in a place to which the public or a substantial group has access. The places covered by this definition shall include, but not be limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood.*

*Riot: As defined in Section 14-288.2(a).*

*State of Emergency: The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or whenever the occurrence of any such condition is imminent.*

*Sec. 14-288.2. Riot; inciting to riot; punishments. (a) A riot is a public disturbance involving an assemblage of three or more persons which by disorderly and violent conduct, or the imminent threat of disorderly and violent conduct, results
in injury or damage to persons or property or creates a clear and present danger of injury or damage to persons or property.

"(b) Any person who wilfully engages in a riot is guilty of a misdemeanor punishable as provided in Section 14-3(a).

"(c) Any person who wilfully engages in a riot is guilty of a felony punishable by a fine not to exceed ten thousand dollars ($10,000.00) or imprisonment for not more than five years, or both such fine and imprisonment, if:

1. In the course and as a result of the riot there is property damage in excess of fifteen hundred dollars ($1,500.00) or serious bodily injury; or
2. Such participant in the riot has in his possession any dangerous weapon or substance.

"(d) Any person who wilfully incites or urges another to engage in a riot, so that as a result of such inciting or urging a riot occurs or a clear and present danger of a riot is created, is guilty of a misdemeanor punishable as provided in Section 14-3(a).

"(e) Any person who wilfully incites or urges another to engage in a riot, and such inciting or urging is a contributing cause of a riot in which there is property damage in excess of fifteen hundred dollars ($1,500.00) or serious bodily injury, is guilty of a felony punishable as provided in Section 14-2.

"Sec. 14-288.3. Provisions of Article intended to supplement common law and other statutes. The provisions of this Article are intended to supersede and extend the coverage of the common-law crimes of riot and inciting to riot. To the extent that such common-law offenses may embrace situations not covered under the provisions of this Article, however, criminal prosecutions may be brought for such crimes under the common law. All other provisions of this Article are intended to be supplementary and additional to the common law and other statutes of this State and, except as specifically indicated, shall not be construed to abrogate, abolish, or supplant other provisions of law. In particular, this Article shall not be deemed to abrogate, abolish, or supplant such common-law offenses as unlawful assembly, rout, conspiracy to commit riot or other criminal offenses, false imprisonment, and going about armed to the terror of the populace and other comparable public-nuisance offenses.

"Sec. 14-288.4. Disorderly conduct. (a) Disorderly conduct is a public disturbance caused by any person who:

1. Engages in fighting or in violent, threatening, or tumultuous behavior; or
2. Makes any offensively coarse utterance, gesture, or display or uses abusive language, in such manner as to alarm or disturb any person present or as to provoke a breach of the peace; or
3. Wilfully or wantonly creates a hazardous or physically offensive condition; or
4. Takes possession of, exercises control over, seizes, or occupies any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized representative;
5. Refuses to vacate any building or facility of any public or private educational institution in obedience to:
   a. An order of the chief administrative officer of the institution, or his authorized representative; or
b. An order given by any fireman or public health officer acting within the scope of his authority; or

c. If a state of emergency is occurring or is imminent within the institution, an order given by any law enforcement officer acting within the scope of his authority; or

(6) Shall, after being forbidden to do so by the chief administrative officer, or his authorized representative, of any public or private educational institution:

a. Engage in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or

b. Congregate, assemble, form groups or formations (whether organized or not), block, or in any manner otherwise interfere with the operation or functioning of any building or facility of the institution so as to interfere with the customary or normal use of the building or facility.

As used in this Section the term 'building or facility' includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.

"(b) Any person who wilfully engages in disorderly conduct is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment for not more than six months.

"Sec. 14-288.5. Failure to disperse when commanded, misdemeanor; prima facie evidence: (a) Any law enforcement officer or public official responsible for keeping the peace may issue a command to disperse in accordance with this Section if he reasonably believes that a riot, or disorderly conduct by an assemblage of three or more persons, is occurring. The command to disperse shall be given in a manner reasonably calculated to be communicated to the assemblage.

"(b) Any person who fails to comply with a lawful command to disperse is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment for not more than six months.

"(c) If any person remains at the scene of any riot, or disorderly conduct by an assemblage of three or more persons, following a command to disperse and after a reasonable time for dispersal has elapsed, it is prima facie evidence that the person so remaining is wilfully engaging in the riot or disorderly conduct, as the case may be.

"Sec. 14-288.6. Looting; trespass during emergency: (a) Any person who enters upon the premises of another without legal justification when the usual security of property is not effective due to the occurrence or aftermath of riot, insurrection, invasion, storm, fire, explosion, flood, collapse, or other disaster or calamity is guilty of the misdemeanor of trespass during emergency and is punishable as provided in Section 14-3(a).

"(b) Any person who commits the crime of trespass during emergency and, without legal justification, obtains or exerts control over damages, ransacks, or destroys the property of another is guilty of the felony of looting and is punishable by a fine not to exceed ten thousand dollars ($10,000.00) or imprisonment for not more than five years, or both such fine and imprisonment.

"Sec. 14-288.7. Transporting dangerous weapon or substance during emergency: possessing off premises; exceptions. (a) Except as otherwise provided in this Section,
it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance in any area:

(1) In which a declared state of emergency exists; or

(2) Within the immediate vicinity of which a riot is occurring.

"(b) This Section does not apply to persons exempted from the provisions of Section 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

"(c) Any person who violates any provision of this Section is guilty of a misdemeanor punishable as provided in Section 14-3(a).

"Sec. 14-288.8. Manufacture, assembly; possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions: (a) Except as otherwise provided in this Section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

"(b) This Section does not apply to:

(1) Persons exempted from the provisions of Section 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses.

(3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts.

(4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

"(c) The term 'weapon of mass death and destruction' includes:

(1) Any explosive, incendiary, or poison gas:
   a. Bomb; or
   b. Grenade; or
   c. Rocket having a propellant charge of more than four ounces; or
   d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or
   e. Mine; or
   f. Device similar to any of the devices described above; or

(2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or

(3) Any machine gun, sawed-off shotgun, or other weapon designed for rapid fire or inflicting widely-dispersed injury or damage (other than a weapon of a type particularly suitable for sporting purposes); or

(4) Any combination of parts either designed or intended for use in converting
any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

The term 'weapon of mass death and destruction' does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with Chapter 44 of Title 18 of the United States Code.

"(d) Any person who violates any provision of this Section is guilty of a misdemeanor punishable as provided in Section 14-3(a).

"Sec. 14-288.9. Assault on emergency personnel; punishments. (a) An assault upon emergency personnel is an assault upon any person coming within the definition of 'emergency personnel' which is committed in an area:

(1) In which a declared state of emergency exists;
(2) Within the immediate vicinity of which a riot is occurring or is imminent.

"(b) The term 'emergency personnel' includes law enforcement officers, firemen, ambulance attendants, utility workers, doctors, nurses, and other persons lawfully engaged in providing essential services during the emergency.

"(c) Any person who commits an assault upon emergency personnel is guilty of a misdemeanor punishable as provided in Section 14-3(a). Any person who commits an assault upon emergency personnel with or through the use of any dangerous weapon or substance is guilty of a felony punishable by a fine not to exceed ten thousand dollars ($10,000.00) or imprisonment for not more than five years, or both such fine and imprisonment.

"Sec. 14-288.10. Frisk of persons during violent disorders; frisk of curfew violators. (a) Any law enforcement officer may frisk any person in order to discover any dangerous weapon or substance when he has reasonable grounds to believe that the person is or may become unlawfully involved in an existing riot and when the person is close enough to such riot that he could become immediately involved in the riot. The officer may also at that time inspect for the same purpose the contents of any personal belongings that the person has in his possession.

"(b) Any law enforcement officer may frisk any person he finds violating the provisions of a curfew proclaimed under the authority of Sections 14-288.12, 14-288.13, 14-288.14, or 14-288.15 or any other applicable statutes or provisions of the common law in order to discover whether the person possesses any dangerous weapon or substance. The officer may also at that time inspect for the same purpose the contents of any personal belongings that the person has in his possession.

"Sec. 14-288.11. Warrants to inspect vehicles in riot areas or approaching municipalities during emergencies. (a) Notwithstanding the provisions of Article 4 of Chapter 15, any law enforcement officer may, under the conditions specified in this Section, obtain a warrant authorizing inspection of vehicles under the conditions and for the purpose specified in subsection (b).
"(b) The inspection shall be for the purpose of discovering any dangerous weapon or substance likely to be used by one who is or may become unlawfully involved in a riot. The warrant may be sought to inspect:

(1) All vehicles entering or approaching a municipality in which a state of emergency exists; or

(2) All vehicles which might reasonably be regarded as being within or approaching the immediate vicinity of an existing riot.

"(c) The warrant may be issued by any judge or justice of the General Court of Justice.

"(d) The issuing official shall issue the warrant only when he has determined that the one seeking the warrant has been specifically authorized to do so by the head of the law enforcement agency of which the affiant is a member, and:

(1) If the warrant is being sought for the inspection of vehicles entering or approaching a municipality, that a state of emergency exists within the municipality; or

(2) If the warrant being sought is for the inspection of vehicles within or approaching the immediate vicinity of a riot, that a riot is occurring within that area.

Facts indicating the basis of these determinations must be stated in an affidavit and signed by the affiant under oath or affirmation.

"(e) The warrant must be signed by the issuing official and must bear the hour and date of its issuance.

"(f) The warrant must indicate whether it is for the inspection of vehicles entering or approaching a municipality or whether it is for the inspection of vehicles within or approaching the immediate vicinity of a riot. In either case, it must also specify with reasonable precision the area within which it may be exercised.

"(g) The warrant shall become invalid twenty-four hours following its issuance and must bear a notation to that effect.

"(h) Warrants authorized under this Section shall not be regarded as search warrants for the purposes of application of Article 4 of Chapter 15.

"(i) Nothing in this Section is intended to prevent warrantless frisks, searches, and inspections to the extent that they may be constitutional and consistent with common law and governing statutes.

"Sec. 14-288.12. Powers of municipalities to enact ordinances to deal with states of emergency. (a) The governing body of any municipality may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

"(b) The ordinances authorized by this Section may permit prohibitions and restrictions:

(1) Of movements of people in public places;

(2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;

(3) Upon the possession, transportation, sale, purchase, and consumption of intoxicating liquors;

(4) Upon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline; and

(5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.
The ordinances may delegate to the mayor of the municipality the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

"(c) This Section is intended to supplement and confirm the powers conferred by Sections 160-52, 160-200(7), and all other general and local laws authorizing municipalities to enact ordinances for the protection of the public health and safety in times of riot or other grave civil disturbance or emergency.

"(d) Any ordinance of a type authorized by this Section promulgated prior to the effective date of this Section shall, if otherwise valid, continue in full force and effect without re-enactment.

"(e) Any person who violates any provision of an ordinance or a proclamation enacted or proclaimed under the authority of this Section is guilty of a misdemeanor punishable as provided in Section 14-4.

"Sec. 14-288.13. Powers of counties to enact ordinances to deal with states of emergency: (a) The governing body of any county may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

"(b) The ordinances authorized by this Section may permit the same prohibitions and restrictions to be imposed as enumerated in Section 14-288.12(b). The ordinances may delegate to the chairman of the board of county commissioners the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

"(c) No ordinance enacted by a county under the authority of this Section shall apply within the corporate limits of any municipality, or within any area of the county over which the municipality has jurisdiction to enact general police-power ordinances, unless the municipality by resolution consents to its application.

"(d) Any person who violates any provision of an ordinance or a proclamation enacted or proclaimed under the authority of this Section is guilty of a misdemeanor punishable as provided in Section 14-4.

"Sec. 14-288.14. Power of chairman of board of county commissioners to extend emergency restrictions imposed in municipality: (a) The chairman of the board of commissioners of any county who has been requested to do so by a mayor may by proclamation extend the effect of any one or more of the prohibitions and restrictions imposed in that mayor's municipality pursuant to the authority granted in Section 14-288.12. The chairman may extend such prohibitions and restrictions to any area within his county in which he determines it to be necessary to assist in controlling the state of emergency within the municipality. No prohibition or restriction extended by proclamation by the chairman under the authority of this Section shall apply within the limits of any other municipality, or within any area of the county over which the municipality has jurisdiction to enact general police-power ordinances, unless that other municipality by resolution consents to its application.

"(b) Whenever any chairman of the board of county commissioners extends the effect of municipal prohibitions and restrictions under the authority of this Section to any area of the county, it shall be deemed that a state of emergency has been validly found and declared with respect to such area of the county.
"(c) Any chairman of a board of county commissioners extending prohibitions and restrictions under the authority of this Section must take reasonable steps to give notice of its terms to those likely to be affected. The chairman of the board of commissioners shall proclaim the termination of any prohibitions and restrictions extended under the authority of this Section upon:

(1) His determination that they are no longer necessary; or
(2) The determination of the board of county commissioners that they are no longer necessary; or
(3) The termination of the prohibitions and restrictions within the municipality.

"(d) The powers authorized under this Section may be exercised whether or not the county has enacted ordinances under the authority of Section 14-288.13. Exercise of this authority shall not preclude the imposition of prohibitions and restrictions under any ordinances enacted by the county under the authority of Section 14-288.13.

"(e) Any person who violates any provision of any prohibition or restriction extended by proclamation under the authority of this Section is guilty of a misdemeanor punishable by a fine not to exceed fifty dollars ($50.00) or imprisonment for not more than thirty days.

"Sec. 14-288.15. Authority of Governor to exercise control in emergencies. (a) When the Governor determines that a state of emergency exists in any part of North Carolina, he may exercise the powers conferred by this Section if he further finds that local control of the emergency is insufficient to assure adequate protection for lives and property.

"(b) Local control shall be deemed insufficient only if:

(1) Needed control cannot be imposed locally because local authorities responsible for preservation of the public peace have not enacted appropriate ordinances or issued appropriate proclamations as authorized by Sections 14-288.12, 14-288.13, or 14-288.14; or
(2) Local authorities have not taken implementing steps under such ordinances or proclamations, if enacted or proclaimed, for effectual control of the emergency that has arisen; or
(3) The area in which the state of emergency exists has spread across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; or
(4) The scale of the emergency is so great that it exceeds the capability of local authorities to cope with it.

"(c) The Governor when acting under the authority of this Section may:

(1) By proclamation impose prohibitions and restrictions in all areas affected by the state of emergency; and
(2) Give to all participating State and local agencies and officers such directions as may be necessary to assure coordination among them. These directions may include the designation of the officer or agency responsible for directing and controlling the participation of all public agencies and officers in the emergency. The Governor may make this designation in any manner which, in his discretion, seems most likely to be effective. Any law enforcement officer participating in the control of a state of emergency in which the Governor is exercising control under this Section shall have the same power and authority as a sheriff throughout the territory to which he is assigned.
"(d) The Governor in his discretion, as appropriate to deal with the emergency then occurring or likely to occur, may impose any one or more or all of the types of prohibitions and restrictions enumerated in Section 14-288.12(b), and may amend or rescind any prohibitions and restrictions imposed by local authorities.

"(e) Any person who violates any provision of a proclamation of the Governor issued under the authority of this Section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment for not more than six months.

"Sec. 14-288.16. Effective time, publication, amendment, and rescission of proclamations. (a) This Section applies to proclamations issued under the authority of Sections 14-288.12, 14-288.13, 14-288.14, and 14-288.15, and any other applicable statutes and provisions of the common law.

"(b) All prohibitions and restrictions imposed by proclamation shall take effect immediately upon publication of the proclamation in the area affected unless the proclamation sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the affected area or other effective methods of disseminating the necessary information quickly. As soon as practicable, however, appropriate distribution of the full text of any proclamation shall be made. This subsection shall not be governed by the provisions of Section 1-597.

"(c) Prohibitions and restrictions may be extended as to time or area, amended, or rescinded by proclamation. Prohibitions and restrictions imposed by proclamation under the authority of Sections 14-288.12, 14-288.13, and 14-288.14 shall expire five days after their last imposition unless sooner terminated under Section 14-288.14(c)(3), by proclamation, or by the governing body of the county or municipality in question. Prohibitions and restrictions imposed by proclamation of the Governor shall expire five days after their last imposition unless sooner terminated by proclamation of the Governor.

"Sec. 14-288.17. Municipal and county ordinances may be made immediately effective if state of emergency exists or is imminent. (a) Notwithstanding any other provision of law, whether general or special, relating to the promulgation or publication of ordinances by any municipality or county, this Section shall control with respect to any ordinances authorized by Sections 14-288.11 and 14-288.12.

"(b) Upon proclamation by the mayor or chairman of the board of county commissioners that a state of emergency exists within the municipality or the county, or is imminent, any ordinance enacted under the authority of this Article shall take effect immediately unless the ordinance sets a later time. If the effect of this Section is to cause an ordinance to go into effect sooner than it otherwise could under the law applicable to the municipality or county, the mayor or chairman of the board of county commissioners, as the case may be, shall take steps to cause reports of the substance of any such ordinance to be disseminated in a fashion that such substance will likely be communicated to the public in general, or to those who may be particularly affected by the ordinance if it does not affect the public generally. As soon as practicable thereafter, appropriate distribution or publication of the full text of any such ordinance shall be made.

"Sec. 14-288.18. Injunction to cope with emergencies at public and private educational institutions. (a) The chief administrative officer, or his authorized representa-
tive, of any public or private educational institution may apply to any superior
court judge for injunctive relief if a state of emergency exists or is imminent within
his institution. For the purposes of this Section, the superintendent of any city or
county administrative school unit shall be deemed the chief administrative officer
of any public elementary or secondary school within his unit.

"(b) Upon a finding by a superior court judge, to whom application has been
made under the provisions of this Section, that a state of emergency exists or is
imminent within a public or private educational institution by reason of riot, disor-
derly conduct by three or more persons, or the imminent threat of riot, the judge
may issue an injunction containing provisions appropriate to cope with the emergen-
cy then occurring or threatening. The injunction may be addressed to named per-
sons or named or described groups of persons as to whom there is satisfactory cause
for believing that they are contributing to the existing or imminent state of emer-
gency, and ordering such persons or groups of persons to take or refrain or desist
from taking such various actions as the judge finds it appropriate to include in
his order."

Sec. 2. G. S. 153-9 is amended to add a new subdivision at the end of that
Section as follows:

"(60) The board of commissioners of any county may enact ordinances dealing
with states of emergency as authorized by Section 14-288.13, and the chairman
of the board of commissioners of any county may issue proclamations
imposing prohibitions and restrictions in emergencies under the authority
of Section 14-288.14 and, to the extent authorized in ordinances dealing with
states of emergency, under the authority of Section 14-288.13."

Sec. 3. G. S. 160-200 is amended to add a new subdivision at the end of that
Section as follows:

"(45) The governing body of any municipality is authorized to enact ordinances
dealing with states of emergency as authorized by Section 14-288.12."

Sec. 4. Chapter 18 of the General Statutes of North Carolina is amended to
add a new section as follows:

"Sec. 18-38.1. Authority of the Governor to direct closing of A. B. C. stores. When
the Governor finds that a state of emergency, as defined in Section 14-288.1, exists
anywhere within the State, he may order the closing of county and municipal liquor
stores in all or any portion of the State for the period of the emergency. His order
shall be directed to the Chairman of the State Board of Alcoholic Control. The
express authority granted by this Section is not intended to limit any other authori-
ity, express or implied, to order the closing of these stores."

Sec. 5. Chapter 18 of the General Statutes of North Carolina is amended to
add a new section as follows:

"Sec. 18-129.1. Authority of the Governor to limit sale of wine and malt beverag-
es. When the Governor finds that a state of emergency, as defined in Section 14-
288.1, exists anywhere within the State, he may order the cessation of all sale or
transfer, manufacture, or bottling of malt beverages or wine in all or any portion
of the State for the period of the emergency. His order shall be directed to the
Chairman of the State Board of Alcoholic Control. The express authority granted
by this Section is not intended to limit any other authority, express or implied,
to order cessation of these activities."

Sec. 6. Article 13 of Chapter 14 of the General Statutes of North Carolina is
rewritten to read as follows:
"Article 13.

*Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material.

"Sec. 14-49. Malicious use of explosive or incendiary; attempt; punishment. (a) Any person who wilfully and maliciously injures or attempts to injure another by the use of any explosive or incendiary device or material is guilty of a felony.

"(b) Any person who wilfully and maliciously damages or attempts to damage any real or personal property of any kind or nature belonging to another by the use of any explosive or incendiary device or material is guilty of a felony.

"(c) Any person who violates any provision of this Section is punishable by imprisonment in the State's prison for not less than five nor more than thirty years.

"Sec. 14-49.1. Malicious damage of occupied property by use of explosive or incendiary; attempt; punishment. Any person who wilfully and maliciously damages or attempts to damage any real or personal property of any kind or nature, being at the time occupied by another, by the use of any explosive or incendiary device or material is guilty of a felony punishable by imprisonment in the State's prison for not less than ten years nor more than imprisonment for life.

"Sec. 14-50. Conspiracy to injure or damage by use of explosive or incendiary; punishment. (a) Any person who conspires with another wilfully and maliciously to injure another by the use of any explosive or incendiary device or material is guilty of a felony.

"(b) Any person who conspires with another wilfully and maliciously to damage any real or personal property of any kind or nature belonging to another by the use of any explosive or incendiary device or material is guilty of a felony.

"(c) Any person who violates any provision of this Section is punishable by imprisonment in the State's prison for not more than fifteen years.

"Sec. 14-50.1. Explosive or incendiary device or material defined. As used in this Article, 'explosive or incendiary device or material' means nitroglycerine, dynamite, gunpowder, other high explosive, incendiary bomb or grenade, other destructive incendiary device, or any other destructive incendiary or explosive device, compound, or formulation; any instrument or substance capable of being used for destructive explosive or incendiary purposes against persons or property, when the circumstances indicate some probability that such instrument or substance will be so used; or any explosive or incendiary part or ingredient in any instrument or substance included above, when the circumstances indicate some probability that such part or ingredient will be so used."

Sec. 7. Article 8 of Chapter 14 of the General Statutes of North Carolina is amended to rewrite G. S. 14-34.1, added by Chapter 341 of the 1969 Session Laws, as follows:

"Sec. 14-34.1. Discharging firearm into occupied property. Any person who wilfully or wantonly discharges a firearm into or attempts to discharge a firearm into any building, structure, vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure while it is occupied is guilty of a felony punishable as provided in Section 14-2."

Sec. 7 1/2. Article 22 of Chapter 14 of the General Statutes is amended to rewrite G. S. 14-132 as follows:
"Sec. 14-132. Disorderly conduct in and injuries to public buildings and facilities.
(a) It is a misdemeanor if any person shall:
   (1) Make any rude or riotous noise, or be guilty of any disorderly conduct, in or near any public building or facility; or
   (2) Unlawfully write or scribble on, mark, deface, besmear, or injure the walls of any public building or facility, or any statue or monument situated in any public place; or
   (3) Commit any nuisance in or near any public building or facility.
   *(b)* Any person in charge of any public building or facility owned or controlled by the State, any subdivision of the State, or any other public agency shall have authority to arrest summarily and without warrant for a violation of this Section.  
   *(c)* The term 'public building or facility' as used in this Section includes any building or facility which is:
   (1) One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary; or
   (2) Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.
   The term 'building or facility' as used in this Section also includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.
   *(d)* Any person who violates any provision of this Section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six months, or both."
  
Sec. 8. Article 4 of Chapter 15 of the General Statutes of North Carolina is rewritten to read as follows:

"Article 4.

"Search Warrants.

"Sec. 15-25. Search warrants for contraband, evidence, and instrumentalities of crime. (a) Any justice, judge, clerk, or assistant or deputy clerk of any court of record, any justice of the peace, or any magistrate of the General Court of Justice may issue a warrant to search for any contraband, evidence, or instrumentality of crime upon finding probably cause for the search.
   *(b)* Any search warrant issued by any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be executed anywhere within the State. Any search warrant issued by any other official of the General Court of Justice may be executed as provided in Chapter 7A of the General Statutes. Any search warrant issued by any other judicial official or officer of any other court may be executed only within the territorial jurisdiction of such official or court.
   *(c)* The warrant may be executed by any law enforcement officer acting within his territorial jurisdiction whose subject matter jurisdiction encompasses the crime with which the object of the search is involved.
   *(d)* The search warrant shall be returnable as other criminal process is required to be.
"Sec. 15-26. *Contents of search warrant.* (a) The search warrant must describe with reasonable certainty the person, premises, or other place to be searched and the contraband, instrumentality, or evidence for which the search is to be made.

(b) An affidavit signed under oath or affirmation by the affiant or affiants and indicating the basis for the finding of probable cause must be a part of or attached to the warrant.

(c) The warrant must be signed by the issuing official and bear the date and hour of its issuance above his signature.

"Sec. 15-27. *Exclusionary rule.* (a) No evidence obtained or facts discovered by means of an illegal search shall be competent as evidence in any trial.

(b) No search may be regarded as illegal solely because of technical deviations in a search warrant from requirements not constitutionally required.

"Sec. 15-27.1. *Application of Article to all search warrants; exception as to inspection warrants.* The requirements of this Article apply to search warrants issued for any purpose, including those issued pursuant to Section 18-13, except that the contents of and procedure relating to inspection warrants authorized under Article 4A of this Chapter and Section 14-288.11 are to be governed by the provisions set out in the Sections relating to them."

Sec. 9. If any word, clause, sentence, paragraph, section, or other part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1122

CHAPTER 870

AN ACT TO REPEAL G. S. 160-28.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-28 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1254

CHAPTER 871

AN ACT TO ALLOW THE STATE COMMISSION FOR THE BLIND TO FURNISH INFORMATION CONCERNING PERSONS NAMED IN ITS REGISTER OF THE BLIND TO THE DEPARTMENTS OF MOTOR VEHICLES AND REVENUE FOR THE PURPOSE OF MORE EFFICIENT ADMINISTRATION OF THE LAW RELATING TO DRIVERS' LICENSES AND TAXATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 111-28 as the same appears in the 1966 Replacement Volume 3A of the General Statutes is amended by adding an unnumbered paragraph at the end thereof to read as follows:
"Notwithstanding the above, the North Carolina State Commission for the Blind is authorized to release to the North Carolina Department of Motor Vehicles and the North Carolina Department of Revenue the name and medical records of any person listed in the register of the blind in this State maintained under the provisions of G. S. 111-4. All information and documents released to the Department of Motor Vehicles and the Department of Revenue shall be treated by those Departments as confidential for their use only and shall not be released by them to any person for commercial or political purposes or for any purpose not directly connected with the administration of Chapters 20 and 105 of the General Statutes of this State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 465  
CHAPTER 872

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE THE GENERAL ASSEMBLY TO FIX THE PERSONAL EXEMPTIONS FOR INCOME TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of North Carolina, as revised and amended by a revision and amendment submitted to the qualified voters by a Bill to be Entitled an Act to Revise and Amend the Constitution of North Carolina, S. B. 150, H. B. 231, enacted as Chapter 1258 of the Session Laws of 1969, is amended by rewriting Article V, Sec. 2(6), to read as follows:

"(6) Income tax. The rate of tax on incomes shall not in any case exceed ten per cent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed."

Sec. 2. The Constitution of North Carolina, as amended by an amendment submitted to the qualified voters by a Bill to be Entitled an Act to Amend the Constitution of North Carolina to Revise Article V Concerning State and Local Finance, is further amended by rewriting Article V, Sec. 2(6) thereof to read as follows:

"(6) Income tax. The rate of tax on incomes shall not in any case exceed ten per cent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed."

Sec. 3. The Constitution of North Carolina, as that document read on January 1, 1969, is amended by rewriting Article V, Sec. 3, to read as follows:

"Sec. 3. State and local taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away. Only the General Assembly shall have the power to classify property and other subjects for taxation, which power shall be exercised only on a State-wide basis. No class or subject shall be taxed except by uniform rule, and every classification shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. The General Assembly's power to classify shall not be delegated, except that the General Assembly may permit the governing boards of counties, cities, and towns to classify trades and professions for local license tax purposes. The rate of tax on
incomes shall not in any case exceed ten per cent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed."

Sec. 4. The amendment set out in Sections 1, 2, and 3 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing elections in this State.

Sec. 5. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

☐ FOR constitutional amendment authorizing General Assembly to fix personal exemptions for income tax purposes.

☐ AGAINST constitutional amendment authorizing General Assembly to fix personal exemptions for income tax purposes."

Those qualified voters favoring the amendment set out in Sections 1, 2, and 3 of this Act shall vote by marking an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by making an X or a check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this Section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 6. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1, 2, and 3 of this Act, and if a majority of the votes cast thereon are against the amendment submitted to the qualified voters by A Bill to be Entitled an Act to Amend the Constitution of North Carolina to Revise Article V Concerning State and Local Finance, and if a majority of the votes cast thereon are in favor of the revision and amendment submitted to the qualified voters by A Bill to be Entitled an Act to Revise and Amend the Constitution of North Carolina, then the Governor shall certify the amendment set out in Section 1 of this Act to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and that amendment shall take effect as an amendment to the revised and amended Constitution of North Carolina on July 1 next after its ratification by the qualified voters.

Sec. 7. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1, 2, and 3 of this Act, and if a majority of the votes cast thereon are in favor of the amendment submitted to the qualified voters by A Bill to be Entitled an Act to Amend the Constitution of North Carolina to Revise Article V Concerning State and Local Finance, and if a majority of the votes cast thereon are in favor of the revision and amendment submitted to the qualified voters by A Bill to be Entitled an Act to Revise and Amend the Constitution of North Carolina, then the Governor shall certify the amendment set out in Section 2 of this Act to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and that amendment shall take effect as an amendment to the revised and amended Constitution of North Carolina as further amended by the amendment submitted to the qualified voters by A Bill to be Entitled an Act to Amend Article V, and it shall take effect on July 1 next after its ratification by the qualified voters.

Sec. 8. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1, 2, and 3 of this Act, and if a majority of the votes cast thereon are in favor of the amendment submitted to the qualified voters by A Bill to be Entitled an Act to Amend the Constitution of North Carolina to Revise Article V Concerning State and Local Finance, and if a majority of the votes cast thereon
are against the revision and amendment submitted to the qualified voters by a
Bill to be Entitled an Act to Revise and Amend the Constitution of North Carolina,
then the Governor shall certify the amendment set out in Section 2 of this Act
to the Secretary of State, who shall enroll that amendment among the permanent
records of his office, and that amendment shall take effect as an amendment to
the present Constitution of North Carolina as amended by an amendment submitted
to the qualified voters by a Bill to be Entitled an Act to Amend the Constitution
of North Carolina to Revise Article V Concerning State and Local Taxation, and
shall take effect on July 1 next after its ratification by the qualified voters.

Sec. 9. If a majority of the votes cast thereon are in favor of the amendment
set out in Sections 1, 2, and 3 of this Act, and if a majority of the votes cast thereon
are against the amendment submitted to the qualified voters by a Bill to be Entitled
an Act To Amend the Constitution of North Carolina to Revise Article V Concerning
State and Local Finance, and if a majority of the votes cast thereon are against
the revision and amendment submitted to the qualified voters by a Bill to be Enti-
tled an Act to Revise and Amend the Constitution of North Carolina, then the Gov-
ernor shall certify the amendment set out in Section 3 of this Act to the Secretary
of State, who shall enroll that amendment so certified among the permanent records
of his office, and that amendment so certified shall take effect as an amendment
to the present Constitution of North Carolina on July 1 next after its ratification
by the qualified voters.

Sec. 10. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of
June, 1969.

H. B. 737  
CHAPTER 873

AN ACT TO AMEND G. S. 160-4.1 TO ALLOW MUNICIPALITIES BECOMING
REACTIVATED AFTER THE DECENNIAL CENSUS TO FILE ESTIMATES OF
POPULATION IN ORDER TO PARTICIPATE IN STATE COLLECTED FUNDS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160, Section 4.1 of the General Statutes as the same appears
in the 1964 Replacement Volume 3D is hereby amended by deleting the words "by
reason of its being unincorporated at the time said census was taken and certified"
following the word "census" in line 2 thereof and by deleting the words "becoming
incorporated after such census" preceding the word "shall" in line 4 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of
June, 1969.
AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Catawba County shall continue to be constituted with five members as its membership, and the present members of the Board of Education of Catawba County shall continue to hold their offices for the terms of office now established and until the term of office of each member has expired as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. T. Campbell</td>
<td>First Monday in December, 1970</td>
</tr>
<tr>
<td>Fred H. Lytton</td>
<td>First Monday in December, 1970</td>
</tr>
<tr>
<td>Martin S. Keisler</td>
<td>First Monday in December, 1972</td>
</tr>
<tr>
<td>Bruce Teague</td>
<td>First Monday in December, 1972</td>
</tr>
<tr>
<td>John Hunsucker</td>
<td>First Monday in December, 1972</td>
</tr>
</tbody>
</table>

and his successor has been elected and qualified as hereinafter set forth.

Sec. 2. At the general election for county officers to be held in Catawba County in 1970, there shall be elected two members of the Board of Education of Catawba County. At the general election for county officers to be held in 1972, there shall be elected three members of the Board of Education of Catawba County. All members so elected shall hold their offices for four years, and until their successors are elected and qualified. Thereafter, as vacancies occur in the membership of the Board of Education of Catawba County by reason of expiration of terms of office, they shall be filled by nomination in the primaries and by election in the general elections according to the number of vacancies to be filled and according to the procedure set forth in this Act.

Sec. 3. All persons desiring to be candidates for membership on said Board of Education shall file notice of candidacy with the Board of Elections of Catawba County by 12:00 noon on or before the Friday preceding the sixth Saturday before the primary election for the nomination of county officers is to be held, which notice shall state the name of each candidate, his age and place of residence, and which shall be accompanied by a filing fee of ten dollars ($10.00). If the number of candidates filing for membership on said Board of Education shall not exceed twice the number of vacancies occurring by reason of expiration of terms of office then no primary election will be necessary, and the County Board of Elections shall certify such candidates as the nominees to be voted upon at the general election. If the number of candidates filing for membership on said Board of Education shall exceed twice the number of vacancies occurring by reason of expiration of terms of office, a separate ballot shall be provided by the County Board of Elections and a primary election held with respect thereto at the same time fixed by law in primary elections for the nomination of candidates for county officers. In such primary, the number of candidates, equal to twice the number of vacancies to be filled, receiving the highest number of votes in descending order shall be declared the nominees and the County Board of Elections shall certify such candidates as the nominees to be voted upon at the general election. Such primary elections for the selection of the nominees for the Board of Education shall be nonpartisan and no political party affiliation shall be used by any candidate, and no political party affiliation shall be shown on said primary ballot.
Sec. 4. The general election shall be nonpartisan and there shall be a separate ballot provided by the County Board of Elections with the names of the nominees printed thereon with appropriate instructions for use in the general election, and no political party affiliation shall be shown on said ballot and no political party affiliation shall be used by any candidate. At the general election the candidates, equalling in number to the number of vacancies to be filled, receiving the highest number of votes in descending order shall be declared to be elected to membership on the Board of Education of Catawba County; and shall take office and qualify on the First Monday in December following their election.

Sec. 5. All candidates in any primary and all nominees in any general election held under this Act shall be qualified electors of Catawba County who reside outside the boundaries of the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit, and shall be voted upon at large by the electors in Catawba County who reside outside the boundaries of the Hickory Administrative School Unit and the Newton-Conover Administrative School Unit.

Sec. 6. In case of a vacancy on the Board of Education of Catawba County caused by death, resignation, change of residence, failure to qualify, or for any other cause whatsoever, the vacancy shall be filled by the Board of Commissioners of Catawba County until the next primary and general election to be held in Catawba County for the nomination and election of County officers when a candidate shall be nominated and elected for the remainder of the unexpired term.

Sec. 7. The Chairman of the Board of Education of Catawba County shall be elected by the members of said Board of Education at a special meeting to be held on the first Monday in December of 1970 and each two years thereafter immediately following the qualifying of newly-elected members, and the Superintendent of Schools of Catawba County shall ex officio be the Secretary of said Board of Education. The said Board of Education of Catawba County shall continue to exercise all the powers and duties as provided by Chapter 115 of the General Statutes, as amended, or as may be provided by any local act of the General Assembly applicable to Catawba County.

Sec. 8. The method or procedure of organizing the Board of Education of Catawba County as set forth in this Act and the method or procedure for nominating and electing the members of the Board of Education of Catawba County as set forth in this Act shall be the sole, only and controlling Act for the organization and election of the members of said Board of Education of Catawba County. No Act which purports to appoint members of said Board of Education or to organize or constitute the Board of Education of Catawba County other than as set forth in this Act shall be valid or have any force and effect. Any and all provisions of the Omnibus Act of 1969 relating to the appointment of certain members of the Board of Education of the respective counties of North Carolina as set forth and applied to Catawba County are hereby modified to the extent that the terms of such appointments conflict with this Act.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
H. B. 819

CHAPTER 875

AN ACT TO AMEND CHAPTER 55A OF THE GENERAL STATUTES RELATING TO NON-PROFIT CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55A-6 as the same appears in the 1965 Replacement Volume 2B of the General Statutes is hereby amended by deleting from the first line thereof the word, "Three", and inserting in lieu thereof the word, "One".

Sec. 2. G. S. 55A-9 as the same appears in the 1965 Replacement Volume 2B of the General Statutes is hereby amended by adding at the end of the section an additional sentence to read as follows, "Any action permitted to be taken at the organizational meeting may be taken without a meeting of the board of directors and shall be deemed board action if it complies with the requirements of G. S. 55A-86."

Sec. 3. G. S. 55A-10 is hereby amended and rewritten to read as follows:

"55A-10 Corporate name. (a) The corporate name shall not contain any word or phrase likely to mislead the public or which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its charter.

(b) The Corporate name shall not, subject to the provisions of G. S. 55A-60, be the same as, or deceptive or similar to, the name of any domestic corporation, whether for profit or not for profit, or of any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this State, or a corporate name the exclusive right to which is at the time reserved or registered by some other person in the manner prescribed in this Section or G. S. 55-12.

(c) The exclusive right to a corporate name not prohibited by this Section may be reserved for a period of 90 days by:

(1) Any person intending to organize a corporation under this Chapter.

(2) Any domestic corporation intending to change its name.

(3) Any foreign corporation intending to make application for a certificate of authority to conduct affairs in this State.

(4) Any foreign corporation authorized to conduct affairs in this State and intending to change its name, or

(5) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to conduct affairs in this State.

The same name shall not be reserved for two or more consecutive 90-day periods by the same applicant or for the use and benefit of the same applicant; nor shall such consecutive reservations be made of names so similar as to fall within the prohibition of this Section.

(d) Any person or corporation acquiring the good will of a domestic corporation or of a foreign corporation authorized to conduct affairs in this State may, on furnishing the Secretary of State satisfactory evidence of such acquisition, reserve the exclusive right to the corporate name of the said corporation for a period of ten years.

(e) The reservation of name, pursuant to subsections (c) and (d) of this Section, shall be made by filing with the Secretary of State a verified application therefor
CHAPTER 875

SESSION LAWS—1969

stating the name and address of the applicant, and the Secretary of State shall, upon tender of the fee hereinafter prescribed, reserve the name exclusively for the applicant unless he finds that the name is not available under the provisions of this Section.

"(f) The exclusive right to a specified corporate name reserved hereunder, may, on tender of the fee hereinafter prescribed, be transferred to any other person or corporation by filing in the office of the Secretary of State a notice of such transfer, executed by the applicant for whom the name was reserved and specifying the name and address of the transferee.

"(g) Any foreign corporation not conducting affairs in this State may register its corporate name, if not prohibited by this Section, by filing with the Secretary of State a verified application therefor setting forth the name and address of the principal office of the corporation, the jurisdiction in which it is incorporated, the date of its incorporation, a statement that it is organized and conducting affairs in good standing under the laws of the jurisdiction in which it is incorporated, and a brief statement of the business in which it is engaged; and the Secretary of State shall, upon tender of the fee prescribed by G. S. 55A-77(a), register the name exclusively for the use of such foreign corporation, unless he finds that the name is not available under the provisions of this Section. Such registration shall be effective for a period of one year, and it may be renewed from year to year, not to exceed ten years, by filing with the Secretary of State a verified renewal application setting forth the same facts required to be set forth in the original application for registration. Any renewal application filed after the expiration of the registration shall be treated as a new application for registration.

"(h) The Secretary of State may revoke any reservation or registration of a corporate name if he finds, upon a hearing held not less than five (5) days after written notice has been sent by registered mail to the person or corporation who made the reservation or registration, that the application therefor or any transfer thereof was not made in good faith or that any statement contained in the application for reservation or registration was false when such application was filed or has thereafter become false.

"(i) The use by a corporation of a name in violation of this Section may be enjoined notwithstanding the filing of its articles by the Secretary of State."

Sec. 4. G. S. 55A-15 (b) (5) as the same appears in the 1965 Replacement Volume 2B of the General Statutes is hereby amended to read as follows:

"(5) To procure for its benefit insurance on the life or physical or mental ability of any employee, including any officer, or, in case of a religious, educational, or charitable corporation, any sponsor, contributor, student or former student, whose death or disability might cause financial loss to the corporation, and to this end the corporation has an insurable interest in the lives of each of such persons."

Sec. 5. G. S. 55A-23 as the same appears in the 1965 Replacement Volume 2B of the General Statutes is hereby amended and rewritten to read as follows:

"Sec. 55A-23. Committees(a) Unless otherwise provided in the charter or bylaws, the board of directors, by resolution adopted by a majority of the number of directors then in office may designate one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, in the charter or in the bylaws of the corporation, shall have and exercise
the authority of the board of directors in the management of the corporation, except that no such committee shall have authority as to the following matters:

1. The dissolution, merger or consolidation of the corporation; the amendment of the charter of the corporation; or the sale, lease or exchange of all or substantially all of the property of the corporation.

2. The designation of any such committee or the filling of vacancies in the Board of Directors or in any such committee.

3. The amendment or repeal of the bylaws, or the adoption of new bylaws.

4. The amendment or repeal of any resolution of the board which by its terms shall not be so amendable or repealable.

"(b) Other committees not having and exercising the authority of the board of directors in the management of the corporation may be designated by a resolution adopted by a majority of the directors present at a meeting at which a quorum is present.

"(c) Any committee, or any member thereof may be discharged or removed by action of a majority of the board of directors pursuant to the provisions of G. S. 55A-22 or G. S. 55A-86. The designation of any committee and the delegation thereto of authority shall not operate to relieve the board of directors or any member thereof, of any responsibility or liability imposed upon it or him by law.

Sec. 6. Chapter 55A of the General Statutes is hereby amended by inserting a new section G. S. 55A-27.1 therein to read as follows:

"Sec. 55A-27.1. Form of Records. Any records maintained by a corporation in the regular course of its business, including its books of account and minute books, may be kept on, or be in the form of, punch cards, magnetic tape, photographs, microphotographs, or any other information storage device; provided that the records so kept can be converted into clearly legible form within a reasonable time. Any corporation shall so convert any records so kept upon the request of any person entitled to inspect the same. Where records are kept in such manner, the cards, tapes, photographs, microphotographs or other information storage device together with a duly authenticated read-out or translation shall be admissible in evidence, and shall be accepted for all other purposes, to the same extent as an original written record of the same information would have been."

Sec. 7. G. S. 55A-60 (b) as the same appears in the 1965 Replacement Volume 2B of the General Statutes is hereby amended and rewritten to read as follows:

"(b) The corporate name shall not be the same as, or deceptively similar to, the name of any domestic corporation, whether for profit or not for profit, or any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this State, or a name the exclusive right to which is, at the time, reserved or registered in the manner prescribed in G. S. 55A-10, except that the Secretary of State may in his discretion issue a certificate of authority to a foreign corporation which has a corporate name the same as or similar to that of some other domestic corporation or foreign corporation authorized to transact business or conduct affairs in this State:

1. If the Secretary of State finds, upon proof by affidavit or otherwise, that such corporations are not engaged in the conduct of the same or similar affairs and that the public is not likely to be confused or deceived, and if, upon requirement by
the Secretary of State in his discretion, such foreign corporation agrees in its application for certificate of authority to add to its corporate name in this State words indicating the state or country under the laws of which it is incorporated; or

(2) If the foreign corporation agrees in its application for certificate of authority to conduct affairs in this State only under an assumed name that would be available for its use in this State, in which event such corporation shall thereafter comply with all of the provisions of law, including the provisions of G. S. 66-68 through 66-71, relating to doing business under an assumed name and such assumed name shall be deemed to be the name of such foreign corporation in this State and shall be entitled to the same protections under this Chapter as if it were the name of such foreign corporation.

Sec. 8. G. S. 55A-61(a) as the same appears in the 1965 Replacement Volume 2B of the General Statutes is hereby amended and rewritten to read as follows:

"(a) A foreign corporation, in order to procure a certificate of authority to conduct affairs in this State, shall make application therefor to the Secretary of State, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the corporation agrees under G. S. 55A-60(b) to add to its corporate name in this State words indicating its jurisdiction of incorporation or agrees to conduct affairs under an assumed name, then the name of the corporation with the words so added or the assumed name.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The address, including county and city or town, and street and number, if any, of the proposed registered office of the corporation in this State, and the name of its proposed registered agent in this State at such address.

(6) The purposes of the corporation which it proposes to pursue in conducting its affairs in this State.

(7) The names and respective addresses of the directors and officers of the corporation.

(8) A statement that, in consideration of the issuance of a certificate of authority to conduct affairs in this State, the corporation appoints the Secretary of State of North Carolina as its agent to receive service of process, notice, or demand whenever the corporation fails to appoint or maintain a registered agent in this State, or whenever any such registered agent cannot with reasonable diligence be found at the registered office."

Sec. 9. G. S. 55A-86 as the same appears in the 1965 Replacement Volume 2B of the General Statutes is hereby amended and rewritten to read as follows:

"55A-86. Action by members without a meeting. Any action required by this Chapter to be taken at a meeting of the members or of the board of directors, or of a committee of directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof, or by a majority of the directors, or by a majority of the members of the committee of directors, as the case may
be, and filed with the secretary of the corporation as part of the corporate records, whether done before or after the action so taken; provided, however, that this shall not apply whenever the charter or the bylaws of the corporation specifically require that such action be by a unanimous vote.

Sec. 10. G.S. 55A-77(a) is hereby amended by renumbering G.S. 55A-77(a)(16) as G.S. 55A-77(a)(17) and inserting immediately preceding that subdivision a new subdivision G.S. 55A-77(a)(16) to read as follows:

"(16) For filing an application to reserve or register a corporate name and for filing an application to renew such a registration G.S. 55A-10(e) and (f),........$5.00."

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be effective on and after October 1, 1969.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 888  
CHAPTER 876

AN ACT TO AUTHORIZE MAGISTRATES TO HEAR WORTHLESS CHECK CASES WHEN THE AMOUNT IS NOT OVER $50.00.

The General Assembly of North Carolina do enact:

Section 1. G.S. 14-107, as it appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by rewriting the last two paragraphs thereof to read as follows:

"Any person, firm, or corporation violating any provision of this Section, shall be guilty of a misdemeanor: Provided, however, if the amount of such check is not over fifty dollars ($50.00), the punishment shall not exceed a fine of fifty dollars ($50.00) or imprisonment for thirty days. The word 'credit' as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of any such check or draft."

Sec. 2. G.S. 7A-273, as it appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding a new subsection thereto, designated as subsection (7), and to read as follows:

"(7) Notwithstanding the provisions of subsection (1) of this Section, to hear and enter judgment in all worthless check cases brought under G.S. 14-107, when the amount of the check is fifty dollars ($50.00) or less."

Sec. 3. G.S. 7A-288 is amended by inserting a sentence at the beginning thereof to read as follows: "Any defendant convicted in district court before the magistrate may appeal to the district court for trial de novo before the district court judge."

and by inserting the words "District or" before the words "superior court" in the third sentence.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
CHAPTER 877

AN ACT TO AMEND G. S. 15-218 AND G. S. 15-220, RELATING TO POST-CONVICTION PETITIONS, SO AS TO ALLOW THE SUPERIOR COURT TO CONSIDER A SUBSEQUENT PETITION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-218 is amended by striking the period at the end of the last sentence, inserting a comma in lieu thereof, and adding the following: "unless the court, upon consideration of a subsequent petition, finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately asserted in the original or amended petition."

Sec. 2. G. S. 15-220 is amended by deleting therefrom the following sentence: "Withdrawal of a petition shall constitute a waiver of any claim of denial of constitutional rights or of other error remediable under this Article which has been alleged in the petition."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1022

CHAPTER 878

AN ACT TO INCREASE FROM 6% TO 8% THE MAXIMUM INTEREST ON CERTAIN DRAINAGE DISTRICT BONDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-97 is hereby amended by striking out the word "six" in line one of Subsection (3) and the last line of Subsection (6) and inserting in each line in lieu thereof the word "eight".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1102

CHAPTER 879

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MOREHEAD CITY AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Morehead City is hereby revised and consolidated to read as follows:

THE CHARTER OF THE TOWN OF MOREHEAD CITY

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Morehead City shall continue to be a body politic and corporate under the name and style of the "Town of Morehead City", and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract,
may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Morehead City shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Morehead City, until changed in accordance with law, shall include the following territory:

All of the land and water area as shown on the "official Map of the Town of Morehead City", made by Philip K. Ball, February, 1955, and recorded in Map Book Three, Page 100, Carteret County Registry, as amended by subsequent annexations as follows:

All that certain land and water area being former Cecil L. Nelson and Viola J. Nelson property as shown on Map of Philip K. Ball, March, 1958, recorded Map Book Four, Page 51, Carteret County Registry;

All of that certain land and water area abutting the Intercoastal Waterway, and including the Port facilities, as shown on Map of Philip K. Ball, August, 1965, Map Book Six, Page 71, Carteret County Registry;

The R. E. A. property as described in Annexation Ordinance, Book 154, Page 103, Carteret County Registry, and as defined by metes and bounds in Map of J. G. Hassell and recorded in Map Book Two, Page 187, Carteret County Registry;

The former Gertrude W. Laughton property as defined in final judgment Town of Morehead City versus Gertrude Laughton et als, property on North side of Calico Creek and defined by metes and bounds, final judgment recorded in Book 251, Page 289, Carteret County Registry;

Former Gertrude W. Laughton property of 11.45 acres on the Crab Point Loop Road as described by metes and bounds in deed dated February 1, 1967, from Gertrude Laughton to the Town of Morehead City, as recorded in Book 285, Page 35, Carteret County Registry;

The W. C. Flowers property on old U. S. Highway 70 and known and designated as all of Lots 32 and 33 of the Rex K. Bruton Subdivision as recorded in Map Book One, Page 289, Carteret County Registry.

Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.
CHAPTER 879     SESSION LAWS—1969

ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

Sec. 3.1. Composition of Board of Commissioners. The Board of Commissioners shall consist of five members to be elected by the qualified voters of the Town voting at large in the manner provided in Article IV.

Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. Where there is an equal division upon a question, or the appointment of officers, the Mayor shall determine the matter by his vote, but he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

Sec. 3.3. Terms: Qualifications: Vacancies. (a) The Mayor and members of the Board of Commissioners shall serve for terms of four years, except as provided in Article IV, and the Mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) In the event a vacancy occurs in the office of Mayor or Board of Commissioners, the Board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

Sec. 3.4. Compensation of Mayor and Commissioner. The Mayor shall receive for his services such salary as the Board of Commissioners shall determine, but no reduction in his salary shall be made to take effect during the term for which it is voted. The Board may establish a salary for its members which may be increased or reduced.

Sec. 3.5. Organization of Board; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at the first regular meeting following each biennial election. Before entering upon their offices, the Mayor and each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: "I, , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of , on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 3.6. Meetings of Board. (a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Board, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Board shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

988
Sec. 3.7. **Quorum: Votes.** (a) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Three affirmative votes, which may include the vote of the Mayor in the event of equal division among the Commissioners, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 3.8. **Ordinances and Resolutions.** The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clauses of all ordinances shall be: "Be it ordained by the Board of Commissioners of the Town of Morehead City". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

**ARTICLE IV. ELECTION PROCEDURE**

Sec. 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected a Mayor to serve for a term of two years. In the regular election in 1971, there shall be elected five commissioners, and the three candidates for commissioner who receive the largest numbers of votes shall be declared elected for terms of four years, and the two candidates for commissioner who receive the next largest numbers of votes shall be declared elected for terms of two years. In the regular election in 1973, and quadrennially thereafter, there shall be elected two commissioners to serve for terms of four years. In the regular election in 1975, and quadrennially thereafter, there shall be elected three commissioners to serve for terms of four years.

Sec. 4.2. **Voting.** Each voter shall be entitled to vote for one candidate for Mayor and for five candidates for Commissioner. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected. The five candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected.

Sec. 4.3. **Filing of Candidates.** Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty (60) days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the Town Clerk of his designee, and shall be substantially in the following form: "I ____________, do hereby give notice that I am a candidate for election to the office of (Mayor/Commissioner), to be voted on at the election to be held on ____________, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the Town of Morehead City, residing at ____________, (Signature) ____________.

Date: ____________, (Signature) ____________.”
Sec. 4.4. **Ballots.** No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

Sec. 4.5. **Regulation of Elections.** All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

ARTICLE V. TOWN ATTORNEY

Sec. 5.1. **Appointment; Qualifications; Term; Compensation.** The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board and shall receive such compensation as the Board shall determine.

Sec. 5.2. **Duties of Town Attorney.** It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position of Town Attorney.

ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Sec. 6.1. **Town Clerk.** The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board of Commissioners and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct.

Sec. 6.2. **Town Tax Collector.** The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Sec. 6.3. **Town Accountant.** The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Sec. 6.4. **Consolidation of Functions.** The Board of Commissioners may consolidate any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions.

Sec. 6.5. **Delegation of Administrative Authority.** The Board of Commissioners may, in its discretion, by ordinance delegate to some administrative officer of the Town its authority to appoint, remove, and supervise other officers, department heads, and employees, including those officers named in this Article and such others as are authorized or required by general law. Such administrative officer may be given such title, compensation, and duties as the Board deems proper, and such other authority as may lawfully be delegated by it.

ARTICLE VII. FINANCE AND TAXATION

Sec. 7.1. **Custody of Town Money.** All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into
the Town depository or depositories. Such institutions shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Sec. 7.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Commissioners.

Sec. 7.3. Limitation of Tax for General Purposes. Notwithstanding the provisions of G. S. 160-402, for the purpose of defraying the expenses incident to the proper government of the Town, the Board of Commissioners may annually levy and collect ad valorem property taxes at such rate as it deems necessary.

ARTICLE VIII. DISPOSAL OF PROPERTY

Sec. 8.1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the Board of Commissioners shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the Board has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of not more than five thousand dollars ($5,000.00);

(b) without bids or advertisement, by exchange for real property of like or greater market value.

(c) No sale or exchange of real property authorized by this Section shall be ordered by the Board of Commissioners unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the Town a notice of their intention to consider such sale or exchange.

Sec. 8.2. Disposal of Surplus Personal Property. The Board of Commissioners shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the Board has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Board may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than five thousand dollars ($5,000.00); provided, all such bids received shall be recorded on the minutes of the Board;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00);
provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Board.

ARTICLE IX. POLICE.

Sec. 9.1. Jurisdiction Extended. (a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all Town owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Sec. 9.2. Effect of Ordinances on Town Property. All applicable ordinances of the Town shall have full force and effect upon and within all property and facilities owned by the City, whether located within or outside the corporate limits.

Sec. 9.3. Effect of Ordinances on Certain Waters. All applicable ordinances of the Town shall have full force and effect upon the waters of Bogue Sound, Calico Creek, and Newport River, a distance of three hundred (300) yards in parallel lines from the corporate limits at the respective shore lines, subject, however, to the Constitution and laws of the United States pertaining to the rights of the United States Government over navigable waters.

ARTICLE X. SIDEWALKS

Sec. 10.1. Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for making sidewalk improvements, the Board of Commissioners is hereby authorized to order to be made or to make sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners. In ordering sidewalk improvements or repairs under authority of this Section, the Board of Commissioners shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof. The effect of levying assessments under authority of this Section shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

ARTICLE XI. CLAIMS AGAINST THE TOWN

Sec. 11.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the Town of Morehead City arising in tort or in contract shall be presented to the Board of Commissioners in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the Town on account of damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejectment of the Town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Commissioners of the claim, stating in the notice the date that the alleged
use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The Town may at any time request the appointment of a next friend to represent any person having a potential claim against the Town and known to be suffering from physical or mental incapacity.

Sec. 11.2. Settlement of Claims. The Board of Commissioners may authorize the Town Attorney to settle claims against the Town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the Town Attorney pursuant to this Section shall constitute a complete release of the Town from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of.

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Morehead City and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the Town of Morehead City;

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind;

(c) Any Acts relating to the operation or use of revenues of alcoholic beverage control stores.

Sec. 4. (a) The following acts or portions of acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed: Chapter 172, Private Laws, 1860-61 (Regular Session); Chapter 111, Private Laws, 1887; Chapter 234, Private Laws, 1889; Chapter 263, Private Laws, 1889; Chapter 248, Private Laws, 1893; Chapter 513, Public Laws, 1899; Chapter 96, Public Laws,
1905; Chapter 254, Private Laws, 1905; Chapter 291, Private Laws, 1905; Chapter 477, Public Laws, 1909; Chapter 117, Private Laws, 1911; Chapter 242, Public-Local Laws, 1913 (Extra Session); Chapter 455, Public-Local Laws, 1915; Chapter 783, Public-Local Laws, 1915; Chapter 67, Private Laws, 1921 (Extra Session); Chapter 245, Private Laws, 1923; Chapter 202, Private Laws, 1925; Chapter 174, Private Laws, 1927; Chapter 128, Private Laws, 1929; Chapter 141, Private Laws, 1929; Chapter 77, Private Laws, 1931; Chapter 71, Private Laws, 1933; Chapter 158, Private Laws, 1933; Chapter 175, Public-Local Laws, 1933; Chapter 196, Private Laws, 1933; Chapter 237, Private Laws, 1933; Chapter 207, Public-Local Laws, 1935; Chapter 381, Public-Local Laws, 1939; Chapter 474, Public-Local Laws, 1939; Chapter 493, Public-Local Laws, 1939; Chapter 3, Private Laws, 1941; Chapter 420, Session Laws, 1943; Chapter 627, Session Laws, 1947; Chapter 726, Session Laws, 1949; Chapter 804, Session Laws, 1949; Chapter 598, Session Laws, 1951; Chapter 331, Session Laws, 1953; Chapter 657, Session Laws, 1953; Chapter 517, Session Laws, 1955; Chapter 1356, Session Laws, 1955; Chapter 629, Session Laws, 1957; Chapter 716, Session Laws, 1957; Chapter 694, Session Laws, 1963.

(b) The following acts, which have been superseded by application of the Judicial Department Act of 1965 in the County of Carteret, are hereby repealed: Chapter 59, Private Laws, 1924 (Extra Session); Chapter 924, Session Laws, 1953; Chapter 991, Session Laws, 1957.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Morehead City, and all existing rules or regulations of departments or agencies of the Town of Morehead City, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the Town of Morehead City or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability: If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed. Sec. 10. This Act shall be effective on July 1, 1969.

994
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1104  
CHAPTER 880  
AN ACT TO AMEND G. S. 20-116 TO PROVIDE A 102-INCH WIDTH FOR PASSENGER BUSES UNDER CERTAIN CONDITIONS.  
The General Assembly of North Carolina do enact:  
Section 1. Amend G. S. 20-116 by adding thereto a new subsection to be designated (k) to read as follows:  
"(k) Nothing in this Section shall be construed to prevent the operation of passenger buses having an over-all width of 102 inches, exclusive of safety equipment, upon the highways of this State which are 20 feet or wider and that are designated as the State Primary System, or as municipal streets, when, and not until, the federal law and regulations thereunder permit the operation of passenger buses having a width of 102 inches or wider on the National System of Interstate and Defense Highways."  
Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.  
Sec. 3. This Act shall be in full force and effect on and after September 1, 1969.  
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1112  
CHAPTER 881  
AN ACT TO CREATE AND ESTABLISH A DEPARTMENT OF INVESTIGATION AND IDENTIFICATION FOR THE COUNTY OF MOORE.  
The General Assembly of North Carolina do enact:  
Section 1. That in order to provide for the performance of the duties hereinafter designated and defined, there is hereby created and established for the County of Moore a Department of Investigation and Identification.  
Sec. 2. The County Commissioners of Moore County may appoint a chief investigator and identification expert and one or more assistants to the chief for such period and at such salary, payable from the General Fund of the County, as the County Commissioners may determine from time to time.  
Sec. 3. That the Department of Investigation and Identification shall be located in the County courthouse and shall be in charge of the chief investigator and identification expert and his assistants, which said Department of Investigation and Identification shall be under the supervision of the County Commissioners, and the County Commissioners shall provide, at county expense, all necessary equipment and supplies for the proper maintenance of the said Department of Investigation and Identification.  
Sec. 4. That it shall be the duty of the chief investigator and identification expert and his assistants to fingerprint and photograph such persons arrested in Moore County for any offense as in their opinion or the opinion of the County Commissioners of Moore County may be necessary, and it shall also be the duty of the said chief and his assistants to make photographs of the scene of all homicides.
CHAPTER 881    SESSION LAWS—1969

and to assist the sheriff and other lawful officers of Moore County and the police of any town within said county in all matters for the apprehension of criminals and in the proper enforcement of the criminal law, and the said chief investigator and identification expert and his assistants shall be vested with the authority of a deputy sheriff of Moore County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1116    CHAPTER 882

AN ACT TO AMEND CHAPTER 939 OF THE SESSION LAWS OF 1951 RELATING TO ALCOHOLIC BEVERAGE CONTROL STORE REVENUES IN THE TOWN OF TRYON.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 939 of the Session Laws of 1951 is hereby rewritten to read as follows:

"Sec. 6. Of the net profits remaining from the operation of liquor control stores in the Town of Tryon after deducting the necessary funds for law enforcement as provided in G.S. 18-45(15), five per cent shall be paid to the Harmon Field Commission to be used by it solely for capital improvements useful in its recreational activities. The remainder of the net profits shall be paid as follows: seventy per cent to the Town of Tryon to be used for any lawful public purpose; twenty per cent to the County of Polk to be used for any lawful public purpose; ten per cent to the Harmon Field Commission to be used for maintenance and current operations of its recreational facilities and programs."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1125    CHAPTER 883

AN ACT TO AMEND CHAPTER 1257, SESSION LAWS OF 1959, RELATING TO THE HALIFAX COUNTY BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Section 2(e) of Chapter 1257, Session Laws of 1959, is hereby amended by rewriting the first sentence to read as follows: "The Board shall hold its regular monthly meetings at the Board's Administrative Building on such day and time as the Board, in its discretion, may determine."

Sec. 2. Section 3(m) of Chapter 1257, Session Laws of 1959, is hereby amended by deleting the words and figures "six thousand dollars ($6,000.00)" and by inserting in lieu thereof the words and figures "ten thousand dollars ($10,000.00)."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

996
H. B. 1127  

CHAPTER 884

AN ACT TO EQUALIZE PRIVILEGE LICENSE TAXES ON THE RELATED BUSINESSES OF LAUNDRIES AND DRY CLEANING ESTABLISHMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-74 is hereby amended by striking out the first six lines, following the caption, and by inserting in lieu thereof the following:

"Every person engaging in the business of operating a dry cleaning plant, pressing club or hat blocking establishment shall apply for and procure from the Commissioner of Revenue a State license for the privilege of conducting such a business, and shall pay for such license the following tax:"

Sec. 2. G. S. 105-74 is further amended by striking out of the paragraph of "Definitions" the second definition beginning with the words "Retail outlet," and by striking the third definition beginning with the words "Branch office."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after 1 July 1969.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1162  

CHAPTER 885

AN ACT TO PROVIDE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF WILSON COUNTY, FOR THE CREATION OF AN INTERIM BOARD OF EDUCATION FOR WILSON COUNTY AND THE SUBSEQUENT CONSOLIDATION OF THE WILSON CITY SCHOOL ADMINISTRATIVE UNIT, THE ELM CITY SCHOOL ADMINISTRATIVE UNIT AND THE WILSON COUNTY SCHOOL ADMINISTRATIVE UNIT, FOR THE ISSUANCE OF NOT EXCEEDING SIX MILLION EIGHT HUNDRED THOUSAND DOLLARS ($6,800,000.00) SCHOOL BONDS OF WILSON COUNTY AND FOR THE LEVYING OF A COUNTYWIDE SUPPLEMENTAL SCHOOL TAX NOT TO EXCEED FORTY CENTS ($0.40) PER ONE HUNDRED DOLLARS ($100.00) ASSESSED VALUATION.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act certain terms are defined as follows:

(a) The term "Wilson City Board" shall mean the Wilson City Board of Education and the term "Elm City Board" shall mean the Elm City Board of Education.

(b) The term "existing County Board" shall mean the existing Wilson County Board of Education.

(c) The term "Wilson County Interim Board of Education" shall mean a separate Board of Education established by this Act for the purpose of supervising, coordinating, contracting for and acquiring all new schools and plant sites to be built in Wilson County from the proceeds of the bonds of Wilson County authorized under this Act.

(d) The term "Wilson City Administrative Unit" shall mean the geographical territory over which the Wilson City Board of Education exercises authority in administering and operating the public schools of said unit.

997
(e) The term "Elm City Administrative Unit" shall mean the geographical territory over which the Elm City Board of Education exercises authority in administering and operating the public schools of said unit.

(f) The term "County Administrative Unit" shall mean the geographical territory over which the existing Wilson County Board of Education exercises authority in administering and operating the public schools of said unit.

(g) The term "County Commissioners" shall mean the Board of Commissioners of Wilson County.

(h) The term "Wilson County Board of Education" shall mean the single Board hereinafter established by this Act for the purpose of operating and administering all of the public schools of Wilson County, including those schools now operated and administered by the Wilson City Board of Education, the Elm City Board of Education and the existing Wilson County Board of Education.

Sec. 2. The Wilson City Board of Education, the Elm City Board of Education and existing Wilson County Board of Education, by majority vote of each of the said Boards, may jointly petition the Board of Commissioners of the County of Wilson to call a countywide election as hereinafter provided for the purpose of voting upon: (1) the reorganization and consolidation of the Wilson City School Administrative Unit, the Elm City School Administrative and the County Administrative Unit into one administrative body with one Board of Education as its governing body to commence on 1 July, 1972 to the end that all the public schools of Wilson County shall be administered and operated by one Board; (2) the authorization of not exceeding six million eight hundred thousand dollars ($6,800,000.00) in school building bonds for the County of Wilson; and (3) the levying of a countywide supplemental school tax not to exceed forty cents ($0.40) per one hundred dollars ($100.00) assessed valuation.

Upon receipt of such petition it shall be the duty of the Board of Commissioners of Wilson County to call an election to be held no later than 15 November, 1969 for the purpose of submitting to the qualified voters of Wilson County one question in substantially the following form:

For

Against

The approval of an Order authorizing the issuance of school building bonds not to exceed six million eight hundred thousand dollars ($6,800,000.00) and the levying of a countywide supplemental school tax not to exceed forty cents ($0.40) per one hundred dollars ($100.00) assessed valuation and the reorganization and consolidation of the Wilson City Administrative Unit, the Elm City Administrative Unit and the Wilson County Administrative Unit into one administrative unit within one Board of Education to be known as the Wilson County Board of Education effective 1 July, 1972.

Such election shall be held and conducted in accordance with the applicable provisions of the General Statutes of North Carolina in the same manner as elections are held to determine the question of the issuance of bonds. The form of the ballot shall be determined by the Board of Commissioners of said County.

The Board of Commissioners shall prepare a statement showing the number of votes cast for and against the question and declaring the results of the election.
which statement shall be signed by a majority of the members of said Board and delivered to the Clerk or Recording Officer who shall record it in the minutes of such Board and file the original in his office and publish it once in a newspaper of general circulation in Wilson County.

If a majority of the qualified voters of Wilson County who shall vote thereon, shall vote in favor of the question, the school building bonds in an amount not to exceed six million eight hundred thousand dollars ($6,800,000.00) as hereinabove mentioned, shall be issued pursuant to and in compliance with the County Finance Act as Amended, being Article IX of Chapter 153 of the General Statutes and shall be issued for the purposes therein provided in G. S. 153-77(1).

Sec. 3. (a) In the event the qualified voters of Wilson County, by majority of those voting, shall approve this Act in the special election or referendum as hereinabove provided, then the Interim Board shall be established as a body politic and as such shall assume the authority and responsibility for the supervision, coordination, acquisition, contracting and construction as to all new school buildings to be built in Wilson County from the proceeds of the bounds of Wilson County authorized under this Act. The Interim Board shall meet on the 1st day of December, 1969 for the purpose of organizing. The Interim Board of Education shall elect a Chairman to preside over its meeting. All members of the Interim Board shall be equally entitled to hold any office of the Board. The Interim Board shall exercise all of the powers, authority and duties that are now exercised and performed by City and County Boards of Education as set forth in the General Statutes as they relate to the selection and acquisition of school sites, entering into contracts for the construction of new school buildings and facilities and the purchase of equipment and supplies required for such buildings and facilities.

All powers and authority not specifically given to the Interim Board under this Act are specifically retained by the existing three Boards of Education.

(b) For the purposes of which the Interim Board is hereby established, the Interim Board shall have all statutory powers and authority to prepare and submit to the Board of Commissioners of Wilson County all necessary budgets including supplemental budgets and, at the time required by law, shall prepare and submit to the Board of Commissioners of Wilson County all necessary capital outlay, debt service and current expense budgets. Also, proper notice shall be given to the County Commissioners to include supplemental taxes to be effective from 1 July, 1972, with all taxes to be levied by the Board of Commissioners for school purposes. The Board of Commissioners may approve or disapprove all budgets in whole or in part and shall levy such taxes as are necessary to provide for the approved budget including the supplemental purposes not exceeding the amount of the tax levy authorized by the vote of the people. The Interim Board shall expend all funds in conformity with the approved budget and, in the event of disagreement between the Interim Board and the Board of Commissioners as to any budget items, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina in Section 115-87 and Section 115-88. The Interim Board is authorized and empowered to employ all necessary personnel to carry out its functions.

In addition, from and after 1 January, 1972, the Interim Board shall have all necessary powers and authority to make contracts, hire personnel, adopt policy and administrative procedures, all as the same may relate to all school matters for the school year 1972-1973 and for subsequent years.
Sec. 4. In the event that the school building bonds, consolidation and the supplemental tax as hereinafter provided for, are voted by the voters of Wilson County, the interim Wilson County Board of Education, consisting of six members, shall be created in addition to the three existing boards, and the said Interim Wilson County Board of Education shall remain in existence until such time as the Wilson County Board of Education as herein established, shall be fully constituted and the members of the Interim Wilson County Board of Education shall be elected or appointed as follows: The existing Wilson City Board of Education from its membership shall appoint one member to the Interim Board; the existing Wilson County Board of Education from its membership shall appoint one member to the Interim Board; and the existing Elm City Board of Education from its membership shall appoint one member to the Interim Board. The three existing Boards of Education, each Board of Education having one vote, shall by majority vote appoint three members to the Interim Board, two of such members to be duly qualified electors residing within Wilson Township, the geographical area of the Wilson Administrative Unit, and the third member to be a duly qualified elector residing in the geographical area constituting the existing Wilson County Administrative Unit.

Such members of the Interim Board shall serve until 1 July, 1972, the effective date of the merger and consolidation of the three administrative units herein provided for.

As of July 1, 1972, the Interim Board shall be and become the Wilson County Board of Education, at which time the Wilson County Board of Education shall consist of nine (9) members and the members thereof shall be elected or appointed as follows:

Seat No. 1 shall be filled by that member of the Interim Board or his duly qualified successor who shall have originally come from the Elm City Board of Education.

Seat No. 2 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from the existing Wilson County Board of Education.

Seat No. 3 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from the existing Wilson County Board of Education.

Seat No. 4 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from Wilson Township by appointment by majority vote of the three existing Boards of Education.

Seat No. 5 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from Wilson Township by appointment by majority vote of the three existing Boards of Education.

Seat No. 6 shall be filled by that member of the Interim Board of Education or his duly qualified successor who shall have originally come from the geographical area constituting the Administrative Unit of the Wilson County Board of Education by majority vote of the three existing Boards of Education.

Seat No. 7 shall be filled by a vote of the majority of the members of the Interim Board of Education in June of 1972 from a member of the then existing Wilson City Board of Education.
Seat No. 8 shall be filled by a vote of the majority of the members of the Interim Board in June of 1972 from a member of the then existing Wilson City Board of Education.

Seat No. 9 shall be filled by a vote of the majority of the members of the Interim Board of Education in June of 1972 from a member of the then existing Wilson County Board of Education.

In the event that the Interim Board in June of 1972 fails to fill Seat Nos. 6, 7, 8 or 9 as hereinabove provided, then in that event within thirty (30) days from 1 July, 1972, the Wilson County Board of Education by majority vote, shall fill each vacancy.

All terms of office for each member of the Wilson County Board of Education shall commence on 1 July, 1972, and the term of office for each seat of the said Wilson County Board of Education shall be as follows:

Seat No. 1. The term of office for Seat No. 1 shall expire on the first Monday in December of 1978.

Seat No. 2. The term of office for Seat No. 2 shall expire on the first Monday in December of 1978.

Seat No. 3. The term of office for Seat No. 3 shall expire on the first Monday in December of 1978.

Seat No. 4. The term of office for Seat No. 4 shall expire on the first Monday in December of 1976.

Seat No. 5. The term of office for Seat No. 5 shall expire on the first Monday in December of 1976.

Seat No. 6. The term of office for Seat No. 6 shall expire on the first Monday in December of 1976.

Seat No. 7. The term of office for Seat No. 7 shall expire on the first Monday in December of 1974.

Seat No. 8. The term of office for Seat No. 8 shall expire on the first Monday in December of 1974.

Seat No. 9. The term of office for Seat No. 9 shall expire on the first Monday in December of 1974.

At the time of the general election during the year 1974, there shall be elected three members who, after their qualification, shall fill Seat Nos. 7, 8 and 9. Said members shall be residents of Wilson County and shall be elected by the voters of Wilson County at large in a nonpartisan election. The three candidates receiving the highest number of votes shall be so declared elected for six year terms. The candidate receiving the highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and fill Seat No. 7. The candidate receiving the second highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and fill Seat No. 8. The candidate receiving the third highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and fill Seat No. 9.
CHAPTER 885  SESSION LAWS—1969

At the time of the general election during the year 1976 there shall be elected three members to the Wilson County Board of Education who shall be residents of Wilson County and shall be elected by the voters of Wilson County at large in a nonpartisan election to fill Seat Nos. 4, 5 and 6. The three candidates receiving the highest number of votes shall be so declared elected for six year terms. The candidate receiving the highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education, and shall fill Seat No. 4. The candidate shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 5. The candidate receiving the third highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 6.

At the time of the general election during the year 1978 there shall be elected three members, who after their qualification, shall fill Seat Nos. 1, 2 and 3. Said members shall be residents of Wilson County and shall be elected by the voters of Wilson County at large in a nonpartisan election. The three candidates receiving the highest number of votes shall be so declared elected for six year terms. The candidate receiving the highest number of votes in the election shall be certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 1. The candidate receiving the second highest number of votes in the election shall be so certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 2. The candidate receiving the third highest number of votes in the election shall be so certified and declared by the Board of Elections to be a member of the Wilson County Board of Education and shall fill Seat No. 3.

The members of the Wilson County Board of Education elected in the general elections of 1974, 1976 and 1978 shall take office on the first Monday in December of each year and the terms of their office shall date and extend from that time.

All vacancies in the membership of the Wilson County Board of Education by reason of death, resignation or removal from Wilson County, shall be filled by the remaining members of the said Board of Education, the members so elected to be a resident of Wilson County and to fill the seat vacated by death, resignation or removal from the county of his predecessor, and such vacancies to be filled by the remaining members of the Wilson County Board of Education within thirty (30) days after the vacancy occurs.

In the event that any seat on the Wilson County Board of Education is not filled as a result of a general election in any year where the term of office for that seat is to expire, immediately following said election, then in that event, the Wilson County Board of Education shall declare a vacancy on the first Monday of December next following the general election and such vacancy shall be filled in accordance with the preceding paragraphs.

As the term of office for each seat of the Wilson County Board of Education expires from and after 1978, elections in the general elections immediately preceding their expiration dates for each seat, shall be held for the election of successor members of the Wilson County Board of Education to fill the seats so expiring and the election of all members to the Wilson County Board of Education shall be nonpartisan and shall be held in the general elections of the County in even numbered years and shall be held, conducted and supervised by the Board of Elections and except as provided, the general election laws and regulations for the nomination
and election of County officers and as set forth in Chapter 153 of the General Statutes as Amended shall apply and govern as to the holding of said elections. The term of office for each seat on the Wilson County Board of Education shall be for six years.

Sec. 5. The Interim Board of Education shall cease as a body politic on 1 July 1972 when the Wilson County Board of Education shall assume authority and its members take office as herein provided.

Sec. 6. Upon the creation of the Interim Board and until 1 July, 1972, the Wilson City Board of Education, the Elm City Board of Education, and the existing Wilson County Board of Education shall continue to exercise all powers and authority with respect to the administration and operation of all existing schools in the administrative unit of each Board of Education, together with all other powers conferred by law except those which are specifically given to the Interim Board for the purpose of supervising, coordinating, contracting for, and acquiring all new school plants and sites to be built in Wilson County from the proceeds of the bonds of Wilson County authorized under this Act, and to contract for and purchase all equipment and supplies for said school plants. Said Interim Board shall also have the powers granted to it under Section 3(b) of this Act, which powers are to be effective as of 1 January, 1972.

Sec. 7. Whenever any vacancy occurs on the Wilson City Board of Education, the Elm City Board of Education, and the existing Wilson County Board of Education prior to 1 July 1972, such vacancy shall be filled in the manner now provided by law.

Sec. 8. As of 1 July 1972, when the Wilson County Board of Education shall assume all the authority of administering and operating all schools in Wilson County as provided in this Act, all authority and power of the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education, and the Interim Wilson County Board of Education shall cease and terminate and the same shall be vested in the Wilson County Board of Education and the resulting Wilson County Board of Education shall control, administer and operate all the schools in Wilson County, including all public schools now located in the Wilson City Administrative Unit, the Elm City Administrative Unit, and the schools now located in the Wilson County Administrative Unit.

Sec. 9. In the event the qualified voters of Wilson County by a majority of those voting shall approve this Act in a special election or referendum as hereinafter provided, the Wilson County Board of Education from 1 July 1972 shall immediately meet and assume authority and shall control, operate, and administer all public schools of Wilson County and shall meet no later than the first Monday following 1 July 1972 for the purpose of organization and the election of superintendents, associate superintendents, and assistant superintendents as provided by law.

Sec. 10. The financial administration of the Wilson County Board of Education shall be governed by the provisions of the General Statutes of North Carolina as they apply to the financial administration of County School Administrative Units, except that the Interim Board of Education shall have specific authority between 1 January, 1972 and 1 July, 1972 to prepare and submit to the Board of County Commissioners all necessary budgets, including supplemental budgets and at the time required by law, to prepare and submit to the Board of Commissioners all the necessary capital outlay, debt service, current expense budget, including proper notice to the Board of Commissioners to include in the supplemental tax with all other taxes to be levied by the Board of Commissioners for school purposes, all
for and in behalf of the Wilson County Board of Education, notwithstanding the creation of the Wilson County Board of Education until 1 July, 1972.

Sec. 11. As of 1 July, 1972 the title to all property of the Wilson City Board of Education, the Elm City Board of Education and the existing Wilson County Board of Education and the Wilson County Interim Board of Education, both real and personal property, of every kind and description, shall be vested in the Wilson County Board of Education. The Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education, shall have full and ample authority between 15 June, 1972 and 1 July, 1972 to execute all such deeds and other instruments of conveyance as may be deemed necessary to vest record title to any such property in the Wilson County Board of Education as of 1 July, 1972. All claims and demands of every kind which the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education may have as of such date, to-wit, 1 July, 1972, shall pass and be transferred to the Wilson County Board of Education and the said Board of Education shall have the same powers and authority to enforce said claims and demands as the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education would have had in the event of their continued existence. Any obligations and liabilities of the Wilson City Board of Education, the Elm City Board of Education and existing Wilson County Board of Education and the Wilson County Interim Board of Education existing as of 1 July, 1972 shall be and become the obligation and liabilities of the Wilson County Board of Education as of 1 July, 1972 and such obligations and liabilities may be enforced against said Wilson County Board of Education thereafter to the same extent that they might have been enforced against the Wilson City Board of Education, the Elm City Board of Education, the existing Wilson County Board of Education and the Wilson County Interim Board of Education had they continued in existence.

As of 1 July, 1972 the Wilson County Board of Education shall have all power and authority as a Board of Education that are herein conferred and as are conferred by the General Statutes of North Carolina on Boards of Education in general.

Sec. 12. All supplemental tax levies now authorized for the benefit of the Wilson City Administrative Unit and the Elm City Administrative Unit shall continue in full force and effect until 1 July, 1972. Effective as of 1 July, 1972, the Board of Commissioners of Wilson County are authorized to levy a countywide supplemental school tax not to exceed forty cents ($.40) per one hundred dollars ($100.00) assessed valuation.

Sec. 13. If less than a majority of the qualified voters of Wilson County who shall vote at the election herein provided for, for the question to be presented in the Referendum in the fall of 1969, then in that event, all of the provisions of this Act shall become null and void.

Sec. 14. (a) The purpose of this Act is to provide an enabling Statute, in addition to the other Statutes which may be available for such purposes, for the merger of the Wilson City Administrative Unit, the Elm City Administrative Unit and the Wilson County Administrative Unit.

(b) This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.
H. B. 1169

CHAPTER 886

AN ACT TO PERMIT ANY CUSTODIAN OF PUBLIC RECORDS TO TENDER THE RECORDS AND AN AFFIDAVIT OF AUTHENTICATION IN LIEU OF A PERSONAL APPEARANCE IN RESPONSE TO A SUBPOENA DUCES TECUM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1A-1, Rule 45(c) is hereby amended and rewritten to read as follows:

"(c) For production of documentary evidence. A subpoena may also command the person to whom it is directed to produce the records, books, papers, documents, or tangible things designated therein. Where the subpoena commands any custodian of public records to appear for the sole purpose of producing certain records in his custody, the custodian subpoenaed may, in lieu of a personal appearance, tender to the Court by registered mail certified copies of the records requested, together with an affidavit by the custodian as to the authentication of the records tendered or, if no such records are in his custody, an affidavit to that effect. Any original or certified copy or affidavit delivered under the provisions of this Rule, unless otherwise objectionable, shall be admissible in any action or proceeding without further certification or authentication. The judge, upon motion to quash or modify made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may

(1) Quash or modify the subpoena if it is unreasonable and oppressive and in such case may order the party in whose behalf the subpoena is issued to pay the person to whom the subpoena is directed part or all of his reasonable expenses including attorneys' fees or

(2) Grant the motion unless the party in whose behalf the subpoena is issued advances the reasonable cost of producing the records, books, papers, documents, or tangible things.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1969, and shall apply to actions and proceedings pending on that date as well as to actions and proceedings commenced on and after that date. This Act takes effect on the same date as Chapter 954 of the Session Laws of 1967, entitled an Act to Amend the Laws relating to Civil Procedure. In the construction of that Act and this Act, no significance shall be attached to the fact that this Act was enacted at a later date.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1201

CHAPTER 887

AN ACT CREATING A COMMISSION TO STUDY THE PUBLIC SCHOOL SYSTEM OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Commission on the study of the public school system of Robeson County.

Sec. 2. (a) The Commission shall consist of thirteen members, none of whom shall be professional educators, appointed by the following boards in the numbers
designated: Five by the Robeson County Board of Education; two by the Robeson County Board of Commissioners; two by the Lumberton City Board of Education; one by the Fairmont City Board of Education; one by the Maxton City Board of Education; one by the Red Springs City Board of Education; and one by the Saint Pauls City Board of Education. The members shall be appointed within fifteen days following the ratification of this Act and shall serve until the termination of the Commission.

(b) If a vacancy occurs in the membership of the Commission, the Board of Education or Board of County Commissioners of the member causing such vacancy shall appoint another member to serve until the termination of the Commission.

(c) Within thirty days after ratification of this Act, the Chairman of the Board of County Commissioners shall call a meeting of the Commission for the purpose of organization. At this meeting the Commission shall elect from its membership a chairman and such other officers as it deems necessary.

Sec. 3. (a) The Commission shall make a thorough study of the possibilities of merger of the six school administrative units in Robeson County. It shall examine the advantages and disadvantages of such a merger, including the changes required or needed in the school organization, curriculum, financial support, location of new school plants, transportation and other aspects of school operation by a merger of the school administrative units in Robeson County.

(b) On or before July 1, 1970, the Commission shall file with the Robeson County Board of Commissioners and the boards of education for the six administrative school units of Robeson County a written report summarizing the information obtained in the course of the study. If it shall recommend a merger, it shall also set forth a general plan for the merger of the school units in Robeson County.

(c) The Commission shall meet with the board of commissioners and the boards of education, either separately or jointly, in order to present the report and recommendations to these bodies. The Commission shall publish its report, or summary thereof, for such public distribution and take such further steps as it deems desirable to acquaint the public generally with its recommendation.

Sec. 4. (a) The Commission may hold meetings and hearings at such times and places as it deems convenient. At least one public hearing shall be held in each administrative unit.

(b) The Commission may adopt rules governing its proceedings.

(c) The Commission may employ such professional, technical, and clerical assistance and may contract for such materials and services as it deems necessary.

(d) Upon request of the Commission, each school administrative unit and all other local governmental units or agencies in Robeson County shall provide the Commission with any information, records, or reports in its possession that the Commission deems pertinent to its inquiry.

Sec. 5. The members of the Commission shall not receive per diem or other compensation for their services, but they shall be reimbursed for their actual and necessary expenses incurred in performance of their official duties with the Commission.

All expenses of the Commission shall be paid by the six administrative school units on a per capita basis of their school enrollment for the 1968-69 school year.
Sec. 6. If the Commission recommends a merger of some or all of the school administrative units, the County Commissioners shall call an election at such time as they shall determine, which election shall be not later than March 1, 1971, for the purpose of submitting to the qualified voters of Robeson County the question of whether or not any or all of the school administrative units shall be merged.

Sec. 7. The Commission shall terminate upon its own motion, but not later than ninety days after the filing of its report.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1210

CHAPTER 888

AN ACT TO AMEND CHAPTER 266 OF THE SESSION LAWS OF 1969 SO AS TO CLARIFY THE INTENT OF THAT ACT TO GIVE CREDIT TOWARDS SATISFACTION OF SENTENCES FOR TIME SPENT IN CUSTODY PENDING FINAL DISPOSITION OF APPEALS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 266 of the Session Laws of 1969 is hereby amended by striking Section 1 thereof and by substituting in lieu thereof the following:

"Section 1. Article 18 of Chapter 15 of the General Statutes is hereby amended by adding a new Section G. S. 15-186.1 to read as follows:

'Whenever a judgment containing a sentence of imprisonment has been affirmed by the Appellate Division of the General Court of Justice or whenever an appeal from such a judgment has been withdrawn pursuant to G. S. 15-184, the sentence shall begin as of the date of the commitment issued pursuant to G. S. 15-186 or 15-184 respectively. In the event the defendant had not been admitted to bail pending the appeal, he shall receive credit towards the satisfaction of the sentence for all the time he has spent in custody pending the appeal, except when the sentence is death or life imprisonment. Provided, however, if the sentence on appeal is a consecutive sentence imposed to begin at the expiration of a sentence or sentences by virtue of which the defendant is in custody, then, in that event, the defendant will not be entitled to receive credit on the sentence on appeal for the time spent in custody by virtue of the pre-existing sentence or sentences. This provision shall apply to all trials commenced after the ratification of this Section.'"

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
CHAPTER 889  
SESSION LAWS—1969

H. B. 1220  
CHAPTER 889

AN ACT TO PROTECT PHYSICALLY HANDICAPPED OR MENTALLY RETARDED DEPENDENTS BY REQUIRING THEIR PARENTS TO PROVIDE FINANCIAL SUPPORT AFTER THE EIGHTEENTH BIRTHDAY.

The General Assembly of North Carolina do enact:

Section 1. Article 40 of Chapter 14 of the North Carolina General Statutes is hereby amended by adding a new section, to be designated G. S. 14-322.2, as follows:

"G. S. 14-322.2. Failure to support handicapped dependent. If any father or mother shall wilfully fail and refuse to provide support for a physically handicapped child or a mentally retarded child who becomes eighteen years of age and who is unable to be self-supporting, then the parent shall be guilty of a misdemeanor; failure to provide such support shall be a continuing offense after the eighteenth birthday and after the child reaches his majority until such time as the physically handicapped or mentally retarded dependent is able to become self-supporting."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1236  
CHAPTER 890

AN ACT PERMITTING PUBLIC SCHOOL TEACHERS TO ALLOW PAYROLL DEDUCTIONS FROM THEIR SALARY CHECKS TO CREDIT UNIONS.

The General Assembly of North Carolina do enact:

Section 1. Article 18A of Chapter 115 of the General Statutes is hereby amended by adding immediately after the present Section 115-160.4 a new section to be designated as G. S. 115-160.5 and reading as follows:

"G.S. 115-160.5. Additional payroll deductions authorized; written consent to county or city administrative unit. Any public school teacher who is a member of a credit union organized and established under Chapter 54 of the General Statutes may, by executing a written consent to the county or city administrative unit by whom employed, authorize periodical payment or obligation to such credit union to be deducted from their salaries or wages, and such deductions shall be made and paid to said credit union as and when said salaries and wages are payable.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1252  
CHAPTER 891

AN ACT TO CORRECT THE TERM OF OFFICE ON THE EDGECOMBE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The unnumbered paragraph entitled "Edgecombe", of Section 1 of Chapter 248, Session Laws of 1969, is hereby amended by deleting the word "four", and inserting in lieu thereof the word "six".

1008
Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. B. 1272

CHAPTER 892

AN ACT TO CREATE THE WILSON POLICE DEPARTMENT BENEFIT FUND.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the Wilson Police Department Benefit Fund Act.

Sec. 2. Definitions. Police Officers shall be deemed to include all police officers of the City of Wilson, North Carolina, who are required by the terms of their employment to give their full time to the preservation of public order, the protection of life and property, and the detection of crime as police officers of the City of Wilson.

Sec. 3. Creation of Association. An Association to be known and designated as the Wilson Police Department Benefit Fund Association shall be formed, the membership of which shall include police officers of the City of Wilson as defined in Section 2.

Sec. 4. Membership. All police officers of the City of Wilson shall be members of the Wilson Police Department Benefit Fund Association.

Sec. 5. Creation of Executive Board. The City Manager of the City of Wilson and the Police Chief of the City of Wilson shall be, and they are hereby, named and made members ex officio of this Executive Board, and the remainder of said Board shall be composed of five members of the Wilson Police Department elected at large. The said Board shall meet at least annually and shall select a Chairman at its first meeting in each calendar year. All members of the Executive Board shall be elected annually to serve for the calendar year of their election and thereafter until their successors are elected. The ex officio members of said Board shall not be entitled to vote. A majority of the members of the entire Executive Board shall constitute a quorum for the transaction of business.

Sec. 6. Sources of Revenue. The source of revenue for this Fund shall be donations, contributions and bequests received from any source approved by the Executive Board.

Sec. 7. Application of Fund. The money so paid into the hands of the Treasurer of the Wilson Police Officers Benefit Fund Association shall be known as the Wilson Police Department Benefit Fund and shall be used as a fund to pay the dues of the members of the Association to the North Carolina Law Enforcement Officers Benefit and Retirement Fund. The Executive Board shall pay out of any funds of the Association a sum not exceeding the percentage of the salary of each police officer of such Association as shall be required as his contribution to the North Carolina Law Enforcement Officers Benefit and Retirement Fund.

Sec. 8. Treasurer. The Treasurer shall be elected by members of the Wilson Police Department Benefit Fund Association at its annual meeting, and said Treasurer may be elected from the membership of the Association or he may be a person not a member of said Association. The treasurer shall give good and sufficient surety in the form of not less than the amount of money on hand, such bond to be paid
out of the funds of the Association, and shall make annual reports to the Executive Board showing the total amount of money in his hands at the time of the filing of the report and also an account of receipts and expenditures since his last report. The accumulated funds of the Association may be invested in bonds and securities unanimously approved by the Executive Board. All interest and other income received from investments and deposits shall be added to the principal of said fund. Expenditures shall be made only upon vouchers and checks properly signed by the Chairman of the Executive Board and the Treasurer.

Sec. 9. Compensation. All officers and members of the Executive Board shall serve without compensation.

Sec. 10. By-laws. The Association shall at its first regular meeting adopt By-laws, to be approved by the Executive Board, suitable for carrying out the provisions and purposes of this Act.

Sec. 11. The current or accumulated funds of the Association shall not be subject to State, County or Municipal taxation.

Sec. 12. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. B. 544

CHAPTER 893

AN ACT TO PROVIDE FOR MANDATORY INSPECTION OF THE SLAUGHTER OF CATTLE, SHEEP, SWINE, GOATS AND EQUINES, AND THE PREPARATION OF THE CARCASSES, PARTS THEREOF, MEAT, AND MEAT FOOD PRODUCTS OF SUCH ANIMALS, SOLELY FOR DISTRIBUTION IN THIS STATE; FOR COOPERATION WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE; AND FOR PENALTIES FOR VIOLATIONS, DETENTION, SEIZURE AND OTHER ENFORCEMENT AUTHORITIES.

The General Assembly of North Carolina do enact:

Part I

INSPECTION REQUIREMENTS: ADULTERATION AND MISBRANDING

Section 1. As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

(a) The term "Commissioner" means the North Carolina Commissioner of Agriculture or his authorized representative.

(b) The term "firm" means any partnership, association, or other unincorporated business organization.

(c) The term "meat broker" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.

(d) The term "renderer" means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection under Part I of this Act.
(e) The term "animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.

(f) The term "intrastate commerce" means commerce within this State.

(g) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Board under such conditions as it may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(h) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Board to deter its use as human food, or it is naturally inedible by humans.

(i) The term "prepared" means slaughtered, canned, salted, smoked, rendered, boned, cut up, or otherwise manufactured or processed.

(j) The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

1. if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

2. (A) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Commissioner make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act: Provided, That an article which is not adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by order of the Commissioner in establishments at which inspection is maintained under Part I of this Act;

3. if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.
(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (5) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part thereof; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(9) if it is margarine containing animal fat and any of the raw material used therein consist in whole or in part of any filthy, putrid, or decomposed substance.

(k) The term "misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) if its labeling is false or misleading in any particular;

(2) if it is offered for sale under the name of another food;

(3) if it is imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) if its container is so made, formed, or filled as to be misleading;

(5) if in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Provided, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the Board;

(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Board under Section 7 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Board under Section 7 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;
(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Commissioner, be designated as spices, flavorings, and colorings without naming each: Provided, that, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Board:

(10) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Board determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: Provided, that, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Board;

(12) if it fails to bear, directly thereon or on its container, as the Board may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the Board may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(1) The term "label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(m) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.


(o) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat.1040), and Acts amendatory thereof or supplementary thereto.

(p) The term "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(q) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Board to identify the status of any article or animal under this Act.

(r) The term "official inspection legend" means any symbol prescribed by regulations of the Board showing that an article was inspected and passed in accordance with this Act.

(s) The term "official certificate" means any certificate prescribed by regulations of the Board for issuance by an inspector or other person performing official functions under this Act.
CHAPTER 893  SESSION LAWS—1969

(t) The term "official device" means any device prescribed or authorized by the Board for use in applying any official mark.

(u) The term "Board" means the North Carolina Board of Agriculture.

(v) The term "authorized representative" means the Director of the Meat and Poultry Inspection Service of the North Carolina Department of Agriculture.

Sec. 2. Meat and meat food products are an important source of the Nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and results in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the Board and cooperation by North Carolina and the United States as contemplated by this Act are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this Act.

Sec. 3. For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated, the Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in this State in which slaughtering and preparation of meat and meat food products of such animals are conducted for intrastate commerce; and all cattle, sheep, swine, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, goats, horses, mules, or other equines, and when so slaughtered, the carcasses of said cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Board as herein provided for.

Sec. 4. For the purposes hereinbefore set forth the Commissioner shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats, horses, mules, and other equines, capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in this State in which such articles are prepared for intrastate commerce; and the carcasses and parts thereof of all such animals found to be not adulterated shall be marked, stamped, tagged, or labeled, as "Inspected and Passed;" and said inspectors shall label, mark, stamp, or tax as "Inspected and Condemned," all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Commissioner or his authorized representative may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the
first inspection the same have become adulterated and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Commissioner or his authorized representative may remove inspectors from any establishment which fails to do so destroy any such condemned carcass or part thereof.

Sec. 5. The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, goats, horses, mules, and other equines or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where inspection under this Part is maintained, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The Commissioner or his authorized representative may limit the entry of carcasses, part of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this part is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.

Sec. 6. For the purposes hereinbefore set forth the Commissioner or his authorized representative shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where such articles are prepared for intrastate commerce and for the purposes of any examination and inspection said inspectors shall have access at all times during regular business hours to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "North Carolina Department of Agriculture Inspected and Passed" all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as "North Carolina Department of Agriculture Inspected and Condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Commissioner or his authorized representative may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

Sec. 7. (a) When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "North Carolina Department of Agriculture Inspected and Passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been "North Carolina Department of Agriculture Inspected and Passed" under the provisions of this Act, and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

1015
(b) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Commissioner or authorized representative may require, the information required under paragraph (k) of Section 1 of this Act.

(c) The Board whenever it determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to this Act; (2) definitions and standards of identity or composition for articles subject to this Part and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the Commissioner or his authorized representative and the Secretary of Agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the Federal standards.

(d) No article subject to this title shall be sold or offered for sale by any person, firm, or corporation, in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading, and which are approved by the Commissioner or his authorized representative, are permitted.

(e) If the Commissioner or his authorized representative has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this title is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Commissioner or his authorized representative, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Commissioner so directs, be withheld pending hearing and final determination by the Commissioner. Any such determination by the Commissioner shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the Superior Court of Wake County. Such appeal shall be under the provision of Article 33 of Chapter 143 of the General Statutes.

Sec. 8. The Commissioner or his authorized representative shall cause to be made, by experts in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and the meat and meat food products thereof are prepared for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and the Board shall prescribe the rules and regulations of sanitation under which such establishments shall be maintained, and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, the Commissioner or his authorized representative shall
refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "North Carolina Department of Agriculture Inspected and Passed."

Sec. 9. No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals—

(a) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles for intrastate commerce, except in compliance with the requirements of this Act.

(b) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce: (1) any such articles which (a) are capable of use as human food, and (b) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or, (2) any articles required to be inspected under this Act unless they have been so inspected and passed, or (3) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

Sec. 10. (a) No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Commissioner or his authorized representative.

(b) No person, firm, or corporation shall (1) forge any official device, mark or certificate; (2) without authorization from the Commissioner or his authorized representative use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate; (3) contrary to the regulations prescribed by the Board, fail to use, or to detach, deface, or destroy any official device, mark, or certificate; (4) knowingly possess, without promptly notifying the Commissioner or his authorized representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark; (5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Board; (6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

Sec. 11. No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Board to show the kinds of animals from which they were derived. When required by the Commissioner or his authorized representative, with respect to establishments at which inspection is maintained under this Act, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meats or meat food products are prepared.
Sec. 12. The Commissioner or his authorized representative shall appoint from
time to time inspectors to make examination and inspection of all cattle, sheep,
swine, goats, horses, mules, and other equines the inspection of which is hereby
provided for, and of all carcasses and parts thereof, and of all meats and meat
food products thereof, and of the sanitary conditions of all establishments in which
such meat and meat food products hereinbefore described are prepared; and said
inspectors shall refuse to stamp, mark, tag or label any carcass or any part thereof,
or meat food product therefrom, prepared in any establishment hereinbefore men-
tioned, until the same shall have actually been inspected and found to be not adul-
terated; and shall perform such other duties as are provided by this Act and by
the rules and regulations to be prescribed by said Board and said Board shall, from
time to time, make such rules and regulations as are necessary for the efficient
execution of the provisions of this Act, and all inspections and examinations made
under this Act shall be such and made in such manner as described in the rules
and regulations prescribed by said Board not inconsistent with the provisions of
this Act and as directed by the Commissioner or his authorized representative. Any
person, firm, or corporation, or any agent or employee of any person, firm, or corpo-
ration, who shall give, pay, or offer, directly or indirectly, to any inspector, or any
other officer or employee of this State authorized to perform any of the duties pre-
scribed by this Act or by the rules and regulations of the Board or by the Commis-
sioner or his authorized representative any money or other thing of value, with
intent to influence said inspector, or other officer or employee of this State in the
discharge of any duty herein provided for, shall be deemed guilty of a felony and,
upon conviction thereof, shall be punished by a fine not less than five hundred
dollars ($500.00) nor more than ten thousand dollars ($10,000.00) and by imprison-
ment for not less than one year nor more than three years; and any inspector,
or other officer or employee of this State authorized to perform any of the duties
prescribed by this Act who shall accept any money, gift, or other thing of value
from any person, firm, or corporation, or officers, agents, or employees thereof, given
with intent to influence his official action, or who shall receive or accept from any
person, firm, or corporation engaged in intrastate commerce any gift, money, or
other thing of value given with any purpose or intent whatsoever, shall be deemed
guilty of a felony and shall, upon conviction thereof, be summarily discharged from
office and shall be punished by a fine not less than five hundred dollars ($500.00)
nor more than ten thousand dollars ($10,000.00) and by imprisonment for not less
than one year nor more than three years.

Sec. 13. (a) The provisions of this Part requiring inspection of the slaughter
of animals and the preparation of the carcasses, parts thereof, meat and meat food
products at establishments conducting such operations shall not (1) apply to the
slaughtering by any person of animals of his own raising, and the preparation by
him and transportation in intrastate commerce of the carcasses, parts thereof, meat
and meat food products of such animals exclusively for use by him and members
of his household and his nonpaying guests and employees; nor (2) to the custom
slaughter by any person, firm, or corporation of cattle, sheep, swine or goats deliv-
ered by the owner thereof for such slaughter, and the preparation by such slaughter-
er and transportation in intrastate commerce of the carcasses, parts thereof, meat
and meat food products of such animals, exclusively for use, in the household of
such owner, by him, and members of his household and his nonpaying guests and
employees: Provided, That all carcasses, parts thereof, meat and meat food products
derived from custom slaughter shall be identified as required by the Commissioner,
during all phases of slaughtering, chilling, cooling, freezing, packing, meat-canning, rendering, preparation, storage and transportation; provided further, that the custom slaughterer does not engage in the business of buying or selling any carcasses, parts thereof, meat or meat food products of any cattle, sheep, swine, goats or equines, capable of use as human food, unless the carcasses, parts thereof, meat or meat food products have been inspected and passed and are identified as having been inspected and passed by the Commissioner or the United States Department of Agriculture.

(b) The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments. No provision of this Act, nor any rule or regulation of the North Carolina Department of Agriculture, shall apply to any person who sells or offers for sale to a consumer in any one calendar year not in excess of two thousand dollars ($2,000.00) in retail value of any meat food product produced and raised on his own land or land rented by or leased to him. "Person" shall be defined as an individual and shall not include any corporation, partnership, association or cooperative. Records of the type meat food product sold and the amount received from such sale shall be kept for at least two years from the date of sale by the seller and such record shall be open for inspection during regular business hours by representatives of the Department of Agriculture. Meat food products coming under this paragraph may be stored, processed, or prepared at any freezer locker plant provided such meat food products are identified and kept separate and apart from other meat food products while in the freezer locker plant.

(c) In order to accomplish the objectives of this Act, the Commissioner shall exempt any other operations which the Commissioner shall determine would best be exempted to further the purposes of this Act, to the extent such exemptions conform to the Federal Meat Inspection Act and the regulations thereunder.

(d) The slaughter of animals and preparation of articles referred to in paragraphs (a)(2) and (b) of this Section shall be conducted in accordance with such sanitary conditions as the Board may by regulations prescribe. Willful violation of any such regulation is a misdemeanor and punishable by a fine of not over five hundred dollars ($500.00) and imprisonment for not over six months or both fine and imprisonment.

(e) The adulteration and misbranding provisions of this title, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this Section.

Sec. 14. The Board may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for intrastate commerce, such articles, whenever the Board deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Willful violation of any such regulation is a misdemeanor and punishable by a fine
of not over five hundred dollars ($500.00) and imprisonment for not over six months or both fine and imprisonment.

Part II

FEDERAL AND STATE COOPERATION

Sec. 15. (a) The North Carolina Department of Agriculture is hereby designated as the State agency which shall be responsible for cooperating with the Secretary of Agriculture of the United States under the provisions of Section 301 of the Federal Meat Inspection Act and such agency is directed to cooperate with the Secretary of Agriculture of the United States in developing and administering the meat inspection program of this State under this Act in such a manner as will effectuate the purposes of this Act.

(b) In such cooperative efforts, the North Carolina Department of Agriculture is authorized to accept from said Secretary advisory assistance in planning and otherwise developing the State program, technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The North Carolina Department of Agriculture is further authorized to spend public funds of this State appropriated for administration of this Act to pay fifty per centum (50%) of the estimated total cost of the cooperative program.

(c) The North Carolina Department of Agriculture is further authorized to recommend to the said Secretary of Agriculture such officials or employees of this State as the Commissioner shall designate, for appointment to the advisory committees provided for in Section 301 of the Federal Meat Inspection Act; and the Commissioner or his authorized representative shall serve as the representative of the Governor for consultation with said Secretary under paragraph (c) of Section 301 of said Act.

Part III

AUXILIARY PROVISIONS

Sec. 16. The Commissioner may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under Part I of this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under Part I because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This Section shall not affect in any way other provisions of this Act for withdrawal of inspection services under Part I from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

For the purpose of this Section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of ten per centum (10%) or more of its voting stock or employee in a managerial or executive capacity. The determination and order of the Commissioner with respect thereto under this Section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within

1020
thirty days after the effective date of such order in the appropriate court as provided in Section 19.

Sec. 17. Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any inspector of the Meat and Poultry Inspection Service of the North Carolina Department of Agriculture upon any premises where it is held for purposes of, or during or after distribution in intrastate commerce, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of Part I of this Act or of the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such inspector, upon approval of his supervisor, for a period not to exceed twenty days, pending action under Section 19 of this Act, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by the area supervisor of the Meat and Poultry Inspection Service. All official marks may be required by such inspector to be removed from such article or animal before it is released unless it appears to the satisfaction of the area supervisor that the article or animal is eligible to retain such marks.

Sec. 18. (a) Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine, that is being transported in intrastate commerce, or is held for sale in this State after such transportation, and that (1) is or has been prepared, sold, transported or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in any proper court as provided in Section 19 of this Act within the jurisdiction of which the article or animal is found. If the article or animal is condemned it shall, after entry of the order be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the General Fund of this State, but the article or animals shall not be sold contrary to the provisions of this Act. Provided, That upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Act, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by the authorized representative of the Commissioner as is necessary to insure compliance with the applicable laws. When an order of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings in such cases shall be heard by the Superior Court without a jury, with the right of the aggrieved party to appeal to the Court of Appeals, and all such proceedings shall be at the suit of and in the name of this State. No appeal shall lie from the Court of Appeals.

(b) The provisions of this Section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.
Sec. 19. The Superior Court is vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, provided however, all prosecutions for criminal violations under this Act shall be in any court having jurisdiction over said violation.

Sec. 20. Any person who willfully assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be guilty of a misdemeanor and fined not more than five hundred dollars ($500.00) or imprisoned for not more than six months or both fined and imprisoned. For the purposes of this Section, "impede", "oppose", and "intimidate", or "interfere" shall include, but not be limited to, the use of profane and indecent language, or any act or gesture, verbal or nonverbal, which tends to cast disrespect on an inspector or the Meat and Poultry Inspection Service. Whoever, in the commission of any such acts, uses a deadly weapon, shall be fined not less than two hundred fifty dollars ($250.00) or not more than one thousand dollars ($1,000.00) or imprisoned not less than one year or not more than two years, or both.

Sec. 21. (a) Any person, firm, or corporation who violates any provision of this Act or any regulation of the Board for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not more than six months, or a fine of not more than five hundred dollars ($500.00), or both such imprisonment and fine; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in Section 1 (j)(8) of this Act), such person, firm or corporation shall be subject to imprisonment for not more than three years or a fine of not more than ten thousand dollars ($10,000.00) or both: Provided. That no person, firm, or corporation shall be subject to penalties under this Section for receiving for transportation any article or animal in violation of this Act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Meat and Poultry Inspection Service the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

(b) Nothing in this Act shall be construed as requiring the Commissioner or his authorized representative to report for prosecution or for the institution of condemnation or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

Sec. 22. (a) The Commissioner shall also have power—

(1) To gather and compile information concerning and, to investigate from time to time the organization, business, conduct, practices, and management of any person, firm, or corporation engaged in intrastate commerce, and the relation thereof to other persons, firms, or corporations;

(2) To require, by general or special orders, persons, firms, and corporations engaged in intrastate commerce, or any class of them, or any of them to file with the Commissioner, in such form as the Commissioner may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Commissioner such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corporations, of the person, firm, or corporation filing such reports or answers in writing. Such reports and answers shall be made
under oath, or otherwise, as the Commissioner may prescribe, and shall be filed with the Commissioner within such reasonable period as the Commissioner may prescribe, unless additional time be granted in any case by the Commissioner.

(b) For the purposes of this Act the Commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, or corporation being investigated, proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation. The Commissioner may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(1) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Commissioner may invoke the aid of any court designated in Section 19 of this Act in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) Any of the courts designated in Section 19 of this Act within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation, to appear before the Commissioner or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) Upon the application of the Attorney General of this State at the request of the Commissioner, the Superior Court shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this Act or any order of the Commissioner made in pursuance thereof.

(4) The Commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commissioner and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commissioner as hereinbefore provided.

(5) Witnesses summoned before the Commissioner shall be paid the same fees and mileage that are paid witnesses in the courts of this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(6) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Commissioner or in obedience to the subpoena of the Commissioner whether such subpoena be signed or issued by him or his delegate, or in any cause or proceedings, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no person shall be prosecuted
or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(c) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Commissioner shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than six months or by both such fine and imprisonment.

(1) Any person, firm, or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person, firm, or corporation subject to this Act or that shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation, or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, firm, or corporation or that shall willfully refuse to submit to the Commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control, shall be deemed guilty of an offense and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not more than five hundred dollars ($500.00) or to imprisonment for a term of not more than six months or to both such fine and imprisonment.

(2) If any person, firm, or corporation required by this Act to file any annual or special report shall fail so to do within the time fixed by the Commissioner for filing the same, and such failure shall continue for thirty days after notice of such default, such person, firm, or corporation shall forfeit to this State the sum of one hundred dollars ($100.00) for each and every day of the continuance of such failure, which forfeiture shall be payable into the General Fund of this State, and shall be recoverable in a civil suit in the name of the State brought in the Superior Court where the person, firm, or corporation has his or its principal office or in Wake County. It shall be the duty of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the amount recovered in such action.

(3) Any officer or employee of this State who shall make public any information obtained by the Commissioner without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment, not exceeding six months or by both such fine and imprisonment, in the discretion of the court.

Sec. 23. The requirements of this Act shall apply to persons, firms, corporation establishments, animals, and articles regulated under the Federal Meat Inspection Act only to the extent provided for in Section 408 of said Federal Act.
Sec. 24. If any provision of this Act or the application thereof to any person, firm, or corporation or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons, firms, and corporations and circumstances shall not be affected thereby.

Sec. 25. This Act shall be designated as the "North Carolina Compulsory Meat Inspection Act."

Sec. 26. Articles 49B and 49C of Chapter 106 of the General Statutes is hereby repealed. The provisions of Article 12 of Chapter 106 which are inconsistent with the provisions of this Act shall not apply to any meat or meat food product regulated herein.

Sec. 27. All rules and regulations of the North Carolina Department of Agriculture not inconsistent with the provisions of this Act shall remain in full force and effect until amended or repealed by the Board.

Sec. 27(a). The Commissioner, or his agents, shall not be required to furnish meat inspection, as herein provided, for more than eight hours in any one day, or in excess of forty hours in any one calendar week or on Sundays or legal holidays except on payment to the Department by the operator of an establishment under inspection of an hourly fee for each hour of State meat inspection furnished over eight hours in any one day or in excess of forty hours in any calendar week or on Sundays and legal holidays. The Commissioner shall establish an hourly rate for such overtime at an amount sufficient to defray the cost of such inspection.

All fees received by the Department under this Section shall be deposited in the General Fund in the State treasury, credited to the Department of Agriculture account, and continuously appropriated to the Department for the purpose of administration and enforcement of this Act.

Sec. 28. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 29. This Act shall be in full force and effect from and after January 1, 1970.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 611

CHAPTER 894

AN ACT TO AUTHORIZE THE INVESTIGATION OF FIRES BY COUNTY FIRE MARSHALS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 69-1 is hereby amended by inserting the words "the county fire marshal and" between the words "and" and "the" in line three and between the words "by" and "the" in line ten thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.
CHAPTER 895

AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AND CERTAIN OTHER STATUTES RELATING TO CIVIL PROCEDURE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1A-1, Rule 4(a) is hereby amended and rewritten to read as follows:

"(a) Summons—issuance; who may serve. Upon the filing of the complaint, summons shall be issued forthwith, and in any event within five days. The complaint and summons shall be delivered to some proper person for service. In this State, such proper person shall be the sheriff of the county where service is to be made or some other person duly authorized by law to serve summons. Outside this State, such proper person shall be anyone who is not a party and is not less than 21 years of age or anyone duly authorized to serve summons by the law of the place where service is to be made. Upon request of the plaintiff separate or additional summons shall be issued against any defendants. A summons is issued when, after being filled out and dated, it is signed by the officer having authority to do so. The date the summons bears shall be prima facie evidence of the date of issue."

Sec. 2. G. S. 1A-1, Rule 4(j)(1) and Rule 4(j)(2) are hereby amended and rewritten to read as follows:

"(1) Natural Person. Except as provided in subsection (2) below, upon a natural person:

a. By delivering a copy of the summons and of the complaint to him or by leaving copies thereof at the defendant’s dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or b. By delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to be served or to accept service of process or by serving process upon such agent or the party in a manner specified by any statute.

(2) Natural Person Under Disability. Upon a natural person under disability by serving process in any manner prescribed in this Section (j) for service upon a natural person and, in addition, where required by paragraph a or b below, upon a person therein designated.

a. Where the person under disability is a minor, process shall be served separately in any manner prescribed for service upon a natural person upon a parent or guardian having custody of the child, or if there be none, upon any other person having the care and control of the child. If there is no parent, guardian, or other person having care and control of the child when service is made upon the child, then service of process must also be made upon a guardian ad litem who has been appointed pursuant to Rule 17.

b. If the plaintiff actually knows that a person under disability is under guardianship of any kind, process shall be served separately upon his guardian in any manner applicable and appropriate under this Section (j). If the plaintiff does not actually know that a guardian has been appointed when service is made upon a person known to him to be incompetent to have charge of his affairs, then service of process must be made upon a guardian ad litem who has been appointed pursuant to Rule 17."

Sec. 3. G. S. 1A-1, Rule 4(j)(6), Rule 4(j)(7) and Rule 4(j)(8) are hereby amended and rewritten to read as follows:
"(6) Domestic or Foreign Corporation. Upon a domestic or foreign corporation:
a. By delivering a copy of the summons and of the complaint to an officer, director,
or managing agent of the corporation or by leaving copies thereof in the
office of such officer, director, or managing agent with the person who is ap-
parently in charge of the office; or
b. By delivering a copy of the summons and of the complaint to an agent au-
thorized by appointment or by law to be served or to accept service or process or
by serving process upon such agent or the party in a manner specified by any
statute.
(7) Partnerships. Upon a general or limited partnership:
a. By delivering a copy of the summons and of the complaint to any general
partner, or to any attorney in fact or agent authorized by appointment or by
law to be served or to accept service of process in its behalf or by leaving copies
thereof in the office of such general partner, attorney in fact or agent with the
person who is apparently in charge of the office.
b. If relief is sought against a partner specifically, a copy of the summons and
of the complaint must be served on such partner as provided in this Section
(j).
(8) Other Unincorporated Associations and Their Officers. Upon any unincor-
porated association, organization, or society other than a partnership:
a. By delivering a copy of the summons and of the complaint to an officer, director,
or managing agent or member of the governing body of the unincorporated
association, organization or society, or by leaving copies thereof in the office
of such officer, director, managing agent or member of the governing body with
the person who is apparently in charge of the office; or
b. By delivering a copy of the summons and of the complaint to an agent au-
thorized by appointment or by law to be served or to accept service of process or
by serving process upon such agent or the party in a manner specified by any
statute."
Sec. 4. G. S. 1A-1, Rule 4(j) is hereby amended by adding a new subdivision
(9) at the end thereof to read as follows:
"(9) Alternative Method of Service on Party That Cannot Otherwise Be Served
or is not Inhabitant of or Found Within State. - Any party that cannot after due
diligence be served within this State in the manner heretofore prescribed in this
Section (j), or that is not an inhabitant of or found within this State, or is concealing
his person or whereabouts to avoid service of process, or is a transient person, or
one whose residence is unknown, or is a corporation incorporated under the laws
of any other state or foreign country and has no agent authorized by appointment
or by law to be served or to accept service of process, service upon the defendant
may be made in the following manner:
a. Personal Service Outside State. Personal service may be made on any party
outside this State by anyone authorized by section (a) of this rule and in the
manner prescribed in this Section (j) for service on such party within this State.
Before judgment by default may be had on such service, there shall be filed
with the court an affidavit of service showing the circumstances warranting the
use of personal service outside this State and proof of such service in accordance
with the requirements of G. S. 1-75.10 (1).
b. Registered Mail. Any party subject to service of process under this subsection
(9) may be served by mailing a copy of the summons and complaint, registered
mail, return receipt requested, addressed to the party to be served. Service shall be complete on the day the summons and complaint are delivered to the addressee, but the court in which the action is pending shall, upon motion of the party served, allow such additional time as may be necessary to afford the defendant reasonable opportunity to defend the action. Before judgment by default may be had on such service, the serving party shall file an affidavit with the court showing the circumstances warranting the use of service by registered mail and averring (i) that a copy of the summons and complaint was deposited in the post office for mailing by registered mail, return receipt requested, (ii) that it was in fact received as evidenced by the attached registry receipt or other evidence satisfactory to the court of delivery to the addressee and (iii) that the genuine receipt or other evidence of delivery is attached. This affidavit shall be prima facie evidence that service was made on the date disclosed therein in accordance with the requirements of this paragraph, and shall also constitute the method of proof of service of process when the party appears in the action and challenges such service upon him.

c. Service By Publication. A party subject to service of process under this subsection (9) may be served by publication whenever the party's address, whereabouts, dwelling house or usual place of abode is unknown and cannot with due diligence be ascertained, or there has been a diligent but unsuccessful attempt to serve the party under either paragraph a or under paragraph b or under paragraphs a and b of this subsection (9). Service of process by publication shall consist of publishing a notice of service of process by publication in a newspaper qualified for legal advertising in accordance with G.S. 1-597, 1-598, and published in the county where the action is pending or, if no qualified newspaper is published in such county, then in a qualified newspaper published in an adjoining county, or in a county in the same judicial district, once a week for three successive weeks. If the party's post office address is known or can with reasonable diligence be ascertained, there shall be mailed to the party at or immediately prior to the first publication a copy of the notice of service of process by publication. The mailing may be omitted if the post office address cannot be ascertained with reasonable diligence. Upon completion of such service there shall be filed with the court an affidavit showing the publication and mailing in accordance with the requirements of G. S. 1-75.10(b) and the circumstances warranting the use of service by publication.

The notice of service of process by publication shall (i) designate the court in which the action has been commenced and the title of the action which title may be indicated sufficiently by the name of the first plaintiff and the first defendant; (ii) be directed to the defendant sought to be served; (iii) state either that a pleading seeking relief against the person to be served has been filed or has been required to be filed therein not later than a date specified in the notice; (iv) state the nature of the relief being sought; (v) require the defendant being so served to make defense to such pleading, within 40 days after a date stated in the notice, exclusive of such date, which date so stated shall be the date of the first publication of notice, or the date when the complaint is required to be filed, whichever is later, and notify the defendant that upon his failure to do so the party seeking service of process by publication will apply to the court for the relief sought; (vi) be subscribed by the party seeking service or his attorney and give the postoffice address of such party or his attorney; and (vii) be substantially in the following form:
NOTICE OF SERVICE OF PROCESS BY PUBLICATION

STATE OF NORTH CAROLINA

COUNTY

In the . . . . . . . . Court

[Title of action or special proceeding] To [Person to be served]; Take notice that a pleading seeking relief against you (has been filed) is required to be filed not later than . . . . , 19 . . . ) in the above-entitled (action) (special proceeding). The nature of the relief being sought is as follows: (State nature.) You are required to make defense to such pleading not later than . . . . , 19 . . . ) and upon your failure to do so the party seeking service against you will apply to the court for the relief sought.

This, the . . . . . . . . day of . . . 19 . . .

(Attorney) (Party)

(Address)

d. Alternative Provisions for Service in a Foreign Country. Where service under this subsection (9) is to be effected upon a party in a foreign country, in the alternative service of the summons and complaint may be made (i) in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction; or (ii) as directed by the foreign authority in response to a letter rogatory, when service in either case is reasonably calculated to give actual notice; or (iii) upon an individual, by delivery to him personally, and upon a corporation or partnership or association, by delivery to an officer or a managing or general agent; or (iv) by any form of mail, requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the party to be served; or (v) as directed by order of the court. Service under (iii) or (v) may be made by any person authorized by section (a) of this rule or who is designated by order of the court or by the foreign court. On request, the clerk shall deliver the summons to the plaintiff for transmission to the person or the foreign court or officer who will make the service. Proof of service may be made as prescribed in G. S. 1-75.10, the order of the court or paragraph (b) hereof, in which case there shall be included an affidavit or certificate of addressing and mailing by the clerk of the court, or by the law of the foreign country.

e. Attack on Judgment by Default. No party served under this subsection (9) may attack any judgment by default entered on such service on the ground that service, as required by this section (j), should or could have been effected, with or without due diligence, under some other subsection of this section (i) or under a different paragraph of this subsection (9).

Sec. 5. G. S. 1A-1, Rule 17(a) is hereby amended and rewritten to read as follows:

"(a) Real Party in Interest. Every claim shall be prosecuted in the name of the real party in interest; but an executor, administrator, guardian, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name without joining with him the party for whose benefit the action is brought; and when a statute of the State so provides, an action for the use or benefit of another shall be brought in the name of the State of North Carolina. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party
in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest."

Sec. 6. (a) G. S. 1A-1, Rule 17 (b) is amended by renumbering subsection (6) thereof as subsection "(7)" and inserting the following new subsection "(6)"

"(6) When guardian ad litem not required in domestic relations actions. Notwithstanding any other provisions of this Rule, an infant who is competent to marry, and who is 18 years of age or older, is competent to prosecute or defend an action or proceeding for his or her absolute divorce, divorce from bed and board, alimony pendente lite, permanent alimony with or without divorce, or an action or proceeding for the custody and support of his or her child, without the appointment of a guardian ad litem."

Sec. 7. G. S. 1A-1, Rule 18(a) is amended and rewritten as follows:

"(a) Joinder of Claims. A party asserting a claim for relief as an original claim, counterclaim, crossclaim, or third-party claim, may join, either as independent or as alternate claims, as many claims, legal or equitable, as he has against an opposing party."

Sec. 8. G. S. 1A-1, Rule 34 is hereby amended by deleting that paragraph of the Rule numbered "(b)" and entitled "Discovery Without Court Order." and by deleting the letter and symbols "(a)" from the first line of Rule 34.

Sec. 9. G. S. 1A-1, Rule 40 is hereby amended by rewriting the catchline to read "Assignment of Cases for Trial; Continuances.," making Rule 40 as presently written subsection (a) and adding a subsection (b) to read as follows:

"(b) No continuance shall be granted except upon application to the court. A continuance may be granted only for good cause shown and upon such terms and conditions as justice may require."

Sec. 10. G. S. 1A-1, Rule 41 is hereby amended and rewritten to read as follows:

"Rule 41

"DISMISSAL OF ACTIONS.

"(a) Voluntary Dismissal; Effect Thereof.

(1) By Plaintiff; by Stipulation. Subject to the provisions of Rule 23 (c) and of any statute of this State, an action or any claim therein may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before the plaintiff rests his case, or; (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of this or any other state or of the United States, an action based on or including the same claim. If an action commenced within the time prescribed therefor, or any claim therein, is dismissed without prejudice under this subsection, a new action based on the same claim may be commenced within one year after such dismissal unless a stipulation filed under (ii) of this subsection shall specify a shorter time.

(2) By Order of Judge. Except as provided in subsection (1) of this section, an action or any claim therein shall not be dismissed at the plaintiff's instance save upon order of the judge and upon such terms and conditions as justice requires.

1030
Unless otherwise specified in the order, a dismissal under this subsection is without prejudice. If an action commenced within the time prescribed therefor, or any claim therein, is dismissed without prejudice under this subsection, a new action based on the same claim may be commenced within one year after such dismissal unless the judge shall specify in his order a shorter time.

"(b) Involuntary Dismissal; Effect Thereof. For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim therein against him. After the plaintiff, in an action tried by the court without a jury, has completed the presentation of his evidence, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in Rule 52(a). Unless the court in its order for dismissal otherwise specifies, a dismissal under this section and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a necessary party, operates as an adjudication upon the merits. If the court specifies that the dismissal of an action commenced within the time prescribed therefor, or any claim therein, is without prejudice, it may also specify in its order that a new action based on the same claim may be commenced within one year or less after such dismissal.

"(c) Dismissal of Counterclaim, crossclaim, or third-party claim. The provisions of this rule apply to the dismissal of any counterclaim, crossclaim, or third-party claim.

"(d) Costs. A plaintiff who dismisses an action or claim under section (a) of this rule shall be taxed with the costs of the action unless the action was brought in forma pauperis. If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant before the payment of the costs of the action previously dismissed, unless such previous action was brought in forma pauperis, the court, upon motion of the defendant, shall dismiss the action."

Sec. 11. G. S. 1A-1, Rule 50(b) is hereby amended and rewritten to read as follows:

"(b) Motion for Judgment Notwithstanding the Verdict.

1) Whenever a motion for a directed verdict made at the close of all the evidence is denied or for any reason is not granted, the submission of the action to the jury shall be deemed to be subject to a later determination of the legal questions raised by the motion. Not later than 10 days after entry of judgment, a party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; or if a verdict was not returned such party, within 10 days after the jury has been discharged, may move for judgment in accordance with his motion for a directed verdict. In either case the motion shall be granted if it appears that the motion for directed verdict could properly have been granted. A motion for a new trial may be joined with this motion, or a new trial may be prayed for in the alternative. If a verdict was returned the judge may allow the
judgment to stand or may set aside the judgment and either order a new trial or
direct the entry of judgment as if the requested verdict had been directed. If no
verdict was returned the judge may direct the entry of judgment as if the requested
verdict had been directed or may order a new trial. Not later than ten (10) days
after entry of judgment or the discharge of the jury if a verdict was not returned,
the judge on his own motion may, with or without further notice and hearing, grant,
deny, or redeny a motion for directed verdict made at the close of all the evidence
that was denied or for any reason was not granted.

(2) An appellate court, on finding that a trial judge should have granted a motion
for directed verdict made at the close of all the evidence, may not direct entry
of judgment in accordance with the motion unless the party who made the motion
for a directed verdict also moved for judgment in accordance with Rule 50(b) (1)
or the trial judge on his own motion granted, denied or redenied the motion for
a directed verdict in accordance with Rule 50(b)(1)."

Sec. 12. G. S. 1A-1, Rule 52(a) is hereby amended and rewritten to read as
follows:

"Rule 52

"FINDINGS BY THE COURT

"(a) Findings. (1) In all actions tried upon the facts without a jury or with an
advisory jury, the court shall find the facts specially and state separately its conclu-
sions of law thereon and direct the entry of the appropriate judgment.

(2) Findings of fact and conclusions of law are necessary on decisions of any
motion or order ex mero motu only when requested by a party and as provided
by Rule 41(b). Similarly, findings of fact and conclusions of law are necessary on
the granting or denying of a preliminary injunction or any other provisional remedy
only when required by statute expressly relating to such remedy or requested by
a party.

(3) If an opinion or memorandum of decision is filed, it will be sufficient if the
findings of fact and conclusions of law appear therein."

Sec. 13. G. S. 1A-1, Rule 53(a)(1) is hereby amended and rewritten to read as
follows:

"(1) By consent. Any or all of the issues in an action may be referred upon the
written consent of the parties except in actions to annul a marriage, actions for
divorce, actions for divorce from bed and board, actions for alimony without divorce
or actions in which a ground of annulment or divorce is in issue."

Sec. 14. G. S. 1-75.10(1)b is hereby amended to read as follows:

"b. If served by any other person, his affidavit thereof, showing place, time and
manner of service; his qualifications to make service under Rule 4 (a) or Rule 4
(j) (9) (d) of the Rules of Civil Procedure; that he knew the person served to be
the party mentioned in the summons and delivered to and left with him a copy;
and if the defendant was not personally served, he shall state in such affidavit when,
where and with whom such copy was left. If such service is made outside this State,
the proof thereof may in the alternative be made in accordance with the law of
the place where such service is made."

Sec. 15. G. S. 1-271 is hereby amended by adding at the end thereof a new
sentence to read as follows:
"A party who cross assigns error in the grant or denial of a motion under the Rules of Civil Procedure is a party aggrieved."

Sec. 16. G.S. 50-13.3(b) is hereby amended by striking out the period at the end thereof and adding thereto the words and figures, "and G.S. 1A-1, Rule 65".

Sec. 17. G.S. 50-13.4(f) is hereby amended by:

(1) Striking out of subdivision "(2)" the letters and figures, "G.S. 1-227" and inserting in lieu thereof "G.S. 1A-1, Rule 70".

(2) Inserting in subdivision "(5)" immediately after the words "General Statutes" and before the comma, the words and figures, "and G.S. 1A-1, Rule 65".

Sec. 18. G.S. 50-16.7 is hereby amended by:

(1) Striking out of subsection "(c)" the letters and figures, "G.S. 1-227" and inserting in lieu thereof "G.S. 1A-1, Rule 70".

(2) Inserting in subsection "(f)" immediately after the words "General Statutes" and before the comma, the words and figures, "and G.S. 1A-1, Rule 65".

Sec. 19. G.S. 1-65.5 and Article 3 of Chapter 1B of the General Statutes are hereby repealed.

Sec. 20. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 21. This Act shall be in full force and effect on and after January 1, 1970, and shall apply to actions and proceedings pending on that date as well as to actions and proceedings commenced on and after that date. This Act takes effect on the same date as Chapter 954 of the Session Laws of 1967, entitled an Act to Amend the Laws relating to Civil Procedure. In the construction of that Act and this Act, no significance shall be attached to the fact that this Act was enacted at a later date.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 686

CHAPTER 896

AN ACT TO AMEND G.S. 24-9 SO AS TO PROPERLY DEFINE THE TERM "COMMERCIAL FACTOR".

The General Assembly of North Carolina do enact:

Section 1. G.S. 24-9, as it appears in the 1965 Replacement Volume 1D of the General Statutes, is hereby amended by rewriting the last sentence thereof to read as follows:

"For the purpose of this section, the term 'commercial factor' shall be defined to mean any corporation, foreign or domestic, or any partnership which engages principally in the aforesaid secured financing."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.
S. B. 707

CHAPTER 897

AN ACT TO CREATE AN UNEARNED PREMIUM RESERVE REQUIREMENT AS AN ADDITION TO ARTICLE 14 OF CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Article 14 of Chapter 58 of the General Statutes of North Carolina is amended by adding immediately after G. S. 58-134.1 the following:

"G. S. 58-134.2. Unearned premium reserve. Every domestic title insurance company shall, in addition to other reserves, establish and maintain a reserve to be known as the "unearned premium reserve" for title insurance, which shall at all times and for all purposes be considered and constitute unearned portions of the original risk premiums and shall be charged as a reserve liability of such title insurance company in determining its financial conditions.

"G. S. 58-134.3. Amount of unearned premium reserve. (a) The unearned premium reserve of every domestic title insurance company shall consist of the aggregate of:

(1) The amount of the unearned premium reserve held as of the effective date of this Act.

(2) The amount of all additions required to be made to such reserve by this Section 58-134.3, less the reduction of such aggregate amount required hereby.

(b) On each contract of title insurance issued by a domestic title insurance company on and after the effective date of this Act, there shall be reserved initially as an unearned premium reserve a sum equal to ten per centum (10%) of the original risk premium charged therefor.

(c) After the aggregate of the amounts set aside in unearned premium reserves reaches a total of one hundred fifty thousand dollars ($150,000.00) then those amounts set aside in any calendar year pursuant to Subsection (b) of this Section 58-134.3, shall be reduced annually, at the end of each calendar year following the year in which the policy is issued, at the annual rate of one-twentieth (1/20th) of the aggregate of such amounts. Provided, the aggregate total of the unearned premium reserves shall not be reduced below one hundred fifty thousand dollars ($150,000.00); provided, however, that if the laws of another jurisdiction in which a domestic title insurance company is licensed has requirements for the maintenance of reserves in excess of those contained in this Section, such requirements shall be complied with.

(d) The entire amount of the unearned premium reserve held as of the effective date of this Act shall be presumed to have been added to the reserve in the calendar year next preceding the effective date of this Act and shall be released from said reserve and restored to net profits at the annual rate of one-twentieth (1/20th) of the said entire amount.

(e) If substantially the entire outstanding liability under all policies, contracts of title insurance or reinsurance agreements of any such title insurance company shall be reinsured, the value of the consideration received by a reinsuring title insurance company authorized to transact the business of title insurance in this State, shall constitute, in its entirety, unearned portions of original premiums and be added to its unearned premium reserve and deemed, for recovery purposes, to have
been provided for liabilities assumed during the year of such reinsurance. The amount of such addition to the unearned premium reserve of such assuming title insurance company shall be not less, however, than two-thirds (2/3rds) of the amount of the unearned premium reserve required to be maintained by the ceding title insurance company at the time of such reinsurance.

"G. S. 58-134.4. Unearned premium reserve on policies issued by foreign or alien title insurance companies. Every foreign or alien title insurance company licensed to transact title insurance in this State shall reserve and maintain the same reserves as are required of domestic companies under the provisions of G. S. 58-134.4, unless by the laws of the state or country of domicile of such company there is required to be set aside and maintained an unearned premium reserve in at least as great an amount as is required of domestic companies by that Section.

"G. S. 58-134.5. Maintenance of the unearned premium reserve. If by reason of any cause, other than depreciation in the market value of investments, the amount of the assets of a title insurance company held as investments of its unearned premium reserve should on any date be less than the amount required to be maintained by law in such reserve, and the deficiency shall not be promptly cured, such title insurance company shall forthwith give written notice thereof to the Commissioner and shall make no further policies, contracts of title insurance or reinsurance agreements of title insurance until the deficiency shall have been eliminated and until it shall have received written approval from the Commissioner authorizing it to again issue such policies, contracts of title insurance or agreements.

"G. S. 58-134.6. Use of the unearned premium reserve on liquidation, dissolution or insolvency: (a) If a title insurance company becomes insolvent, or is in the process of liquidation or dissolution, or in the possession of the Commissioner:

1. Such amount of the assets of such title insurance company equal to the unearned premium reserve then remaining as is necessary may be used by or with the written approval of the Commissioner, to pay for reinsurance of the liability of such title insurance company upon all outstanding policies or contracts or reinsurance agreements of title insurance, as to which claims for losses by the holders are not then pending, the balance, if any, of assets equal to the unearned premium reserve fund then remaining, then to be transferred to the general assets of the title insurance company.

2. The assets other than the unearned premium reserve shall be available to pay claims for losses sustained by holders of policies then pending or arising up to the time reinsurance is effected. In the event that claims for losses are in excess of such other assets of the title insurance company, such claims, when established, shall be paid pro rata out of the surplus assets attributable to the unearned premium reserve, to the extent of such surplus, if any.

(b) In the event that reinsurance is not obtained, the unearned premium reserve and assets constituting minimum capital, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held by the Commissioner for twenty (20) years, out of which claims of policyholders shall be paid as they arise. The balance, if any, of such fund shall, at expiration of twenty (20) years, revert to the general assets of the title insurance company."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.
S. B. 711

CHAPTER 898

AN ACT TO AMEND CHAPTER 442 OF THE 1969 SESSION LAWS SO AS TO CORRECT A TYPOGRAPHICAL ERROR.

The General Assembly of North Carolina do enact:

Section 1. Section 11 of Chapter 442 of the 1969 Session Laws is hereby amended by adding at the end of the third line after the words "last sentence" the words: "of the first paragraph" so that Section 11 will indicate that G.S. 128-27(g) is amended by striking out the last sentence of the first paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.

S. B. 714

CHAPTER 899

AN ACT RELATING TO THE PLANNING, DEVELOPMENT AND CONDUCT OF SOLID WASTE DISPOSAL PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes of North Carolina is hereby amended by inserting a new article, to be designated as Article 13B, and to read as follows:

"Article 13B.

"Sec. 130-166.16. Definitions. The following definitions shall apply in the enforcement and interpretation of this Article:

"(1) "Garbage" - all putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

"(2) "Refuse" - all non-putrescible wastes.

"(3) "Solid waste" - garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

"(4) "Solid waste disposal" - the collection, storage, treatment, utilization, processing, or final disposal of solid waste.

"(5) "Solid waste disposal facility" - land, personnel, equipment or other resources used in the disposal of solid wastes.

"(6) "Solid waste disposal site" - any place at which solid wastes are disposed of by incineration, sanitary landfill or any other methods.

"Sec. 130-166.17. Solid waste unit in State Board of Health. For the purpose of promoting and preserving an environment that is conducive to public health
and welfare, and preventing the creating of nuisances, the State Board of Health shall maintain an appropriate administrative unit to promote sanitary disposal of solid waste and the Board shall employ and retain such qualified personnel as may be necessary.

"Sec. 130-166.18. Solid waste disposal program. The State Board of Health is authorized and directed to engage in research, conduct investigations and surveys, make inspections, and to establish a statewide solid waste disposal program. In establishing a program, the Board shall have authority to:

"(a) Provide standards for the establishment, location, operation, maintenance, use and discontinuance of solid waste disposal sites and facilities. Such standards shall be designed to accomplish the maintenance of safe and sanitary conditions in and around solid waste disposal sites and facilities, and shall be based on recognized public health practices and procedures, sanitary engineering research and studies, and current technological development in equipment and methods. Such standards shall not apply to the disposal of solid waste accumulated by an individual or individual family or household unit and disposed of on his own property.

"(b) Develop a comprehensive program for implementation of safe and sanitary practices for disposal of solid waste throughout the State.

"(c) Advise, consult, cooperate, and contract with other agencies and units of State and local governments, the federal government, and industries and individuals in the formulation and carrying out of a solid waste disposal program.

"Sec. 130-166.19. Receipt and distribution of funds. The Board may accept loans and grants from the federal government and other sources for carrying out the purpose of this Article, and shall adopt reasonable policies governing the administration and distribution of such funds to county and municipal governing bodies and agencies, other State agencies, and private agencies, institutions or individuals, for studies, investigations, demonstrations, surveys, planning, training, and construction or establishment of solid waste disposal facilities.

"Sec. 130-166.20. Single agency designation. The State Board of Health is hereby designated as the single agency for the State for the purposes of the Federal Solid Wastes Disposal Act (PL 89-272) and for the purpose of such other State or federal legislation as has or may be hereafter enacted to assist in the proper disposal of solid waste."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Sec. 3. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 17th day of June, 1969.

S. B. 756

CHAPTER 900

AN ACT TO UPDATE THE TITLES OF THE MEMBERS OF THE MENTAL HEALTH COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. G.S. 122-105, as it appears in the 1967 Supplement of the General Statutes is hereby rewritten to read as follows:

"G. S. 122-105. Creation of Council; membership; chairman. There is hereby created a Mental Health Council to be composed of the following persons: The Commis-
sioner of Mental Health, the Chairman of the North Carolina Board of Mental Health, the Commissioner of Public Welfare, the Chief of the Psychological Services Section of the State Department of Public Welfare, the State Health Director, the Chief of the Mental Retardation and Developmental Evaluation Program of the North Carolina State Board of Health, a representative of the North Carolina Association of Clerks of Court, the State Superintendent of Public Instruction, the Commissioner of the State Department of Correction, the Director of the Division of Vocational Rehabilitation of the State Department of Public Instruction, a representative of the Medical Society of the State of North Carolina, a dentist licensed to practice in North Carolina appointed by the Governor, a representative of the North Carolina Neuropsychiatric Association, a representative of the North Carolina Mental Health Association, a representative of the Department of Psychiatry of each of the four-year medical schools in the State, a representative of the North Carolina Psychological Association, a representative of the North Carolina Conference for Social Service, a representative of the State Congress of Parents and Teachers, a representative of the Eugenics Board, the Commissioner of Juvenile Correction, and the Director of the Special Education Section, Division of Instructional Services, North Carolina State Department of Public Instruction. The Mental Health Council is hereby empowered to invite additional organizations to name representatives to the Council.*

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.

S. B. 770

CHAPTER 901

AN ACT RELATING TO THE NAMES OF CERTAIN STATE TRAINING SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. The names of the "Stonewall Jackson Manual Training and Industrial School" and "Morrison Training School" and "Leonard Training School" are hereby changed to "Stonewall Jackson School" and "Cameron Morrison School" and "Samuel Leonard School", respectively, and wherever the same appear in Chapter 134 of the General Statutes and any other laws of this State, said Chapter 134 and all other such laws are hereby amended to effect the changes above set forth.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.

S. B. 784

CHAPTER 902

AN ACT TO CLARIFY THE MANNER IN WHICH COUNTY AND MUNICIPAL BOARDS OF ALCOHOLIC CONTROL MAY MAKE EXPENDITURES FOR EDUCATION, RESEARCH AND REHABILITATION.

The General Assembly of North Carolina do enact:

Section 1. Subsection (15) of G. S. 18-45 is hereby amended by deleting the second sentence thereof which reads: "In addition, any county or municipal board
is authorized, in its discretion, to expend for education and research as to the effects of the use of alcoholic beverages and for the rehabilitation of alcoholics not more than five percent (5%) of its total profits, to be determined by quarterly audits." and by adding a new paragraph at the end of the subsection to read as follows:

"In addition, any county or municipal board is authorized, in its discretion, to expend not more than five percent (5%) of its total profits, to be determined by quarterly audits, for education and research as to the causes and effects of alcoholism or the excessive use of alcoholic beverages and for the rehabilitation of alcoholics. Expenditures for the purposes specified in this paragraph may be made, in the discretion of the board, either for programs carried on by the board or as appropriations to non-profit corporations or agencies sponsoring or engaging in such education, research or rehabilitation."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.

H. B. 739

CHAPTER 903

AN ACT TO AMEND SECTION 3 OF CHAPTER 936 OF THE SESSION LAWS OF 1963 AND SECTION 1 OF CHAPTER 698 OF THE SESSION LAWS OF 1965 TO INCREASE THE SALARIES OF THE CHAIRMAN AND ONE COMMISSIONER OF THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 936 of the Session Laws of 1963 and Section 1 of Chapter 698 of the Session Laws of 1965 are amended to read as follows:

"From and after July 1, 1969, until such time as the Board of County Commissioners acts to fix the compensation of the chairman under the authority of Section 1, Chapter 180, Session Laws of 1969, the Chairman and his successors shall be paid an annual salary of sixteen thousand dollars ($16,000.00) out of the General Fund of the County in equal monthly installments and he shall devote his full time to performing the duties of his office. From and after July 1, 1969, one commissioner, to be designated by the Chairman, may receive an annual salary of eight thousand dollars ($8,000.00) out of the General Fund of the County in equal monthly installments unless his salary is altered by the Board of Commissioners acting under the authority of Section 1, Chapter 180, Session Laws of 1969, and he shall devote his full time to performing the duties assigned his office by the Chairman. From and after July 1, 1969, the other commissioner and his successors shall be paid a monthly salary of one hundred fifty dollars ($150.00) out of the General Fund of the County, until such time as the Board of Commissioners acts to fix the compensation of the commissioners under the authority of Section 1, Chapter 180, Session Laws of 1969."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.
H. B. 1100  CHAPTER 904

AN ACT TO PROVIDE FOR THE ACQUISITION OF CERTAIN LAND ON THE OUTER BANKS OF NORTH CAROLINA TO ASSIST IN THE CREATION OF THE FEDERALLY SPONSORED CAPE LOOKOUT NATIONAL SEASHORE.

WHEREAS, the Outer Banks of North Carolina provide an area of unique recreational potential, and provide a buffer for the North Carolina coastline against the ravages of the open sea; and

WHEREAS, the Outer Banks are in danger of being lost through erosion; and

WHEREAS, the Congress of the United States has authorized the creation of the Cape Lookout National Seashore in order to preserve for public use and enjoyment an area in the State of North Carolina possessing outstanding natural and recreational values; and

WHEREAS, the State of North Carolina has offered the Federal Government suitable land for the establishment of this facility; and

WHEREAS, it is in the best interest of the people of the State of North Carolina that this land be acquired by the State and conveyed to the Federal Government for the purpose of establishing the Cape Lookout National Seashore;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The Department of Administration, an agency of the State of North Carolina, is vested with full power and authority to acquire in the name of and on behalf of the State of North Carolina, by donation, purchase, or condemnation, all those lands and marshlands within an area on the Outer Banks of North Carolina bounded on the north by Ocracoke Inlet, on the south by Cape Lookout Point and the Atlantic Ocean, on the east by the Atlantic Ocean, and on the west by Core Sound, Barden Inlet and Lookout Bight and any lands, marshlands, or islands contiguous thereto necessary for the creation and maintenance of Cape Lookout National Seashore, the necessity for, the public interest in, and the public use of, being hereby declared as a matter of legislative determination. Provided, however, those lands specifically excluded from inclusion in the boundaries of the proposed Cape Lookout National Seashore by the terms of Public Law 89-366, passed by the 89th Congress on March 10, 1966, are also excluded from the authority to acquire herein above granted.

Sec. 2. If negotiations for the purchase of the land are unsuccessful, or if the State cannot obtain a good and sufficient title thereto by purchase from the owners, the Department of Administration may request permission of the Governor and Council of State to exercise the right of eminent domain and acquire any such land by condemnation. The condemnation procedure to be followed shall be that prescribed in Chapter 40, Article 2; Provided that the commissioners appointed to appraise the land involved in this Act shall be appointed by the resident judge of the superior court from among persons who are residents of counties adjoining Carteret County. Upon approval by the Governor and Council of State, the Department may proceed to exercise the right of eminent domain. Approval by no other State agency shall be required as a prerequisite to the exercise of the power of eminent domain by the Department.
Sec. 3. All lands acquired under this Act may be conveyed in fee to the United States of America upon nominal consideration in compliance with an Act of the Congress of the United State in 1966 designated as Public Law 89-366 and entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes." Provided, however, that such conveyance shall be in the manner prescribed by Chapter 146 of the General Statutes; provided, further that such conveyance shall be conditioned upon the lands conveyed being used for public park purposes.

Sec. 4. In carrying out the provisions of this Act, the Department of Administration may use funds which have been or may be appropriated for the acquisition of land on the Outer Banks and may accept and use funds derived from gifts, devises, donations, bequests or other sources for such purposes.

Sec. 5. Any number of parcels of land under one ownership may be condemned under the provisions of this Act, whether contiguous or not, and may be included and condemned in one proceeding. If there is no apparent owner of any land, condemnation proceedings may be instituted for the purpose of acquiring the same and such action shall be against the land itself and unknown parties, such parties to be served by publication as provided by law. Any person, firm, or corporation owning property which is developed and used for non-commercial purposes may reserve the exclusive right to use and occupy for non-commercial purposes any residence or other building used for non-commercial purposes together with not in excess of three acres of the parcel of land being acquired, for a term ending at the death of the owner or the death of his spouse, which ever is later, or, in case of non-individual ownership, for a definite term of twenty-five years; and the acquisition of property pursuant to this Act shall be subject to such reserved right of use and occupancy. In addition to the foregoing, the property owner shall be entitled to reserve for such periods the unrestricted right to use aircraft landing strips, and boat piers. However, any hunting ponds that have been developed and used by the property owner prior to the enactment of this Act shall be subject to the agreement of the Federal Government and the property owner as to their use. Provided, however, that no land within seven hundred fifty (750) feet inland from the mean high water line of the Atlantic Ocean may be included in the reservation and use and occupancy herein provided, and provided further, that the land subject to such use and occupancy shall be preserved and maintained in its natural state.

Sec. 6. The power of eminent domain granted by this Act shall be in addition to and not in derogation of any powers of eminent domain already possessed by the North Carolina Department of Administration as an agency of the State of North Carolina.

Sec. 7. This Act shall not apply to pending litigation.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.
CHAPTER 905

H. B. 1224

CHAPTER 905

AN ACT TO DELETE A CERTAIN AREA FROM THE CORPORATE LIMITS OF THE TOWN OF BOONE, AND TO PROVIDE STAGGERED TERMS FOR MEMBERS OF THE BOARD OF ALDERMEN, AND TO AUTHORIZE THE SALE OF CERTAIN PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 988, Session Laws of 1967, is hereby amended by adding a new section, to be designated Section 1.1, and to read as follows:

"Sec. 1.1. The corporate limits of the Town of Boone is hereby amended by deleting from the area described in Section 1 that area herein described as follows:

"BEGINNING on an iron stake in the West margin of Poplar Hill Drive, said iron stake being located North 19 degrees 04' 31" East 200' from the center of N. C. Highway #105, and runs thence South 19 degrees 04' 31" West 500 feet to an iron stake in the present town limit line; thence North 68 degrees 11' 07" West 4200 feet to a stake; thence North 87 degrees 54' 04" West 485.64 feet to a stake; thence North 00 degrees 24' 53" West, crossing N. C. Highway #105, 776.26 feet to a stake; thence North 75 degrees 02' 39" East 120 feet to a stake; thence South 68 degrees 11' 55" East 2019.44 feet to a stake; thence North 68 degrees 44' 58" East 2240.72 feet to a stake; thence South 06 degrees 15' West 1500 feet to a stake; thence South 52 degrees 45' East 800 feet to the BEGINNING."

The Board of Aldermen is hereby authorized to refund to each taxpayer, who was or is the owner of property in the area described above, one-half of the real and personal property tax actually collected from such taxpayer for any taxable year after 1965.

Sec. 2. Section 2 of Chapter 988, Session Laws of 1967, is amended by adding at the end thereof the following:

"The Board of Aldermen of the Town of Boone shall have five members, elected for staggered terms. In the regular municipal election to be held in the Town of Boone in 1969, there shall be elected five members to the Board of Aldermen. The two (2) candidates receiving the highest number of votes shall be elected for a term of four (4) years, and the three (3) candidates receiving the next highest number of votes shall be elected for a term of two (2) years. At the regular municipal election held in 1971, and biennially thereafter, three members of the Board of Aldermen shall be elected, and the two (2) candidates receiving the highest number of votes shall be elected for a term of four (4) years, and the candidate receiving the next highest number of votes shall be elected for a term of two (2) years."

Sec. 3. The Board of Aldermen is hereby authorized to execute an option to sell and to sell at private sale the lands hereinafter described or any part thereof. Provided, that the minimum sale price shall not be less than seventy-five thousand dollars ($75,000) and the sale shall be subject to any easements, reservations, or restrictions affecting said property:

"BEGINNING at a concrete monument in the southern right of way of Faculty Street, said monument being located 30 feet from the center line of Faculty Street as presently located, and running thence South 18 degrees West 225.40 feet to an old iron stake; thence South 63 degrees 56' East 245.44 feet to a stake, corner to Appalachian State University; thence with the Appalachian State Uni-
university line North 16 degrees 22' East 228.60 feet to a stake in the southern right of way of Faculty Street; thence with the southern right of way of Faculty Street North 64 degrees 26' 06" West 238.57 feet to the BEGINNING, containing 1.2467 acres."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 629, Session Laws of 1969.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.

S. B. 581

CHAPTER 906

AN ACT AMENDING ARTICLE 9 OF CHAPTER 66 OF THE GENERAL STATUTES RELATING TO COLLECTION AGENCIES SO AS TO DEFINE COLLECTION AGENCIES AND THE BUSINESS THEREOF AND TO PROVIDE UNIFORM REGULATION AND STATEWIDE STANDARDS FOR SUCH BUSINESSES.

The General Assembly of North Carolina do enact:

Section 1. Article 9 of Chapter 66 of the General Statutes is hereby amended by striking in its entirety G. S. 66-41 and by substituting in lieu thereof the following:

"G. S. 66-41. Permit from Commissioner of Insurance; misdemeanor to do business without permit; penalty for violation; exception. No person, firm, corporation or association shall conduct or operate a collection agency or do a collection agency business, as the same is hereinafter defined in this Act, until he or it shall have secured a permit therefor as provided in this Act. Any person, firm, corporation or association conducting or operating a collection agency or doing a collection agency business without the permit shall be guilty of a misdemeanor for each day that the unlawful business is conducted. Any officer or agent of any person, firm, corporation or association, who shall personally and knowingly participate in any violation of this Act shall likewise be guilty of a misdemeanor. Provided, however, that nothing in this section shall be construed to require a regular employee of a duly licensed collection agency in this State to procure a collection agency permit."

Sec. 2. Article 9 of Chapter 66 of the General Statutes is hereby further amended by adding immediately after G. S. 66-41, a new section to be designated as G. S. 66-41.1 and reading as follows:

"G. S. 66-41.1. Application to Commissioner for permit. Any person, firm, corporation or association desiring to secure a permit as is provided by G. S. 66-41, shall make application to the Commissioner of Insurance upon such form as the Commissioner may provide for each location at which such person, firm, corporation or association desires to carry on the business hereinafter defined, and shall submit with such application any and all information which the Commissioner may require to assist him in determining the financial condition, business integrity, method of operation, and protection of the public offered by the person, firm, corporation or association filing the application. Information required shall include evidence of good moral character, that no unsatisfied judgments are against the person, firm, corporation or association filing the application and a financial statement showing that the applicant's assets exceed liabilities. All information submitted shall be sworn to by the responsible officer, member of the firm, or individual, as in each
case necessary, and the Commissioner shall have the right to require any and all additional information which, in his judgment, may assist him in determining whether or not the applicant is entitled to the permit sought."

Sec. 3. Article 9 of Chapter 66 of the General Statutes is hereby further amended by striking out G. S. 66-42 in its entirety, and substituting in lieu thereof the following:

"G. S. 66-42. Definition of collection agency and collection agency business. Collection agency means and includes all persons, firms, corporations and associations directly or indirectly engaged in soliciting, from more than one person, firm, corporation or association, claims of any kind owed or due or asserted to be owed or due the solicited person, firm, corporation or association, and all persons, firms, corporations and associations directly or indirectly engaged in asserting, enforcing or prosecuting those claims.

"Collection agency shall include any person, firm, corporation or association who shall procure a listing of debtors from any creditor and who shall sell such listing or otherwise receive any fee or benefit from collections made on such listing.

"Collection agency does not mean or include (a) regular employees of a single creditor, (b) banks, (c) trust companies, (d) savings and loan associations, (e) building and loan associations, (f) duly licensed real estate brokers and agents when the claims or accounts being handled by the broker or agent are related to or are in connection with the brokers' or agents' regular real estate business, (g) express and telegraph companies subject to public regulation and supervision, (h) attorneys at law handling claims and collections in their own name and not operating a collection agency under the management of a layman, (i) any person, firm, corporation or association handling claims, accounts or collections under an order or orders of any court, or (j) a person, firm, corporation or association which, for valuable consideration, purchases accounts, claims, or demands of another and then, in its own name, proceeds to assert or collect the accounts, claims or demands."

"(k) Collection agency shall not include any person, firm or corporation who for a fee and on behalf of a creditor shall, in its own name, write a letter or series of letters to a debtor on behalf of the creditor if such person, firm or corporation does not collect any money from any debtor nor hold itself out as being authorized to receive payment of all or any part of such debt.

"(l) Collection agency shall not include any person, firm, corporation or association attempting to collect or collecting claims of a business or businesses owned wholly or substantially by the same person or persons operating such collection agency."

Sec. 4. Article 9 of Chapter 66 of the General Statutes is further amended by rewriting G. S. 66-47 to read as follows:

"G. S. 66-47. Violation of article or regulations a misdemeanor. Any person, firm, corporation or association who shall violate the provisions of G. S. 66-41, or who shall engage in the business defined in this article after failing to renew permit, or after permit has been cancelled as herein provided, or who shall fail or refuse to furnish the information required by the Commissioner, or shall fail to observe the regulations promulgated by the Commissioner pursuant to this article, shall be guilty of a misdemeanor punishable in the discretion of the Court."

Sec. 5. Article 9 of Chapter 66 of the General Statutes is further amended by striking in its entirety G. S. 66-49, and by substituting in lieu thereof the following:
"G. S. 66-49. All collection agencies to identify themselves in correspondence and street location. All collection agencies licensed under this article to do the business of a collection agency in this State, shall on and after July 1, 1969, in all correspondence with debtors use stationery or forms which contain the true name of such collection agency in bold type. Furthermore, all correspondence to debtors shall contain the precise street address and mailing address of such agency and shall contain the name or names of an employee of such agency.

"The permit to engage in the business of a collection agency shall at all times be prominently displayed in each office of the person, firm, corporation or association to whom or to which the permit is issued, and the number of said permit shall be printed in bold type on all letterheads, stationery and forms used by the person, firm, corporation or association holding said permit."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 7. This Act shall be effective on July 1, 1969.
In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 603

CHAPTER 907

AN ACT RELATIVE TO THE SALES TAX ON FARM CHEMICALS.
The General Assembly of North Carolina do enact:

Section 1. G. S. 105-164.13(2), as the same appears in the 1965 Replacement Volume 2D, is hereby amended by deleting the "period" after the word "agriculture" and inserting in lieu thereof a "comma" and by adding the following words: "defoliants for use on cotton or other crops, plant growth inhibitors, regulators, or stimulators for agriculture including systemic and contact or other sucker control agents for tobacco and other crops."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect on and after January 1, 1970.
In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 726

CHAPTER 908

AN ACT TO AMEND G.S. 110-49 TO PROVIDE FOR LICENSING OF THOSE PROVIDING FULL-TIME CHILD CARE WHETHER OR NOT THE PLACEMENT OF CHILDREN IS INVOLVED.
The General Assembly of North Carolina do enact:

Section 1. G.S. 110-49 as it appears in Replacement Volume 3A of the General Statutes, is hereby amended by rewriting the first paragraph thereof to read as follows:

"No individual, agency, voluntary association, or corporation seeking to establish and carry on any kind of business or organization in this State for the purpose of giving full-time care to children or for the purpose of placing dependent, neglected, abandoned, destitute, orphaned or delinquent children, or children separated temporarily from their parents, shall be permitted to organize and carry on such work without first having secured a written permit from the State Board of Social
CHAPTER 908  

SESSION LAWS—1969

Services. The said Board shall issue such permit recommending said business or organization only after it has made due investigation of the purpose, character, nature, methods and assets of the proposed business or organization."

Sec. 2. G.S. 110-49 is hereby further amended by deleting, from the first and second lines in the second paragraph thereof, the phrase "except those exempted in G.S. 108-3, Subdivision (5)"; and by inserting in lieu of the phrase thus deleted the following:

"except those exempted in G.S. 108-73, Subsection (c)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 773

CHAPTER 909

AN ACT TO RAISE THE WORTHLESS CHECK JURISDICTION OF MAGISTRATES IN CRAVEN COUNTY FROM TWENTY-FIVE DOLLARS ($25.00) TO FIFTY DOLLARS ($50.00).

The General Assembly of North Carolina do enact:

Section 1. Chapter 199, Session Laws of 1963, is repealed.

Sec. 2. G.S. 14-107 is amended by inserting "Craven" at the appropriate place in the list of counties therein.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 786

CHAPTER 910

AN ACT TO AMEND GENERAL STATUTES CHAPTER 7A TO ESTABLISH A PERMANENT NORTH CAROLINA COURTS COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. General Statutes Chapter 7A is amended by insertion of the following new Subchapter:

"SUBCHAPTER X. NORTH CAROLINA COURTS COMMISSION

"Article 40. North Carolina Courts Commission

G.S. 7A-600. Creation; members; terms; qualifications; vacancies. The North Carolina Courts Commission is hereby created. It shall consist of fifteen regular members, seven of whom shall be appointed by the President of the Senate, seven by the Speaker of the House, and one by the President of the Senate and the Speaker of the House jointly. At least eight of the appointees shall be members or former members of the North Carolina General Assembly. Two of the appointees shall be laymen. Four of the appointees of the President of the Senate shall serve for two years, and three for four years. Four of the appointees of the Speaker of the House shall serve for two years, and three for four years. The joint appointee shall serve for four years. All initial terms shall begin July 1, 1969. Subsequent terms shall
begin July 1 of odd-numbered years. A vacancy in Commission membership shall be filled by the remaining members of the Commission to serve for the remainder of the term vacated. A member whose term expires may be reappointed.

G.S. 7A-601. *Ex officio members.* The following additional members shall serve *ex officio.* The Administrative Officer of the Courts; a representative of the North Carolina State Bar appointed by the Council thereof; and a representative of the North Carolina Bar Association appointed by the Board of Governors thereof. *Ex officio* members shall have no vote.


G.S. 7A-603. *Duties.* It shall be the duty of the Commission to make continuing studies of the structure, organization, jurisdiction, procedures and personnel of the Judicial Department and of the General Court of Justice and to make recommendations to the General Assembly for such changes therein as will facilitate the administration of justice.

G.S. 7A-604. *Chairman; meetings; compensation of members.* The Commission shall elect its own chairman, and shall meet at such times and places as the chairman shall designate. The facilities of the State Legislative Building shall be available to the Commission. The members of the Commission shall receive the same per diem and allowances as members of State boards and commissions generally.

G.S. 7A-605. *Supporting services.* The Commission is authorized to contract for such professional and clerical services as is necessary in the proper performance of its duties.*

Sec. 2. Resolution 73 of the 1963 General Assembly is repealed effective July 1, 1969.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 627

CHAPTER 911

AN ACT TO REVISE AND CLARIFY THE JURISDICTION AND PROCEDURES APPLICABLE TO CHILDREN IN THE DISTRICT COURT.

The General Assembly of North Carolina do enact:

Section 1. Except for G. S. 110-25.1 and G. S. 110-39, Article 2 of Chapter 110 of the North Carolina General Statutes is rewritten to read as follows:

"ARTICLE 2.

Juvenile Services.

G. S. 110-21. *Probation.* The county director of social services shall be the chief juvenile probation officer in each county, except that the chief counselor shall be the chief juvenile probation officer in counties where family counselor services are established as provided in G. S. 7A-134. The chief juvenile probation officer shall supervise the work of any persons who provide juvenile probation services.

If there are no family counselor services available in a district, the judges exercising juvenile jurisdiction and the directors of the county social services departments
in the district may agree in writing that all persons providing juvenile probation services in the district shall be regular employees of the county social services departments in the district who are administratively responsible to the county director of social services as chief juvenile probation officer in each county. Such written agreement shall provide for uniform practices and procedures in juvenile cases in the district. Upon election or appointment of a judge who was not a party to the agreement, the parties may enter a new agreement as herein provided.

G. S. 110-22. Probation conditions; revocation. When the court places any child on probation, the court order shall specify the conditions of probation and the period of time the child shall remain on probation. The conditions of probation shall be designed by the court to meet the needs of the child and may include any of the following or such other conditions of probation as the court may order in the best interest of the child:

(1) That the child shall remain on good behavior and not violate any laws;
(2) That the child attend school regularly;
(3) That the child not associate with specified persons or be in specified places;
(4) That the child report to the probation officer as often as required by the probation officer;
(5) That the child make specified financial restitution or pay a fine;
(6) That the child be employed regularly if not attending school.

The court may review the progress of any child on probation at any time during the period of probation. The conditions of probation or the period of time on probation may be modified as may be appropriate in a particular case, provided there is notice and a hearing as provided by Article 23 of Chapter 7A. If a child violates the conditions of his probation, such child may be required to appear before the court after notice, and the court may make any disposition of the matter that it might have made when the child was placed on probation. At the end of a child's period of probation, the child shall appear after notice for a hearing with the juvenile probation officer so that the court may evaluate the child's need for continued supervision, and the judge may terminate the probation, continue the child on probation under the same or modified conditions for a specified term, or enter such other order as the court may find to be in the best interest of the child.

G. S. 110-23. Duties and powers of juvenile probation officers. All juvenile probation officers or family counselors providing services to judges hearing juvenile cases shall have the following powers and duties, as the court may require:

(1) To secure or arrange for such information concerning a case as the court may require before, during or after the hearing;
(2) To prepare written reports for the use of the court;
(3) To appear and testify at court hearings;
(4) To assume temporary custody of a child when so directed by court order;
(5) To furnish each child on probation and his parents with a written statement of his conditions of probation, and to consult with the parents, guardian or custodian so that they may help the child comply with his probation;
(6) To keep informed concerning the conduct and progress of any child on probation or under court supervision through home visits or conferences with the parents, guardian or custodian, and in other ways;
(7) To see that the conditions of probation are complied with by the child, or to bring any child who violates his probation to the attention of the court;
(8) To make periodic reports to the court concerning the adjustment of any child on probation or under court supervision;
(9) To keep such records of his work as the court may require;
(10) To account for all funds collected from children;
(11) To have all the powers of a peace officer in the district;
(12) To provide supervision for a child transferred to his supervision from another court or another state, and to provide supervision for any child released from an institution operated by the North Carolina Board of Juvenile Correction when requested by such Board to do so;
(13) To have such other duties as the judge may direct.

G. S. 110-24. Detention homes. It shall be unlawful for any child coming within the provisions of Article 23 of Chapter 7A to be placed in any jail, prison or other penal institution where such child will come into contact with adults charged with or convicted of crimes, except as herein provided.

Children who are alleged or adjudicated to be delinquent or undisciplined and who require secure custody for the protection of the community or in the best interest of the child may be temporarily detained in a juvenile detention home, which shall be separate from any jail, lockup, prison or other adult penal institution. A juvenile detention home shall be located in a building designed to provide secure custody and shall have such personnel as may be necessary to provide for the supervision and safety of the children being detained. A detention home shall be operated as a family home according to the standards applicable to juvenile detention facilities adopted by the State Board of Social Services under G. S. 153-52 and under the supervision of the judges exercising juvenile jurisdiction in the district. Personnel employed in a detention home may be appointed by the unit of government which operates the program, except that such appointments shall be approved by the State Department of Social Services. The program of a detention home shall be designed as far as possible to provide wholesome activities in the best interest of the children placed therein.

If there is no detention home available, the judge may arrange for the care of a child requiring secure custody in a private home, a foster home or in any other available child-care facility. When the judge finds there is a pressing need that a child be held in secure custody and there is no juvenile detention home available to the judge, the judge may order the temporary detention of such child in any section of a local jail which is so arranged that the child cannot converse with, see or be seen by the adult population of the jail while being detained, provided that the jailer or other personnel responsible for administration of the jail shall provide close supervision of any child so detained for the protection of the child."

Sec. 2. Article 23 of Chapter 7A of the North Carolina General Statutes (containing one section, G. S. 7A-277) is hereby rewritten to read as follows:

"ARTICLE 23.

Jurisdiction and Procedures Applicable to Children.

G. S. 7A-277. Purpose. The purpose of this article is to provide procedures and resources for children under the age of sixteen years which are different in purpose and philosophy from the procedures applicable to criminal cases involving adults. These procedures are intended to provide a simple judicial process for the exercise of juvenile jurisdiction by the district court in such manner as will assure the protec-
CHAPTER 911  SESSION LAWS—1969

tion, treatment, rehabilitation or correction which is appropriate in relation to the needs of the child and the best interest of the State. Therefore, this article should be interpreted as remedial in its purposes to the end that any child subject to the procedures applicable to children in the district court will be benefitted through the exercise of the court's juvenile jurisdiction.

G. S. 7A-278. Definitions. The terms or phrases used in this article shall be defined as follows, unless the context or subject matter otherwise requires:

(1) 'child' is any person who has not reached his sixteenth birthday.
(2) 'delinquent child' includes any child who has committed any criminal offense under state law or under an ordinance of local government, including violations of the motor vehicle laws or a child who has violated the conditions of his probation under this article.
(3) 'undisciplined child' includes any child who is unlawfully absent from school, or who is regularly disobedient to his parents or guardian or custodian and beyond their disciplinary control, or who is regularly found in places where it is unlawful for a child to be, or who has run away from home.
(4) 'dependent child' is a child who is in need of placement, special care or treatment because such child has no parent, guardian or custodian to be responsible for his supervision or care, or whose parent, guardian or custodian is unable to provide for his supervision or care.
(5) 'neglected child' is any child who does not receive proper care or supervision or discipline from his parent, guardian, custodian or other person acting as a parent, or who has been abandoned, or who is not provided necessary medical care or other remedial care recognized under state law, or who lives in an environment injurious to his welfare, or who has been placed for care or adoption in violation of law.
(6) 'custodian' is a person or agency that has been awarded legal custody of a child by a court, or a person other than parents or legal guardian who stands in loco parentis to a child.
(7) 'court' means the district court division of the General Court of Justice, except as otherwise specified.

G. S. 7A-279. Juvenile jurisdiction. The court shall have exclusive, original jurisdiction over any case involving a child who resides in or is found in the district and who is alleged to be delinquent, undisciplined, dependent or neglected, or who comes within the provisions of the Interstate Compact on Juveniles, except as otherwise provided. This jurisdiction shall be exercised solely by the district judge.

G. S. 7A-280. Felony cases. If a child who has reached his fourteenth birthday is alleged to have committed an offense which constitutes a felony, the judge shall conduct a preliminary hearing to determine probable cause after notice to the parties as provided by this article. Such hearing shall provide due process of law and fair treatment to the child, including the right to counsel, privately retained or at state expense if indigent.

If the judge finds probable cause, he may proceed to hear the case under the procedures established by this article, or if the judge finds that the needs of the child or the best interest of the State will be served, the judge may transfer the case to the superior court division for trial as in the case of adults. The child's attorney shall have a right to examine any court or probation records considered by the court in exercising its discretion to transfer the case, and the order of transfer shall specify the reasons for transfer.
If the alleged felony constitutes a capital offense and the judge finds probable cause, the judge shall transfer the case to the superior court division for trial as in the case of adults.

In case of transfer of any case to the superior court division under this section, the judge may order that the child be detained in a juvenile detention home or separate section of a local jail as provided by G. S. 110-24, pending trial in the superior court division.

G. S. 7A-281. *Petition.* Any person having knowledge or information that a case has arisen which invokes the juvenile jurisdiction established by this article may file a verified petition with the clerk of superior court. The petition shall contain the name, age and address of the child, the name and last-known address of his parents or guardian or custodian, and shall allege the facts which invoke the juvenile jurisdiction of the court.

After a petition is filed, any judge exercising juvenile jurisdiction may arrange for evaluation of juvenile cases through the county director of social services or the chief family counselor or such other personnel as may be available to the court. The purpose of this procedure is to use available community resources for the diagnosis or treatment or protection of a child in cases where it is in the best interest of the child or the community to adjust the matter without a formal hearing.

G. S. 7A-282. *Issuance of summons.* After a petition is filed and when directed by the court, the clerk of superior court shall cause a summons to be issued directed to the parents or guardian or custodian and to the child, requiring them to appear for a hearing at the time and place stated in the summons.

G. S. 7A-283. *Service of summons and petition.* The summons and a copy of the petition shall be served upon the parents or either of them or the guardian or custodian, and the child, not less than five (5) days prior to the date scheduled for the hearing, provided that the time provided herein may be waived in the discretion of the judge in the best interest of the child. Service of the summons and petition shall be made personally by leaving a copy of the summons and the petition with the person summoned. If personal service upon a parent is attempted at his last-known address but such parent cannot be located, and there is no parent, guardian or custodian available to appear with the child for the hearing, the court shall appoint a guardian ad litem or a guardian of the person to appear with the child.

If the court finds it is impractical to obtain personal service upon the parents, guardian or custodian, the judge may authorize service of summons and petition by mail or by publication, provided that a guardian or custodian shall appear with the child for the hearing if neither parent is present.

If the parent, guardian or custodian is personally served as herein provided and fails without reasonable cause to appear and to bring the child, he may be proceeded against as for contempt of court.

G. S. 7A-284. *Immediate custody of a child.* If it appears from a petition that a child is in danger, or subject to such serious neglect as may endanger his health or morals, or that the best interest of the child requires that the court assume immediate custody of the child prior to a hearing on the merits of the case, the judge may enter an order directing an officer or other authorized person to assume immediate custody of the child. Such an order shall constitute authority to assume physical custody of the child and to take the child to such place or person as is
designated in the order. The court shall conduct a hearing on the merits at the earliest practicable time within five (5) days after assuming custody, and if such a hearing is not held within five (5) days, the child shall be released.

G. S. 7A-285. Juvenile hearing. Juvenile hearings shall be held in each county in the district at such times and places as the chief district judge shall designate. The general public may be excluded from any juvenile hearing in the discretion of the judge. Reporting of juvenile cases shall be as provided by G. S. 7A-198 for reporting of civil trials.

The juvenile hearing shall be a simple judicial process designed to adjudicate the existence or non-existence of any of the conditions defined by G. S. 7A-278 (2) through (5) which have been alleged to exist, and to make an appropriate disposition to achieve the purposes of this article. In the adjudication part of the hearing, the judge shall find the facts and shall protect the rights of the child and his parents in order to assure due process of law, including the right to written notice of the facts alleged in the petition, the right to counsel, the right to confront and cross-examine witnesses, and the privilege against self-incrimination. In cases where the petition alleges that a child is delinquent or undisciplined and where the child may be committed to a state institution, the child shall have a right to assigned counsel as provided by law in cases of indigency.

The court may continue any case from time to time to allow additional factual evidence, social information or other information needed in the best interest of the child. If the court finds that the conditions alleged do not exist, or that the child is not in need of the care, protection or discipline of the State, the petition shall be dismissed.

At the conclusion of the adjudicatory part of the hearing, the court may proceed to the disposition part of the hearing, or the court may continue the case for disposition after the juvenile probation officer or family counselor or other personnel available to the court has secured such social, medical, psychiatric, psychological or other information as may be needed for the court to develop a disposition related to the needs of the child or in the best interest of the State. The disposition part of the hearing may be informal, and the court may consider written reports or other evidence concerning the needs of the child.

The child or his parents, guardian or custodian shall have an opportunity to present evidence if they desire to do so, or they may advise the court concerning the disposition which they believe to be in the best interest of the child.

In all cases, the court order shall be in writing and shall contain appropriate findings of fact and conclusions of law.

G. S. 7A-286. Disposition. The judge shall select the disposition which provides for the protection, treatment, rehabilitation or correction of the child after considering the factual evidence, the needs of the child, and the available resources, as may be appropriate in each case. In cases where the court finds a factual basis for an adjudication that a child is delinquent, undisciplined, dependent or neglected, the court may find it is in the best interest of the child to postpone adjudication or disposal of the case for a specified time or subject to certain conditions.

In any case where the court adjudicates the child to be delinquent, undisciplined, dependent or neglected, the jurisdiction of the court to modify any order of disposition made in the case shall continue during the minority of the child or until termi-
nated by order of the court, except as otherwise provided herein, provided that any child subject to the juvenile jurisdiction of the court shall be subject to prosecution in any court for any offense committed after his sixteenth birthday.

The court shall have a duty to give each child subject to juvenile jurisdiction such attention and supervision as will achieve the purposes of this article. Upon motion in the cause or petition, and after notice as provided in this article, the court may conduct a review hearing to determine whether the order of the court is in the best interest of the child, and the court may modify or vacate the order in light of changes in circumstances or the needs of the child.

The following alternatives for disposition shall be available to any judge exercising juvenile jurisdiction:

1. The judge may dismiss the case, or continue the case in order to allow the child, parents or others to take appropriate action.

2. In the case of any child who needs more adequate care or supervision, or who needs placement, the court may:
   (a) Require that the child be supervised in his own home by the county department of social services, juvenile probation officer, family counselor or such other personnel as may be available to the court, subject to such conditions applicable to the parents or the child as the court may specify; or
   (b) Place the child in the custody of a parent, relative, private agency offering placement services, or some other suitable person; or
   (c) Place the child in the custody of the county department of public welfare in the county of his residence, or in the case of a child who has legal residence outside the State, in the temporary custody of the county department of social services in the county where the child is found so that said agency may return the child to the responsible authorities.

In any case where the court removes custody from a parent, the court may order any parent who appears in court with such child to pay such support for the child as may be reasonable under the circumstances, or after notice to the parent as provided in this article, the court may hold a hearing and order such parent to pay such support as may be reasonable under the circumstances.

3. In the case of any child who is alleged to be delinquent or undisciplined and where the court finds it necessary that such child be detained in secure custody for the protection of the community or in the best interest of the child before or after a hearing on the merits of the case, the court may order that such child be detained in a juvenile detention home as provided in G. S. 110-24, or if no juvenile detention home is available, in a separate section of a local jail which meets the requirements of G. S. 110-24, provided the court shall notify the parent, guardian or custodian of the child of such detention. No child shall be held in any juvenile detention home or jail for more than five (5) days without a hearing under the special procedures established by this article. If the judge orders that the child continue in the detention home or jail after such hearing, the court order shall be in writing with appropriate findings of fact.

4. In the case of any child who is delinquent or undisciplined, the court may:
   (a) Place the child on probation for whatever period of time the court may specify, and subject to such conditions of probation as the court finds are related to the needs of the child and which the court shall specify, under the supervision of the juvenile probation officer or family counselor; or
(b) Continue the case in order to allow the family an opportunity to meet the needs of the child through more adequate supervision, or placement in a private or specialized school, or placement with a relative, or through some other plan approved by the court; or if the child is delinquent, the court may

(c) Commit the child to the care of the North Carolina Board of Juvenile Correction to be assigned to whatever facility operated by such Board as the Board or its administrative personnel may find to be in the best interest of the child. Said commitment shall be for an indefinite term, not to extend beyond the eighteenth (18th) birthday of the child, as the Board or its administrative personnel may find to be in the best interest of the child, provided that if a child is engaged in a vocational training program when he becomes eighteen (18) years of age, the Board may extend the indefinite term of such child beyond the eighteenth (18th) birthday until the vocational training program is completed. The Board or its administrative personnel shall have final authority to determine when any child who has been admitted to any facility operated by the Board has sufficiently benefitted from the program as to be ready for release. At the end of any term, the Board shall notify the court that the child is ready for release and shall plan for the return of the child to the community in cooperation with the juvenile probation officer or the family counselor or such other appropriate personnel as may be available. If the Board finds that any child committed to its care is not suitable for the program of any facility operated by the Board, or that further court action is needed to protect the best interest of a child at the end of his term, the Board shall make a motion in the cause so that the court may enter an appropriate order.

(5) In any case, the court may order that the child be examined by a physician, psychiatrist, psychologist or other professional person as may be needed for the court to determine the needs of the child. If the court finds the child to be in need of medical, surgical, psychiatric, psychological or other treatment, the court may allow the parents or other responsible persons to arrange for such care. If the parents decline or are unable to make such arrangements, the court may order the needed treatment, surgery or other needed care, and the court may order the parents or other responsible parties to pay the cost of such care, or if the court finds the parents are unable to pay the cost of such care, such cost shall be a charge upon the county when approved by the court. If the court finds the child to be in need of institutional care because of mental illness or mental retardation, the court may commit the child to the appropriate institution operated by the state, provided two (2) physicians certify in writing that such commitment is in the best interest of the child and the State. After such commitment, the child may be released only by the governing board or administrative personnel of such state institution, who shall report to the court from time to time on the progress of such child and who shall return the child to the court upon release during his minority for such further orders as the court finds to be in the best interest of the child.

(6) In any case where there is no parent to appear in a hearing with the child or where the court finds it would be in the best interest of the child, the court may appoint a guardian of the person for the child, who shall operate under the supervision of the court with or without bond, and who shall file
only such reports as the court shall require. Such guardian of the person shall have the care, custody and control of the child or may arrange a suitable placement for the child, and may represent the child in legal actions before any court. Such guardian of the person shall also have authority to consent to certain actions on the part of the child in place of the parents, including but not limited to marriage, enlisting in the armed forces, major surgery, or such other actions as the court shall designate where parental consent is required. The authority of the guardian of the person shall continue for whatever period of time the court shall designate during the minority of the child.

G. S. 7A-287. Juvenile records. The court shall maintain a complete record of all juvenile cases to be known as the juvenile record, which shall be withheld from public inspection and may be examined only by order of the judge, except that the child, his parents, guardian, custodian and attorney, or other authorized representative of the child shall have a right to examine the child's juvenile record.

The juvenile record may be divided into two (2) parts, social and legal:

(1) The social part of the juvenile record may include family background information or reports of social, medical, psychiatric, psychological or other information concerning a child or his family, or a record of the probation reports of a child or interviews with his family, or other information which the judge finds should be protected from public inspection in the best interest of the child. The social part of the juvenile record may be filed separate from other records of the court under rule of the Administrative Office of the Courts.

(2) The legal part of the record includes the summons, petition, court order, written motions, the transcript of the hearing and other papers filed in the proceeding.

An adjudication that a child is delinquent or undisciplined shall not disqualify the child for public office nor be considered as conviction of any criminal offense.

G. S. 7A-288. Termination of parental rights. In cases where the court has adjudicated a child to be neglected or dependent, the court shall have authority to enter an order which terminates the parental rights with respect to such child if the court finds any one of the following:

(1) That the parent has abandoned the child for six (6) consecutive months prior to the special hearing in which termination of parental rights is considered or that a child is an abandoned child as defined by Chapter 48 of the General Statutes entitled "Adoption of Minors."

(2) That a child born out of wedlock is living under such conditions that the health or general welfare of the child is endangered by the living conditions and environment, pursuant to the procedure established by G. S. 130-58.1 and as specified by G. S. 48-6.1; or

(3) That the parent has willfully failed to contribute adequate financial support to a child placed in the custody of an agency or child-care institution, or living in a foster home or with a relative, for a period of six (6) months; or

(4) That the parent has so physically abused or seriously neglected the child that it would be in the best interest of the child that he not be returned to such parent.

The court shall conduct a special hearing to consider any case involving termination of parental rights. There shall be a petition requesting such termination and
alleging facts which would justify termination as herein provided. The parent shall be notified in advance of such special hearing by personal service of the summons and petition as provided in this article or under the procedures established by Rule 4 of the Rules of Civil Procedure of Chapter 1A of the North Carolina General Statutes. Before entering an order of termination of parental rights, the court shall consider all available facts and social information concerning the child to evaluate whether the parent may re-establish a suitable home for the child, for the policy of law is to preserve natural family ties where possible in the best interest of the child.

Such an order terminates all rights and obligations of the parent to the child and of the child to the parent, arising from the parental relationship. Such a parent is not thereafter entitled to notice of proceedings for the adoption of the child and has no right to object thereto or otherwise participate therein.

In such cases, the court shall place the child by written order in the custody of the county department of social services or a licensed child-placing agency, and such custodian shall have the right to make such placement plans for the child as it finds to be in his best interest. Such county department of social services or licensed child-placing agency shall further have the authority to consent to the adoption of the child, to its marriage, to its enlistment in the armed forces of the United States, and to surgical and other medical treatment of the child.

G. S. 7A-289. Appeals. Any child, parent, guardian, custodian or agency who is a party to a proceeding under this article may appeal from an adjudication or any order of disposition to the Court of Appeals, provided that notice of appeal is given in open court at the time of the hearing or in writing within ten (10) days after the hearing. Pending disposition of an appeal, the court may enter such temporary order affecting the custody or placement of the child as the court finds to be in the best interest of the child or the best interest of the State.

Sec. 3. G. S. 110-25.1 is amended as follows: in line 26, the phrase "subdivision (2) of G. S. 110-21" is rewritten to read "subdivision (5) of G. S. 7A-278"; in line 40, the phrase "G. S. 110-25" is rewritten to read "G. S. 7A-281"; in lines 42-43, the phrase "G. S. 110-26, 110-27, and 110-28" is rewritten to read "G. S. 7A-282, 7A-283, and 7A-284"; in line 44, the phrase "G. S. 110-26" is rewritten to read "G. S. 7A-283"; in line 45, the phrase "G. S. 110-29" is rewritten to read "G. S. 7A-285"; in lines 49-50, the phrase "G. S. 110-29, subdivisions (2), (3), (4) or (5)" is rewritten to read "G. S. 7A-286". As so amended, G. S. 110-25.1 is transferred to Article 7 of Chapter 130 and renumbered G. S. 130-58.1.

Sec. 4. G. S. 110-39 is transferred to Article 39 of Chapter 14 and renumbered G. S. 14-316.1.

Sec. 5. G. S. 7A-195 is repealed, and G. S. 7A-288 is renumbered 7A-290.

Sec. 6. G. S. 48-7 is amended by deleting the following phrase from line 2, "G. S. 48-5, and G. S. 48-6," and inserting in lieu thereof in said line the following: "G. S. 48-5, G. S. 48-6 or G. S. 7A-288."

Sec. 7. G. S. 48-9(a) is amended by adding a new subsection 3 at the end thereof as follows: "(3) When a district court has entered an order terminating parental rights as provided by G. S. 7A-288, and when the court has placed such child in the custody of the county department of social services or a licensed child-placing agency, then the director of such county department of social services or the executive director of such licensed child-placing agency shall have the right to give written consent to the adoption of such child without being appointed as next friend of the child."
Sec. 8. G. S. 48-6.1 is amended by deleting the phrase "G. S. 110-25.1" in line 2 and inserting in lieu thereof in said line the following: "G. S. 130-58.1".

Sec. 9. G. S. 48-9.1 (2) is amended by deleting the phrase "G. S. 110-29 (3)" in lines 18 and 21, and inserting in lieu thereof in said lines the following: "G. S. 7A-286 (2)(c)".

Sec. 10. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. This Act shall be effective January 1, 1970, provided that in those districts where the district court is not yet established, the courts exercising juvenile jurisdiction on the effective date shall continue to exercise juvenile jurisdiction until the district court is established.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 842

CHAPTER 912
AN ACT TO PROVIDE FOR THE QUALIFICATION OF NOTARIES PUBLIC BEFORE THE REGISTER OF DEEDS AND TO REQUIRE THE REGISTER OF DEEDS TO KEEP A RECORD OF THE QUALIFICATION OF NOTARIES PUBLIC.

The General Assembly of North Carolina do enact:

Section 1. G. S. 10-1 is hereby rewritten in its entirety to read as follows:

"G. S. 10-1. Appointment and Commission; term of office; revocation of commission. The Governor may, from time to time, at his discretion, appoint one or more fit persons in every county to act as notaries public and shall issue to each a commission. The commission shall show that it is for a term of five years and shall show the effective date and date of expiration. The term of the commission shall be computed by including the effective date and shall end at midnight of the day preceding the anniversary of the effective date, five years thereafter. The commission shall be sent to the register of deeds of the county in which the appointee lives and a copy of the letter of transmittal to the register of deeds shall be sent to the appointee concerned. The commission shall be retained by the register of deeds until the appointee has qualified in the manner provided by G. S. 10-2.

Any commission so issued by the Governor or his predecessor, shall be revocable by him in his discretion upon complaint being made against such notary public and when he shall be satisfied that the interest of the public will be best served by the revocation of said commission. Whenever the Governor shall have revoked the commission of any notary public appointed by him, or his predecessor in office, it shall be his duty to file with the register of deeds in the county of such notary public a copy of said order and mail a copy of same to said notary public. Any person holding himself out to the public as a notary public, or any person attempting to act in such capacity after his commission shall have been revoked by the Governor, shall be guilty of a misdemeanor and upon conviction be punishable in the discretion of the court, as provided for in other misdemeanors."

Sec. 2. G. S. 10-2 is hereby rewritten in its entirety to read as follows:
"G. S. 10-2. *To qualify before register of deeds: record of qualification.* Upon exhibiting their commissions to the register of deeds of the county in which they are to act, the notaries shall be duly qualified by taking before the register an oath of office, and the oaths prescribed for officers. Following the administration of the oaths of office, the notary shall place his signature in a book designated as "The Record of Notaries Public." The Record of Notaries Public shall contain the name of the notary, the signature of the notary, the effective date and expiration date of the commission, the date the oath was administered, and the date of revocation if the commission is revoked by the Governor. The information contained in The Record of Notaries Public shall constitute the official record of the qualification of notaries public, and all documents relative to the qualification of notaries shall be delivered to the qualifying notary public or destroyed.*

**Sec. 3.** G. S. 161-10(a) as enacted by Chapter 80 of the Session Laws of 1969 (S.B.44) is amended by adding a new numbered paragraph sixteen directly following the paragraph numbered fifteen to read as follows:

"16. Qualification of notary public: for administering the oaths of office to a notary public and making the appropriate record entries as provided in G. S. 10-2 — one dollar ($1.00)."

**Sec. 4.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 5.** This Act shall be in full force and effect from and after September 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1049

**CHAPTER 913**

AN ACT TO AMEND ARTICLE 15 OF CHAPTER 160 OF THE GENERAL STATUTES, RELATING TO REPAIR, CLOSING, AND DEMOLITION OF UNFIT DWELLINGS, TO MAKE IT APPLICABLE TO COUNTIES.

*The General Assembly of North Carolina do enact:*

**Section 1.** G. S. 160-182 is hereby amended as follows: (a) by striking out of line 2 the words "municipalities of";

(b) by inserting in line 6, in line 11, and in line 12, in each instance following the word "municipality", the words "or county";

(c) by adding at the end thereof the following: "No ordinance enacted by the governing body of a county pursuant to this article shall be applicable within the corporate limits of any municipality unless the governing body of the municipality has by resolution expressly given its approval thereto. Any ordinance adopted by the governing body of a municipality pursuant to this article may be made applicable to the territory outside its corporate limits and within its zoning jurisdiction if the governing body of the county within which such territory lies has by resolution expressly given its approval thereof. The governing body of any municipality or of any county which shall have by resolution pursuant to this section given its approval to application of an ordinance may by subsequent resolution withdraw its approval, such withdrawal to be effective one year following the adoption of the resolution."

**Sec. 2.** G. S. 160-183 is hereby amended by inserting in subsection (2), immediately after the word "municipality", the words "or county."; and by adding at the end of subsection (3) the words ", or any county."
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1134

CHAPTER 914

AN ACT TO ALLOW A TRIAL JUDGE TO COMPEL THE DISCLOSURE OF INFORMATION WITHIN THE PHYSICIAN-PATIENT PRIVILEGE IF JUSTICE REQUIRES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-53 is hereby amended by deleting "presiding judge of a superior or court" in line 6 and inserting "Court, either at the trial or prior thereto, ".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1144

CHAPTER 915

AN ACT TO AUTHORIZE THE CITY OF SALUDA IN POLK COUNTY TO SELL CERTAIN LAND AND/OR TIMBER GROWING THEREON AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Saluda in Polk County is hereby authorized, in its discretion, to set private sale land and/or timber, no longer needed for municipal purposes, growing thereon lying in and being in Henderson County, N. C. The money derived from proceeds of such sale shall be held in trust to be applied solely, at the direction of said governing body, to payment of any costs of repairing, renovating, extending, enlarging or improving the water system or the sewage disposal system of the City of Saluda.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1150

CHAPTER 916

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ENLARGE THE VOTING POWERS OF THE MAYOR.

The General Assembly of North Carolina do enact:

Section 1. Chapter 713 of the Session Laws of 1965, known as the Charter of the City of Charlotte, is hereby amended by rewriting paragraph (b) of Section 3.23 of said Charter, to read as follows:

"(b) Its meetings shall be public and the mayor, who shall be the official head of the city, shall preside, if present, but shall have no vote except in case of a tie. Four affirmative votes of the council members, or three of such affirmative
votes, together with the affirmative vote of the mayor, in case of a tie vote, shall be required for the passage of any motion, resolution or ordinance. Motions, resolutions and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the City Council. Except as provided in this Section, motions, resolutions and ordinances will be deemed adopted if passed upon one reading. Provided: as to ordinances, unless they are approved by at least six members of the council, the mayor shall have the power to provide for a period of additional deliberation by postponing the passage of the ordinance until the next regular or special meeting of the council. An ordinance postponed for additional deliberation by the mayor shall automatically be on the agenda at the next regular or special meeting of the council, but shall not become effective until reapproved by the council with at least five members voting in the affirmative at such regular or special meeting of the council. In the absence of the mayor, the mayor pro tempore shall preside, but shall not have postponement power, and shall only vote when so presiding as herein provided for the mayor; and in the absence of both, a chairman pro tempore shall be chosen to preside at such meeting, and, when so presiding, he shall have the right to vote upon all questions, but shall have no additional vote in case of a tie. All final votes of the City Council involving the expenditure of three thousand dollars ($3,000.00) or more shall be by yeas and nays and shall be entered upon the records.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.
Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1151

CHAPTER 917

AN ACT TO AMEND CHAPTER 775 OF SESSION LAWS OF 1967 BY DELETING THE WORD "DUPLIN" FROM G. S. 163-151(c)2.

The General Assembly of North Carolina do enact:

Section 1. Chapter 775, Session Laws of 1967, is hereby amended by deleting from the provisions of G. S. 163-151(c)2 the word "Duplin" as it appears following the word "Cumberland" and before the word "Franklin".
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect upon and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1154

CHAPTER 918

AN ACT TO AMEND G. S. 153-9 SO AS TO AUTHORIZE THE APPOINTMENT OF COUNTY PLUMBING INSPECTORS AND COUNTY BUILDING INSPECTORS IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by inserting the word "Lenoir," immediately following the word "Lee," in the third
line of the second paragraph of subsection (47), and by striking the word "Lenoir," in the next to the last line of subsection (52) thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1161

CHAPTER 919

AN ACT FIXING THE COMPENSATION OF THE JOHNSTON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 115-29 of the General Statutes of North Carolina is amended by adding the following paragraph to the end thereof:

"Provided, that the Chairman and members of the Johnston County Board of Education shall receive the same compensation and allowances as are paid to the Chairman and members of the Board of Commissioners of Johnston County, as the same may from time to time be altered."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1190

CHAPTER 920

AN ACT RELATING TO THE MEMBERSHIP OF THE STATE BANKING COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 53-92, as the same appears in the 1967 Supplement to the 1965 Replacement Volume 2B of the General Statutes, is hereby amended as follows:

(a) By striking out the words and figures "ten (10) members" in line three and inserting in lieu thereof "twelve (12) members";

(b) By adding a new sentence immediately following the second sentence, to read as follows:

"At least two (2) members shall be selected primarily as representative of the borrowing public, and they shall have no interest in any regulated financial institution other than as a depositor or borrower and shall not be primarily engaged in any business involving retail credit sales."

(c) By adding a new sentence immediately following the sentence ending with the word "qualified" in line 17, to read as follows:

"The two (2) members appointed pursuant to the action of the 1969 General Assembly shall serve until April 1, 1973, and their successors shall serve for four-year terms as is hereinafter provided for other members of the Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1191  CHAPTER 921
AN ACT AUTHORIZING LOCAL TAXING UNITS TO ADOPT DISCOUNT SCHEDULES FOR THE PREPAYMENT OF TAXES.

The General Assembly of North Carolina do enact:

Section 1. The present text of Section 105-345 of the General Statutes of North Carolina is hereby designated subsection (a), and a new subsection (b) is added there-to as follows:

(b) Notwithstanding subsection (a) hereof or any other provision of law, the governing board of any county, city, town, special district, or other political subdivision of the State levying taxes under this subchapter shall have authority by resolution duly adopted to establish such a schedule of discounts for prepayment of taxes as they deem appropriate. Any such resolution or ordinance shall be adopted not later than the first day of May next preceding the due date of the tax levy to which it is to first apply, and shall be submitted to the State Board of Assessment for its approval. The State Board of Assessment shall have authority to disapprove any discount schedule in whole or in part if, in the opinion of the Board, the discounts are excessive or unreasonable. Upon approval of the discount schedule by the Board, the governing board of the taxing unit shall cause it to be published at least once in some newspaper having a general circulation in the taxing unit.

Sec. 2. Section 105-378 of the General Statutes of North Carolina is amended by adding the following sentence to the end thereof: "No taxing unit shall be required to accept any tender of prepayment of taxes until the annual budget estimate has been filed as required by law."

Sec. 3. This Act shall take precedence over all local or special acts heretofore enacted which fix a schedule of discounts for prepayment of taxes in any county, city or town, or other taxing unit, but such local or special acts shall continue in full force and effect unless and until superseded by action taken under G. S. Sec. 105-345(b).

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 5. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1238  CHAPTER 922
AN ACT TO PROVIDE THAT THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY SHALL BE THE COUNTY MANAGER, TO SET HIS SALARY, TO SET THE SALARY OF THE SHERIFF AND HIS DEPUTIES AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Transylvania County, in addition to his duties as provided by law as Chairman of said Board of Commissioners, shall be manager for the County of Transylvania, and as such manager is vested with and shall have the duties and authority as set out in G. S. 153-121 and shall have the additional duties and authority, as follows:
(1) To hold weekly office hours in the office of the County Commissioners and
to make these hours open and known to the public.

(2) To inspect periodically buildings, roads and other public facilities for which
the County of Transylvania is in part or in whole responsible.

(3) The right to vote on all matters coming before the Board.

Sec. 2. The Chairman of said Board of Commissioners, for his services as Chairman
and as County Manager, shall receive a salary of thirty-five hundred dollars
($3,500.00) per year, payable in equal monthly installments.

Sec. 3. Beginning with the next general county election, any person desiring
to become Chairman of the Board of County Commissioners shall file and run for
the office of Chairman and the ballots for the primary and general elections shall
be prepared to indicate those persons seeking the office of Chairman.

Sec. 4. The Chairman of the Board of County Commissioners shall receive from
the county eight cents (8c) per mile for the operation of his automobile while
engaged in official business, provided that such payments shall not exceed four hun-
dred dollars ($400.00) in any fiscal year.

Sec. 5. The sheriff of Transylvania County shall receive an annual salary of
sixty-five hundred dollars ($6,500.00), payable monthly, provided that upon success-
ful completion of the course provided for in Section 11, the sheriff shall receive
a salary of seventy-two hundred dollars ($7,200.00) provided that if he fails to suc-
cessfully complete the course of training as provided in Section 11 hereof, his salary
shall be six thousand five hundred dollars ($6,500.00) per annum.

Sec. 6. The sheriff shall be furnished on or before July 1, 1970, by the county
a car for official use and the county shall pay for the upkeep thereof, including
fuel and maintenance.

Sec. 7. The sheriff's deputies shall furnish their own car and shall receive from
the county one hundred fifty dollars ($150.00) per month for the operation and main-
tenance thereof.

Sec. 8. All vehicles of the sheriff's office shall be clearly marked as law enforce-
ment vehicles and shall be equipped with siren and blue light and radio.

Sec. 9. The sheriff and all deputies shall be furnished, by the county, two sets
of uniforms each year and the sheriff and all deputies shall wear uniforms during
hours of duty.

Sec. 10. Two deputies shall be added on July 1, 1969, to the present number
of deputies in the sheriff's office.

Sec. 11. The sheriff and all deputies shall attend and successfully complete,
at county expense, by December 31, 1969, the 60-hour basic training course for small
law enforcement agencies given by the Special Education Division of the Depart-
ment of Community Colleges; provided that, if said course is not available on or
before December 31, 1969, the County Commissioners may designate a substitute
course to be taken and successfully completed, at county expense, on or before said
date.

On and after January 1, 1970, all sheriffs and deputies shall, within six months
of taking office, successfully complete, at county expense, the basic training course,
or alternate course, herein provided for.

No jailer or secretary in the office of the sheriff shall be required to take the
course herein provided for.
Sec. 12. On and after July 1, 1969, each deputy sheriff shall receive a salary of four thousand dollars ($4,000.00) per annum, payable in equal monthly installments; provided that upon the successful completion of the course provided for in Section 11, each deputy sheriff shall receive an annual salary of five thousand dollars ($5,000.00) payable monthly.

On and after July 1, 1969, the chief deputy shall receive a salary of forty-five hundred dollars ($4,500.00) per annum, payable in equal monthly installments; provided that upon the successful completion of the course provided for in Section 11, the chief deputy sheriff shall receive an annual salary of fifty-five hundred dollars ($5,500.00) payable monthly.

On failure of any deputy sheriff to successfully complete the course provided for in Section 11 within the time therein prescribed, such deputy sheriff shall have his salary reduced to three thousand five hundred dollars ($3,500.00) per year, payable monthly.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapters 180, 358 and 717, Session Laws of 1969.

Sec. 14. This Act shall be in full force and effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1251

CHAPTER 923

AN ACT TO AUTHORIZE THE CITY OF MONROE TO CONVEY CERTAIN SURPLUS PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, the City of Monroe is hereby authorized to declare surplus and to convey at public or private sale, upon such consideration as it may determine proper, the following described real estate, to-wit:

That portion of the City of Monroe Airport formerly belonging to Industrial Ventures, Inc., and more fully described as follows:

BEGINNING at an iron corner, common corner of V.T. Helms, the former Ben A. Horne and the former S.M. Cox tracts (now Industrial Ventures, Inc.) and runs thence and along with the V.T. Helms line North 31-34-20 West 1269.55 feet to an iron corner on the east edge of State Road Number 1349; thence North 59-15 West 21.0 feet to a point in the center of said Road; thence with the center line of said Road, North 35-25 East 75.79 feet to a point in the center of said Road indicated by an iron on the east margin thereof; thence along and with other properties of Industrial Ventures, Inc., South 41-48 East 637 feet to a stake, a new corner; thence 5 new lines as follows: 1st, South 37-55 West 114.93 feet; 2nd, South 31-34-20 East 264 feet; 3rd, South 47-35-50 West 45 feet; 4th, South 31-34-20 East 403 feet; 5th, South 47-35-50 West 15 feet to the point and place of BEGINNING, and containing 2.23 acres, more or less, and being a portion of the lands conveyed by Industrial Ventures, Inc. to the City of Monroe by deed dated the 9th day of July, 1968.

Sec. 2. The City of Monroe is hereby authorized to execute and deliver any and all documents, including warranty deeds necessary to give effect to such conveyance.
Sec. 3. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1255  
CHAPTER 924

AN ACT TO MAKE ARTICLE 24A OF CHAPTER 153, RELATING TO ASSESSMENT FOR WATER AND SEWERAGE FACILITIES, APPLICABLE TO CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-294.19, as it appears in the 1967 Cumulative Supplement to Vol. 3C of the General Statutes, is hereby amended by deleting the word "Cumberland" therefrom.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1257  
CHAPTER 925

AN ACT TO AMEND CHAPTER 930 AND REPEAL CHAPTER 1240 OF THE SESSION LAWS OF 1963 RELATING TO ALCOHOLIC BEVERAGE CONTROL STORES IN THE TOWN OF BURNSVILLE, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1240 of the Session Laws of 1963 is hereby repealed.

Sec. 2. Section 1 of Chapter 930, Session Laws of 1963, is rewritten to read as follows: "Section 1. The Board of Commissioners of the Town of Burnsville may on its own motion, and shall upon receipt of a valid petition signed by a number of qualified voters of the Town equal to at least fifteen per cent (15%) of the whole number of voters who participated in the last preceding regular municipal election, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Burnsville, and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said Town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said Town under provision of this Act."

Sec. 3. Section 7 of Chapter 930, Session Laws of 1963, is rewritten to read as follows: "Sec. 7. The net profits derived from the operation of a liquor control store in the Town of Burnsville shall be allocated, quarterly, as follows: (a) Seventy per cent (70%) to the General Fund of the Town of Burnsville. (b) Twenty per cent (20%) to the General Fund of the County of Yancey. (c) Ten per cent (10%) to the Board of Education for Yancey County to be used for the purposes of recreational and athletic activities.

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 5. This Act shall take effect upon its ratification.
In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1261

CHAPTER 926

AN ACT TO PROVIDE FOR THE SALARIES OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The members of the City Council of the City of Wilmington shall be paid a salary of twenty-four hundred dollars ($2,400.00) per year, to be paid in equal monthly installments, and shall receive no other compensation from the city.

Sec. 2. The members of the City Council shall determine and fix the annual salary of the Mayor of the City of Wilmington, and he shall receive no other compensation from the city.

Sec. 3. The mayor and city council may elect one member of the council to perform the duties of city treasurer, and such member shall be paid, for such services, an additional sum of six hundred dollars ($600.00) per year.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 181, Session Laws of 1969.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1267

CHAPTER 927

AN ACT AMENDING CHAPTER 576 OF THE 1969 SESSION LAWS SO AS TO DELETE THEREFROM WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 576 of the 1969 Session Laws is hereby amended, to correct a typographical error, and to read as follows:

Section 1 1/2 of Chapter 1116 of the 1965 Session Laws is amended by striking out the word 'Wake'.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1271

CHAPTER 928

AN ACT TO AUTHORIZE AN ELECTION ON THE QUESTION OF MERGER OF THE EDEN METROPOLITAN SEWERAGE DISTRICT INTO THE CITY OF EDEN.

The General Assembly of North Carolina do enact:

Section 1. (a) The City Council of the City of Eden, with the approval of the District Board of the Eden Metropolitan Sewerage District, is hereby authorized to call and to conduct within the City of Eden and the Eden Metropolitan Sewerage

1066
District, a special election on the question of the merger of the Eden Metropolitan Sewerage District into the City of Eden, and a vote in favor of such merger shall constitute a vote for the City of Eden to assume the obligations of the Eden Metropolitan Sewerage District. Such special election may be called and conducted by the City Council upon its own motion after passage of a resolution of the District Board of the Eden Metropolitan Sewerage District requesting or approving the special election.

(b) A new registration of voters shall not be required for the special election. The special election shall be conducted in accordance with the provisions of law applicable to regular elections in the City.

(c) For the special election, the City Council shall provide ballots which contain the words "FOR merger of City of Eden and Eden Metropolitan Sewerage District", and AGAINST merger of City of Eden and Eden Metropolitan Sewerage District", with appropriate squares so that each voter may by his cross (X) mark indicate his preference.

Sec. 2. If a majority of the votes cast in the special election shall be cast "FOR merger of City of Eden and Eden Metropolitan Sewerage District", then:

(a) All property, real and personal and mixed, including accounts receivable, belonging to the Eden Metropolitan Sewerage District shall vest in, belong to, and be the property of, the City of Eden. The District Board of the Eden Metropolitan Sewerage District is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of this Section.

(b) All judgments, liens, rights of liens, and causes of action of any nature in favor of the Eden Metropolitan Sewerage District shall vest in and remain and inure to the benefit of the City of Eden.

(c) All taxes, assessments, sewer charges, and any other debts, charges or fees, owing to the Eden Metropolitan Sewerage District shall be owed to and collected by the City of Eden.

(d) All actions, suits, and proceedings pending against, or having been instituted by, the Eden Metropolitan Sewerage District shall not be abated by this Act or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and the City of Eden shall be a party to all such actions, suits, and proceedings in the place and stead of the Eden Metropolitan Sewerage District and shall pay or cause to be paid any judgments rendered against the Eden Metropolitan Sewerage District in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(e) All obligations of the Eden Metropolitan Sewerage District, including outstanding indebtedness, shall be assumed by the City of Eden, and all such obligations and outstanding indebtedness are hereby constituted obligations and indebtedness of the City of Eden, and the full faith and credit of the City of Eden shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of the Eden Metropolitan Sewerage District, and all the taxable property within the City of Eden, as well as that formerly located within the Eden Metropolitan Sewerage District, shall be and remain subject to taxation for such payment.
(f) All ordinances, rules, regulations, and policies of the Eden Metropolitan Sewerage District shall continue in full force and effect until repealed or amended by the City Council of the City of Eden.

(g) The Eden Metropolitan Sewerage District shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for the purposes of carrying into effect the provisions and the intent of this Section.

Sec. 3. If a majority of the votes cast in the special election shall be cast "AGAINST merger of City of Eden and Eden Metropolitan Sewerage District", then such merger shall not be effective unless approved by a majority of the qualified voters who vote thereon in a subsequent special election conducted under authority of this Act.

Sec. 4. Any action or proceeding in any court to set aside a special election held under authority of this Act or the result thereof, or to obtain any other relief upon the ground that such election or any proceeding or action taken with respect to the holding of such election is invalid, must be commenced within thirty (30) days after the day of such special election. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the election or the result thereof shall be asserted, nor shall the validity of the election or of the result thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

Sec. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are hereby declared to be severable.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1274

CHAPTER 929

AN ACT TO AMEND ARTICLE ONE OF CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE PRACTICE OF MEDICINE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-9, as rewritten by Chapter 612 of the Session Laws of 1969, is hereby amended as follows: by striking out the words "approved by the American Medical Association at the time of his gradation" appearing after the word "medical college" in the third sentence of said Section.

Sec. 2. G. S. 90-10, as rewritten by Chapter 612 of the Session Laws of 1969, is hereby amended as follows: by striking out the words "approved by the American Medical Association" appearing after the words "medical school" in the first sentence of said Section, and by striking out the words "It shall be the duty of the State Board of Medical Examiners to examine" appearing at the beginning of the first sentence and inserting in lieu thereof the words "The State Board of Medical Examiners may examine".

Sec. 3. Chapter 612 of the Session Laws of 1969 is hereby amended by striking out Section 5 of said chapter, and subparagraph (9) of G. S. 90-18 is hereby reenacted.
and shall continue in full force and effect.

Sec. 4. G. S. 90-15 as the same appears in the Replacement of 1965, is hereby amended as follows: by striking out the words and figures "fifty dollars ($50.00) appearing in line four and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)";

Sec. 5. G. S. 90-15.1, as the same appears in Replacement of 1965, is hereby amended as follows: by striking out the words and figures "five dollars ($5.00)" appearing at the end of the first sentence in line 7 and inserting in lieu thereof the words and figures "ten dollars ($10.00)"; and by rewriting the last sentence to read as follows: "Upon payment of all fees and penalties which may be due, not to exceed a total of one hundred ($100.00) dollars of accumulated fees and penalties, the license of any such physician shall be reinstated."

Sec. 6. G. S. 90-14 is hereby amended by rewriting the last sentence to read as follows: "The Board of Medical Examiners may, in its discretion, and upon such terms and conditions and for such period of time as it may prescribe, restore a license so revoked and rescinded."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1289

CHAPTER 930

AN ACT TO AMEND CHAPTER 97, PRIVATE LAWS 1895, THE CHARTER OF THE CITY OF BELMONT.

The General Assembly of North Carolina do enact:

APPOINTMENT OF CITY MANAGER: DUTIES, COMPENSATION

Section 1. The Board of Commissioners of the City of Belmont shall, within one year from the date of ratification of this Act cause to be submitted to the qualified voters of the City of Belmont at a special election called by the Board of Commissioners of the City for that purpose, the following amendment to the Charter of the City of Belmont in Gaston County:

The Charter of the City of Belmont in Gaston County be, and the same is hereby, amended by adding thereto the following:

"(a) CITY MANAGER: APPOINTMENT.

The Mayor and Board of Commissioners shall appoint a City Manager who shall be responsible for the administration of all departments of the City government. In the selection of a City Manager, the Mayor and each member of the Board of Commissioners shall have one vote. A tie vote shall be deemed a vote against the proposed appointment. The City Manager shall be appointed with regard to merit only. He shall hold office during the pleasure of the Mayor and Board of Commissioners and shall receive such compensation as it shall fix by ordinance. No person elected as Mayor or on the Board of Commissioners shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which he was elected to membership.

(b) REMOVAL.

The City Manager may be removed by a majority vote of the Mayor and members of the Board of Commissioners. In the removal of a City Manager the
Mayor and each member of the Board of Commissioners shall have one vote. A tie vote shall be deemed a vote against the proposed removal of the Manager. If upon notice of removal the Manager shall request a formal removal proceeding, such removal shall not become effective for thirty (30) days and the Manager, if he shall so request, shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the Mayor and members of the Board of Commissioners stating the intention of the Mayor and Board to remove him and the reasons therefor. The Manager may reply in writing to such resolution and if he shall so request Mayor and the Board of Commissioners shall fix a time for a public hearing upon the question of his removal, and the final resolution removing the Manager shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the intention of the Mayor and Board of Commissioners to remove the Manager, the Mayor and Board of Commissioners may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the Mayor and Board of Commissioners in removing the Manager shall be final. In case of absence or disability of the Manager, the Mayor and Board of Commissioners may designate a qualified administrative officer of the City to perform the duties of the Manager during such absence or disability.

"(c) RESPONSIBILITY OF MANAGER: POWERS OF APPOINTMENT AND REMOVAL.

"1. The City Manager shall be responsible to the Mayor and Board of Commissioners for the proper administration of all affairs of the City placed in his charge and to that end, subject to the provisions of the City Charter, provisions of the general law, and except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the city. He may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Every appointment and removal made by the City Manager or under his authority or direction shall be reported to the Board of Commissioners at the next meeting of said Board following the appointment or removal.

"2. The work of the City shall be divided into departments for each of which a department head shall be appointed by the City Manager. All such appointments, however, shall have the prior approval of the Board of Commissioners. The number of departments and their respective areas of responsibility shall be defined from time to time by resolution of the Board of Commissioners.

"3. The members of committees, commissions, boards and other similar adjuncts of the city government, and the city clerk, city treasurer, city auditor and city attorney now appointed or authorized to be appointed by the Board of Commissioners in conformity with the City Charter and ordinances and the general law of the State of North Carolina, and as may hereafter be provided for or required by the ordinances of the City or the general law of the State, shall continue to be appointed by the Board of Commissioners.

"4. Appointments made by or under the authority or direction of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such
appointments shall be made without definite terms unless for provisional, temporary or emergency service, and unless specific terms are provided for by general law or charter provisions.

"5. The salaries and compensation of the officers and employees of the City shall be fixed by the Board of Commissioners, and they shall perform such duties as may be required of them by the City Manager, under general regulations of the Board of Commissioners and under the general law of the State.

"(d) REMOVAL OF OFFICERS AND EMPLOYEES. Any officer or employee for whom the City Manager or a head of a department or office acting under the authority or direction of the City Manager, may appoint a successor, may be removed or discharged by the City Manager or by the head of a department or office who appointed him at any time. Subject to the following provisions, the decision of the Manager or other appointing officer shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.

"If, upon notice of removal or discharge by the Manager, a department head shall request a formal removal proceeding, such removal or discharge shall not become effective until the department head, if he shall so request, shall be furnished with a formal statement by the Manager stating the reasons for his removal or dismissal. The department head may reply in writing to such statement and the Board of Commissioners shall consider such statements, together with any other pertinent information, in resolving the matter. If a department head shall request a formal proceeding, he shall not be removed or discharged pending a decision by the Board of Commissioners but shall be deemed suspended from duty. The Board shall meet at the first reasonably convenient date to resolve the matter and a suspended officer's pay shall continue until his removal or discharge shall become effective as herein provided. The action of the Board of Commissioners in removing the officer shall be final. In case of the absence or disability of a department head, the Manager, with the approval of the Board of Commissioners, may designate a qualified administrative officer of the City to perform the duties of the department head during such absence or disability.

"In the case of any other employee of the City, the decision of the City Manager with respect to removal or discharge shall be final. Any employee appointed by a head of department or office under the authority and direction of the Manager and who is removed or discharged by such head of department or office shall have the right to immediately appeal his removal or discharge to the City Manager whose decision shall be final.

"(e) BOARD OF COMMISSIONERS NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS.

Except as to the department heads, which shall be appointed by the Manager with the approval of the Board of Commissioners, neither the Board of Commissioners nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry and except as to department heads, the Board of Commissioners and its members shall deal with the administrative service solely through the Manager,
and neither the Board of Commissioners nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately.

"(f) DUTIES OF THE MANAGER.

The City Manager shall be the Administrative head of the City Government and shall be responsible for the administration of all departments thereof. It shall be the duty of the City Manager to act as the Purchasing Agent of the City; to act as Chief Conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that within the City the ordinances, resolutions and regulations of the Board of Commissioners and the laws of the State are faithfully executed and enforced; to attend all meetings of the Board and to make such recommendations to the Board concerning the affairs of the City as may seem to him expedient or desirable; to keep the Board of Commissioners fully advised of the financial condition of the City and of its anticipated future financial needs; to prepare and submit to the Board such reports as may be required or requested by said Board, or as shall seem to him advisable and in the best interest of the City; and to perform such other duties as may be required of him herein, or by ordinance, resolution or regulation of the Board of Commissioners.

"The City Manager shall prepare and submit to the Board of Commissioners an annual budget proposal or estimate for the operation of the City and shall keep the Board of Commissioners and the Mayor fully advised of the financial condition of the City and of its expected and anticipated future financial need.

"The City Manager shall have such authority to authorize and make disbursements as is granted him by the general law and from time to time by ordinance or resolution of the Board of Commissioners. Pursuant to the provisions of the general law and any ordinance or resolution adopted by the Board of Commissioners, the City Manager shall take such action and do such things as shall be reasonably necessary to carry out the procedure or contract approved or authorized by the Board of Commissioners or as otherwise directed by the Board.

"The Mayor and Board of Commissioners, with the advice of the City Manager, shall determine the number of officers and employees necessary for the proper administration of the City.

"The City Manager, as the administrative head of the government of the City, and the Mayor, as elected head of the City Government and as the chief officer of the City, shall cooperate in their respective offices so as to work effectively for the continued good government of the City and in such manner as from time to time shall be in the best interest and welfare of the citizens and residents of the City of Belmont.

"(g) OFFICERS AND EMPLOYEES.

The officers and employees of the City, except as otherwise herein provided, shall perform such duties as may be required of them by the City Manager, or by their immediately superior officer or department head acting under the City Manager, and under the general regulations of the Board of Commissioners."

Sec. 2. The said election shall be called within the period herein specified by Resolution of the Board of Commissioners and shall be conducted and the result thereof determined and declared by the Board of Commissioners of the City of Belmont as is now provided by law for the election of the Mayor and members of the Board of Commissioners, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided
by law for the election of the Mayor and Board of Commissioners of the City of Belmont. At such election, ballots shall be provided for the voters containing the words "FOR AMENDMENT PROVIDING FOR CITY MANAGER FORM OF GOVERNMENT," and AGAINST AMENDMENT PROVIDING FOR CITY MANAGER FORM OF GOVERNMENT." If a majority of the votes cast in said election shall be cast "For City Manager Form of Government", the same shall become effective and be operative in the City of Belmont from and after the first day of the month following the date of election.

If a majority of the votes cast in said election shall be cast "Against City Manager Form of Government", said amendment shall be null and void and shall not become a part of the Charter of the City of Belmont.

Sec. 3. All ordinances, resolutions, orders, or other lawful regulations of the City of Belmont, and any duly authorized commission, committee, or other body thereof, existing at the time the Charter amendment herein provided is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Sec. 4. If any provision of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 5. Nothing in this Act shall prohibit the Board of Commissioners nor the voters of the City of Belmont from proceeding to make any changes in the form or structure of the government of the City of Belmont as authorized by Article 21 of Chapter 160 of the General Statutes. After the special election provided for in this Act, and regardless of the result thereof, any subsequent changes in the form or the structure of the government of the City of Belmont shall be made in the manner and under the procedures provided by Article 21 of Chapter 160 of the General Statutes.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1298

CHAPTER 931

AN ACT TO AMEND CHAPTER 988 SESSION LAWS OF 1965 RELATING TO RURAL REDEVELOPMENT AUTHORITIES SO AS TO MAKE IT APPLICABLE TO YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 23 of Chapter 988, Session Laws of 1965, is hereby amended by inserting after the word "Jackson" the words "and Yancey".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.
H. B. 568

CHAPTER 932

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE THE GENERAL ASSEMBLY TO REDUCE THE STATE ADMINISTRATIVE DEPARTMENT TO 25 AND TO AUTHORIZE THE GOVERNOR TO REORGANIZE THE ADMINISTRATIVE DEPARTMENTS SUBJECT TO LEGISLATIVE APPROVAL.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of North Carolina, as revised and amended by a revision and amendment submitted to the qualified voters by A Bill to be Entitled an Act to Revise and Amend the Constitution of North Carolina, H.B. 231, enacted as Chapter 1258 of the Session Laws of 1969, is amended as follows:

a. Article III, Sec. 5:10, is enacted to read follows:

"(10) Administrative reorganization. The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly."

b. Article III, Sec. 11, is enacted to read as follows:

"Sec. 11. Administrative departments. Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department."

Sec. 2. The Constitution of North Carolina, as that document read on January 1, 1969, is amended as follows:

a. Article III, Sec. 19, is enacted to read as follows:

"Sec. 19. Administrative departments. Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department."

b. Article III, Sec. 20, is enacted to read as follows:

"Sec. 20. Administrative reorganization. The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall
have the force of law upon adjournment sine die of the session, unless specifically
disapproved by resolution of either house of the General Assembly or specifically
modified by joint resolution of both houses of the General Assembly."

Sec. 3. The amendment set out in Sections 1 and 2 of this Act shall be submitted
to the qualified voters of the State at the next general election. That election shall
be conducted under the laws then governing elections in this State.

Sec. 4. At that election, each qualified voter desiring to vote shall be provided
a ballot on which shall be printed the following:

□ FOR constitutional amendment to require General Assembly to reduce num-
ber of State administrative departments to 25 and to authorize Governor to
reorganize administrative departments, subject to legislative approval.

□ AGAINST constitutional amendment to require General Assembly to reduce
number of State administrative departments to 25 and to authorize Governor
to reorganize administrative departments, subject to legislative approval."

Those qualified voters favoring the amendment set out in Sections 1 and 2 of this
Act shall vote by marking an X or a check mark in the square beside the statement
beginning "FOR", and those qualified voters opposed to that amendment shall vote
by making an X or a check mark in the square beside the statement beginning
"AGAINST".

Notwithstanding the foregoing provisions of this Section, voting machines may
be used in accordance with rules and regulations prescribed by the State Board
of Elections.

Sec. 5. If a majority of the votes cast thereon are in favor of the amendment
set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the
revision and amendment submitted to the qualified voters by A Bill to be Entitled
an Act to Revise and Amend the Constitution of North Carolina are in favor of
that revision and amendment, then the Governor shall certify the amendment set
out in Section 1 of this Act to the Secretary of State, who shall enroll that amend-
ment so certified among the permanent records of his office, and the amendment
shall become effective on July 1 next after its ratification by the voters.

Sec. 6. If a majority of the votes cast thereon are in favor of the amendment
set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the
revision and amendment submitted to the qualified voters by A Bill to be Entitled
an Act to Revise and Amend the Constitution of North Carolina are against that
revision and amendment, then the Governor shall certify the amendment set out
in Section 2 of this Act to the Secretary of State, who shall enroll that amendment
so certified among the permanent records of his office, and the amendment shall
become effective on July 1 next after its ratification by the voters.

Sec. 7. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of
June, 1969.
CHAPTER 933

H. B. 868

CHAPTER 933

AN ACT TO AMEND CHAPTER 131 OF THE GENERAL STATUTES AS IT PERTAINS TO MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 131, Article 12 of the North Carolina General Statutes, is hereby amended as follows:

(a) Section 131-91 is hereby amended by deleting the word "and" between the words "cities and towns", inserting a comma in lieu thereof, and adding the words "and counties", wherever it appears.

(b) Section 131.92 (3) is amended by adding "(a)" after the figure "(3)".

(c) Section 131-92 (3) is also amended by adding a new subparagraph (3)(b) to read as follows:

"(3)(b) "County" shall mean the county having a population of more than seventy-five thousand inhabitants (according to the last federal census) which is, or is about to be, included in the territorial boundaries of an authority when created hereunder."

(d) Section 131-92 (4) is amended by adding "(a)" after the figure "(4)".

(e) Section 131-92 (4) is also amended by adding a new subparagraph (4)(b) to read as follows:

"(4)(b) "County Clerk" and "Chairman of the Board of County Commissioners" shall mean the clerk and Chairman respectively, of the County or the officers thereof charged with the duties customarily imposed on the clerk and Chairman, respectively.

(f) Section 131-92 (7) is amended by adding "(a)" after the figure "(7)".

(g) Section 131-92 (7) is also amended by adding a new subparagraph (7)(b) to read as follows:

"(7)(b) "Board of County Commissioners" shall mean the legislative body charged with governing the county.

(h) Section 131-92 (11) shall be amended by adding the words "or county" after the word "city" in the second line.

(i) Section 131-93 shall be amended by adding the words "or the Board of the County Commissioners of any county" after the word "city" in the first line.

(j) Section 131-93 shall also be amended by adding the words "or Board of County Commissioners" after the word "Council" in the first line after subparagraph (2), and by adding the words "or Chairman" after the word "mayor" in the third line after subparagraph (2), all in the first paragraph.

(k) Section 131-93, subparagraph (1) in the second paragraph shall be amended by adding the words "or Board of County Commissioners" after the word "council", and the words "or Chairman" after the word "mayor".

(l) Section 131-93 shall be amended by adding the following sentence to the end of the fifth paragraph to read as follows:
"In the event such authority is a county authority, the boundaries of such authority shall include the entire county."

(m) Section 131-94 shall be amended by adding the words "or Chairman" after the word "mayor" each time it appears, and by adding the words "or county clerk" after the words "city clerk" in the second paragraph.

(n) Section 131-97 shall be amended by adding the words "or Chairman" after the word "mayor" wherever it appears in this Section, and by adding the words "county clerk" after "city clerk" in the last paragraph.

(o) Section 131-101 shall be amended by deleting the word "or" between the words "city or municipality", inserting a comma in lieu thereof, and adding the words "or county" in the second and fourth lines in paragraph four.

(p) Section 131-11 shall be amended by adding the words "or the Chairman of the Board of County Commissioners, if a county authority" after the word "city" in the second line.

Sec. 2. This Act shall apply to Mecklenburg County only.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1160

CHAPTER 934

AN ACT PERTAINING TO ARTICLE 3, CHAPTER 139 OF THE GENERAL STATUTES AS THE SAME RELATES TO A WATER SHED IMPROVEMENT PROGRAM IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lincoln County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from a special "water-shed improvement tax", not to exceed three cents ($0.03) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1247

CHAPTER 935

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Chadbourn shall be enlarged by the addition of the following area:
BEGINNING at a point in the center of a ditch, it being at the intersection of Town and Country Estates northern boundary with the eastern city limits of the Town of Chadbourn and located South approximately 180 feet from the northeast corner of the city limits boundary and runs thence from said beginning point North 89 degrees 55 minutes East approximately 100 feet to a corner iron on the ditch bank; thence continuing with the boundaries of Town and Country Estates South 70 degrees 42 minutes East 101.0 feet to an iron; thence South 89 degrees 05 minutes East 243.03 to an iron in a canal the eastern boundary of Town and Country Estates; thence with said boundary and canal South 05 degrees 08 minutes West 126.79 feet to a crook in said canal; thence South 14 degrees 02 minutes West 281.21 feet to a crook in said canal; thence South 07 degrees 53 minutes West 506.5 feet to another crook in said canal; thence South 07 degrees 50 minutes West 100 feet to an iron at the intersection of two canals and being the southeast corner of Town and Country Estates; thence with the southern boundary of said Estates and the canal or ditch North 80 degrees 34 minutes West approximately 315 feet to the eastern boundary line of the present city limits; thence with said present city limit eastern boundary North approximately 990 feet to the BEGINNING.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1292

CHAPTER 936

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF POLKTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Polkton, North Carolina, within the boundaries as established in Section Three of this Charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Polkton, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Charter, the Town of Polkton shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Polkton by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities, to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes.
subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the Board of Commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Polkton shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the Board of Commissioners.

Sec. 3. Corporate Boundaries. The corporate boundaries of the Town shall be as follows: Seven-eighths of a mile North, seven-eighths of a mile East, five-eighths of a mile South and five-eighths of a mile West from a beginning point which shall be Griffins Store.

BOARD OF COMMISSIONERS

Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter, all powers of the town shall be vested in a Board of Commissioners consisting of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the Board of Commissioners shall be for two years and until their successors are elected and qualified, and shall begin on the first Monday in June next following their election. If a vacancy occurs in the office of mayor or commissioner, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Board of Commissioners. Each member of the Board of Commissioners shall receive a salary, the amount of which shall be prescribed by ordinance. Provided, however, that the present mayor and members of the Board of Commissioners shall continue to receive the same salary until the same is changed as provided herein. No ordinance fixing or changing the salary of members of the Board of Commissioners shall become effective during the current term of office of the members of the Board of Commissioners enacting such ordinance. Members of the Board of Commissioners shall be qualified electors of the
town. A member of the Board of Commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 5. Meetings of the Board of Commissioners. At 7:30 o'clock on the first Monday in June following a regular municipal election the Board of Commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the Board of Commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the Board of Commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the Board of Commissioners and of committees thereof shall be open to the public, and the rules of the Board of Commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of June following a regular municipal election the Board of Commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the Board of Commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the Board of Commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The Board of Commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Board of Commissioners in any such case shall be subject to review by the courts. The Board of Commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the Board of Commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the Board of Commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the Board of Commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordi-
nances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Board of Commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Polkton".

Sec. 10. When Ordinances and Resolutions Take Effect. No ordinance shall be passed finally on the date on which it is introduced, except ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four members of the Board of Commissioners shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Board of Commissioners except as defined in this Section, and it is the intention of this Charter that such definitions shall be strictly construed by the courts.

Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose.

MUNICIPAL ELECTIONS

Sec. 12. Municipal Elections. The regular election for the choice of mayor and members of the Board of Commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The Board of Commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulations of Elections. All elections shall be conducted in accordance with the general state laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Candidates for Office. Any qualified elector of the town may become a candidate for the office of mayor or Board of Commissioners by filing at least ten (10) days prior to the date of the election a written notice on forms provided by the town with the town clerk and by payment of the filing fee as provided for herein. The filing fee for the office of mayor shall be ten dollars ($10.00) and for the office of Board of Commissioners shall be five dollars ($5.00).

The town clerk shall take and preserve the form filed by each candidate. No filing form shall be accepted unless signed by the candidate. Any candidate may withdraw his nomination not later than the last day for filing by filing a notice of withdrawal with the town clerk. The filing form of each candidate for mayor or a member of the Board of Commissioners shall be preserved by the town clerk until the expiration of the term of office for which he filed.

Sec. 15. Election of Mayor and Board of Commissioners. All members of the Board of Commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members
to be elected to the Board of Commissioners. All candidates up to the number to be elected, who receive the largest number of votes shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 16. Appointment of Officers and Employees. The Board of Commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment; Provided, that the Board of Commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the Board of Commissioners, and shall perform such duties as may be prescribed by the Board of Commissioners. The Board of Commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 17. Town Clerk. The Board of Commissioners shall choose a town clerk. The town clerk shall keep the records of the Board of Commissioners and perform such other duties as may be required by law or the Board of Commissioners.

Sec. 18. Duties of Town Attorney. The attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal adviser of and attorney for the town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the Board of Commissioners; to give advice in writing, when so requested, to the Board of Commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party, to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof, and to perform such other duties of a legal nature as the Board of Commissioners may require. In addition to the duties imposed upon the town attorney by this Charter or required of him by ordinances or resolution of the Board of Commissioners, he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 19. Duties of Town Accountant. The town accountant shall prepare the budget in accordance with the general laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town and such subsidiary accounts and cost records as may be required by ordinance or by the Board of Commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and Board of Commissioners and to take monthly reports on funds, appropriations, allotments, encumbrances,
and authorized payments to the mayor, the Board of Commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the Board of Commissioners may require by ordinance.

Sec. 20. Duties of Town Tax Collector. Tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this Charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all moneys belonging to the town.

Sec. 21. Duties of Town Treasurer. The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this Charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

Sec. 22. Custody of Town Money. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.

Sec. 23. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 24. Purchase Procedure. Before making any purchase for supplies, materials, equipment, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the Board of Commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, involving more than two thousand dollars ($2,000.00) shall be made on a written contract and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance and not in conflict with the general law of the state.

Sec. 25. Contracts for Town Improvements. Any town improvement costing more than thirty-five hundred dollars ($3,500.00) shall be executed by contract except where such improvement is authorized by the Board of Commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates, and provided the total cost is estimated not to exceed fifteen thousand dollars ($15,000.00). All such contracts for more than thirty-five hundred dollars ($3,500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the Board of Commissioners shall have the power to reject all bids and advertise again.
CHAPTER 936  SESSION LAWS—1969

Sec. 26. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations) shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same was published in a newspaper of general circulation within the town at least ten days before its passage by the Board of Commissioners.

Sec. 27. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the Board of Commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers.

Sec. 28. Police Jurisdiction Extended. The police officers of the Town of Polkton shall have within all that territory embraced within one mile in all directions of the corporate limits of said town, all the power and authority which they now exercise within the corporate limits.

MISCELLANEOUS PROVISIONS

Sec. 29. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the Board of Commissioners.

Sec. 30. Personal Interest. Neither the mayor nor any members of the Board of Commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the Board of Commissioners.

Sec. 31. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Polkton and will faithfully discharge the duties of the office of___________________."

Sec. 32. Continuance of Contracts. All contracts entered into by the town or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 33. Saving Clause. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Polkton is affected thereby.
Sec. 34. Repealing Clause. The following acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

(1) "AN ACT TO INCORPORATE THE TOWN OF POLKTON, IN THE COUNTY OF ANSON, Private Laws of North Carolina, 1874-75, Chapter 158.

(2) "AN ACT TO AMEND CHAPTER 158 OF THE PRIVATE LAWS OF 1874-75 RELATIVE TO CHARTER OF POLKTON", Private Laws of North Carolina, 1913, Chapter 159.

(3) "AN ACT TO AMEND THE CHARTER OF THE TOWN OF POLKTON, IN THE COUNTY OF ANSON, RELATING TO THE ELECTION OF OFFICERS OF SAID TOWN", Session Laws of North Carolina, 1947, Chapter 763.

Sec. 35. This Act shall be in full force and effect from and after its ratification, provided that the mayor and Board of Commissioners in office at the time this Charter takes effect shall continue until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1301

CHAPTER 937

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF NASH COUNTY TO INCREASE THEIR COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1, Chapter 1091, Session Laws of 1959, is amended by striking out the words and figures "one hundred twenty-five dollars ($125.00)" in lines 5 and 6, and inserting in lieu thereof the words and figures "two hundred dollars ($200.00)".

Sec. 2. Section 2, Chapter 1091, Session Laws of 1959, is rewritten to read as follows:

"Sec. 2. The Board of County Commissioners of Nash County is authorized to fix a per diem allowance for the Chairman and members of the Board for attending special meetings other than regular monthly meetings, not in excess of ten dollars ($10.00), and not to exceed six special meetings in any one year. The Board shall be entitled to claim the same subsistence and travel allowances allowed to county officers and employees for expenses incurred in the performance of official business. All salaries, per diem allowances, subsistence, and travel allowances within the limits specified in this Act may be fixed by majority vote of the members of the Board."

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed, except Chapter 180, Session Laws of 1969.

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.
CHAPTER 938  

H. B. 1306

CHAPTER 938

AN ACT TO AMEND CHAPTER 664 OF THE SESSION LAWS OF 1967 TO ADD DARE COUNTY TO THIS LIST OF COUNTIES BY THE ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 664 of the Session Laws of 1967, being an Act relating to the title to the land to be built up and constructed etc., is hereby amended by changing the period at the end of Section 6 thereof to a comma and adding the following words: "and Dare County and the municipalities located therein."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1313

CHAPTER 939

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE, THE CITY OF HENDERSONVILLE, AND THE COUNTY OF HENDERSON TO SELL CERTAIN PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 160-59, or any other provision of law, the governing bodies of the City of Asheville, the City of Hendersonville, and the County of Henderson, are hereby authorized and empowered to lease or to sell and convey by warranty deed, upon such terms and conditions and with such covenants as they deem wise, either at public or at private sale, the real property, or any part thereof, owned by them or by either of them, whether owned singly or jointly, and known as the Old Airport Property, as shown on a map entitled "City of Asheville, Buncombe County, North Carolina, Asheville-Hendersonville Airport Property Map, January 29, 1941. Surveyed and Drawn by C. D. I., Approved: Director of Public Works", and on file in the office of the City Engineer of the City of Asheville.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 535

CHAPTER 940

AN ACT TO AMEND CHAPTER 105 OF THE GENERAL STATUTES TO PROVIDE PLACE FOR LISTING CERTAIN TANGIBLE PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of Section 302, Article 18, Subchapter II of Chapter 105 of the General Statutes is hereby amended by adding in the second sentence thereof immediately following the word "broker" and preceding the word "shall" the wording as follows:

"and all other movable tangible personal property remaining within the township wherein such dockyard is located for the greater part of the year preceding the date as of which property is assessed."
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 20th day of June, 1969.

S. B. 595

CHAPTER 941

AN ACT TO AMEND THE GENERAL STATUTES RELATING TO PREMIUM FINANCING.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina, as the same appears in 1965 Replacement Volume 2B, is hereby amended by deleting the word "furnished" in line 1 of G. S. 58-60(1) and inserting in lieu thereof the words "mailed to the last known address of".
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 625

CHAPTER 942

AN ACT TO REQUIRE THE NORTH CAROLINA BOARD OF NURSING TO CERTIFY CERTAIN SCHOOL CREDITS TO CERTAIN LICENSING BOARDS OF OTHER STATES.

The General Assembly of North Carolina do enact:

Section 1. Upon the written request of a graduate of a diploma school of nursing in this State or a person who has received a baccalaureate degree in nursing from some institution in this State, the North Carolina Board of Nursing shall certify such person's credits with respect to the study of nursing to the appropriate board of any other State of the United States which licenses nurses.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 632

CHAPTER 943

AN ACT TO AMEND G. S. 159-13, BEING PART OF THE LOCAL GOVERNMENT ACT, RELATING TO THE SUBMISSION OF GOOD FAITH CHECKS IN CONNECTION WITH THE SALE OF BONDS AND BOND ANTICIPATION NOTES.

The General Assembly of North Carolina do enact:

Section 1. Section 159-13 of Article 1 of Chapter 159 of the General Statutes, the same being a part of the Local Government Act, is hereby amended by rewriting the fourth sentence of said Section to read as follows:
"The notice published shall state that the bonds or notes are to be sold upon sealed bids and that there will be no auction, and shall give the amount of the
bonds or notes, the place of sale, the time of sale or the time limit for the receipt of proposals and that bidders must present with their bids an official bank check, a cashier's check or a certified check upon an incorporated bank or trust company payable unconditionally to the order of the State Treasurer for two per cent of the face value of the bonds and one-half of one per cent on notes bid for, drawn upon an incorporated bank or trust company, the purpose of such check being to secure the unit against any loss resulting from the failure of the bidder to comply with the terms of his bid."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 678

CHAPTER 944

AN ACT AUTHORIZING LOCAL GOVERNMENTAL UNITS TO SUBMIT CONTRACTS WHICH CREATE DEBT TO A REFERENDUM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9, 160-2 and 130-128 are all respectively amended by adding to each a new subdivision to read as follows: "Any county, city, town, incorporated village, sanitary district or other local governmental unit which is a political subdivision of the State of North Carolina is authorized and empowered to submit to a vote of the people any lease, contract, agreement or other contractual obligation the effect of which is to create a debt for a local governmental unit within the meaning of Article V, Section 4, or Article VII, Section 6, of the Constitution of North Carolina. Any referendum held pursuant to the provisions of this subdivision shall be conducted according to the law applicable to bond elections for the particular local governmental unit concerned.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 683

CHAPTER 945

AN ACT TO AMEND G. S. 105-294 TO DECLARE THE POLICY OF THE STATE WITH RESPECT TO THE AD VALOREM TAXATION OF MARSHLANDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-294 is hereby amended by adding a new subparagraph (6) immediately following subparagraph (5) at the end of paragraph 5 thereof as follows:

"(6) The impoundment of water upon marshlands for the purpose of preserving or enhancing the natural habitat of wildlife indigenous to such marshlands, but only when said marshlands are used for noncommercial purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 718  

CHAPTER 946

AN ACT TO CLARIFY THE LAW RELATING TO CONTROLLED-ACCESS FACILITIES CONSTRUCTED ON NEW LOCATION AND TO AID IN THE COMPUTATION OF JUST COMPENSATION IN CONNECTION THEREWITH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-89.52, as the same appears in 1964 Replacement Volume 3B of the North Carolina General Statutes, is amended, in its entirety, to read as follows:

"Acquisition of property and property rights. For the purposes of this Article, the Commission may acquire private or public property and property rights for controlled-access facilities and service or frontage roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation in the same manner as now or hereafter authorized by law to acquire such property or property rights in connection with highways. The property rights acquired under the provisions of this Article may be in fee simple or an appropriate easement for right of way in perpetuity. In connection with the acquisition of property or property rights for any controlled-access facility or portion thereof, or frontage road in connection therewith, the Commission may, in its discretion, with the consent of the landowner, acquire an entire lot, parcel, or tract of land, if by so doing, the interests of the public will be best served, even though said entire lot, parcel, or tract is not immediately needed for the right of way proper.

"Along new controlled-access highway locations, abutting property owners shall not be entitled to access to such new locations, and no abutters' easement of access to such new locations shall attach to said property. Where part of a tract of land is taken or acquired for the construction of a controlled-access facility on a new location, the nature of the facility constructed on the part taken, including the fact that there shall be no direct access thereto, shall be considered in determining the fair market value of the remaining property immediately after the taking."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1970.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

S. B. 754  

CHAPTER 947

AN ACT TO AMEND G. S. 14-110 RELATING TO OBTAINING ENTERTAINMENT AT HOTELS AND BOARDINGHOUSES WITHOUT PAYING THEREFOR SO AS TO MAKE CERTAIN CONDUCT PRIMA FACIE EVIDENCE THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-110 is amended by rewriting this Section in its entirety to read as follows:

1089
CHAPTER 947  SESSION LAWS—1969

"G. S. 14-110. Defrauding Inn Keeper. No person shall, with intent to defraud, obtain food, lodging, or other accommodations at a hotel, inn, boardinghouse or eating house. Whoever violates this Section shall be guilty of a misdemeanor, and shall upon conviction be fined or imprisoned at the discretion of the court. Obtaining such lodging, food, or other accommodation by false pretense, or by false or fictitious show of pretense of baggage or other property, or absconding without paying or offering to pay therefor, or surreptitiously removing or attempting to remove such baggage, shall be prima facie evidence of such fraudulent intent, but this Section shall not apply where there has been an agreement in writing for delay in such payment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

H. B. 228  CHAPTER 948

AN ACT TO AMEND CHAPTER 5 OF THE PUBLIC-LOCAL LAWS OF 1941 AND CHAPTER 22 OF THE PRIVATE LAWS OF 1935 TO PERMIT THE CITY OF LEXINGTON AND LEXINGTON UTILITIES COMMISSION TO OPERATE A CABLE TELEVISION SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 5 of the Public–Local Laws of 1941 is hereby amended by inserting following the word "sewerage," and preceding the word "and" in line 34 the words "gas, cable television," and also by inserting following the word "lights," and preceding the word "water" in line 37 the words "gas, cable television."

Sec. 2. That Section 30(e) of Chapter 5 of the Public–Local Laws of 1941 is hereby amended by inserting following the word "electricity," and preceding the word "or" in line 2 the words "cable television."

Sec. 3. That Section 36 of Chapter 5 of the Public–Local Laws of 1941 is hereby amended by inserting following the word "telephone," and preceding the word "electric" in line 3 the words "cable television."

Sec. 4. That Section 3 of Chapter 22 of the Private Laws of 1935, as amended by Chapter 84 of the Session Laws of 1953, is hereby amended by inserting following the words "gas distribution system," and preceding the word "the" in the third line of said Section 3 the words "cable television system."

Sec. 5. That Section 7 of Chapter 22 of the Private Laws of 1935, as amended by Chapter 84 of the Session Laws of 1953, is hereby amended by inserting following the words "gas distribution system," and preceding the word "with" in line 4 of said Section 7, the words "cable television system."

Sec. 6. That Section 11 of Chapter 22 of the Private Laws of 1935, as rewritten by Section 2 of Chapter 208 of the Session Laws of 1959, is hereby amended by inserting following the word "sewage" and preceding the word "and" in line 2 of said rewritten Section 11, the words "cable television."

Sec. 7. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.
H. B. 436

CHAPTER 949

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES SO AS TO
SET FORTH THE DUTIES OF PRESIDENTIAL ELECTORS AND TO PRO-
VIDE METHODS FOR THEIR RESIGNATION.

The General Assembly of North Carolina do enact:

Section 1. North Carolina General Statute 163-210 is hereby amended by adding
at the end of the second paragraph the following sentence:
At any time prior to receipt of the certificate of the Governor or within forty-
eight (48) hours thereafter, any person elected to the office of elector may resign
by submitting his resignation, written and duly verified, to the Governor. Failure
to so resign shall signify consent to serve and to cast his vote for the candidate
of the political party which nominated such elector.

Sec. 2. North Carolina General Statute 163-210 is hereby amended by striking
the first sentence of the third paragraph following the word "absence" the word
"or" and substituting therefor a comma; and by adding in the first line of the third
paragraph following the word "ineligibility" the words "or resignation".

Sec. 3. North Carolina General Statute 163-212 is hereby re-written to read
as follows:

"G. S. 163-212. Penalty for failure of presidential elector to attend and vote.
Any presidential elector having previously signed his consent to serve as such,
who fails to attend and vote for the candidate of the political party which nominated
such elector, for President and Vice-President of the United States at the time and
place directed in G. S. 163-210 (except in case of sickness or other unavoidable acci-
dent) shall forfeit and pay to the State five hundred dollars ($500.00), to be recovered
by the Attorney General in the Superior Court of Wake County. In addition to
such forfeiture, refusal or failure to vote for the candidates of the political party
which nominated such elector shall constitute a resignation from the office of elec-
tor, his vote shall not be recorded, and the remaining electors shall forthwith fill
such vacancy as hereinbefore provided.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. If any part of this Act is held to be in violation of the North Carolina
Constitution or the United States Constitution, such part shall be severed and the
remainder shall be in full force and effect.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of
June, 1969.

H. B. 1058

CHAPTER 950

AN ACT TO BROADEN THE PROCEDURE FOR SETTLING CONTROVERSIES
ARISING OVER PUBLIC BUILDING CONTRACTS.

The General Assembly of North Carolina do enact:

Section 1. Section 143-135.3 of the General Statutes is hereby amended by strik-
ing the period at the end of the last sentence of said Section and inserting the
following:

"As well as any contract for the construction of airport runways, taxiways and
parking aprons, sewer and water mains, power lines, docks, wharves, dams, drainage
canals, telephone lines, streets, site preparation, parking areas and other types of construction on which the Department of Administration enters into contracts."

Sec. 1-A. This Act shall not apply to any pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1173

CHAPTER 951

AN ACT VALIDATING CERTAIN DEEDS AND OTHER INSTRUMENTS IMPROPERLY ACKNOWLEDGED BEFORE NOTARIES PUBLIC PRIOR TO JANUARY 1, 1945.

The General Assembly of North Carolina do enact:

Section 1. Where any person has taken an acknowledgment as a notary public of a person acting through another by virtue of the execution of a power of attorney and by said person acting in his individual capacity and said notary public has failed to include within his certificate the acknowledgment of said person in his capacity as attorney in fact, and such acknowledgment has been otherwise duly probated and recorded, then such acknowledgment is hereby declared to be sufficient and valid: Provided, this Act shall apply only to those deeds and other instruments acknowledged prior to January 1, 1945.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification but shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1241

CHAPTER 952

AN ACT TO AMEND G. S. 20-217 TO STRENGTHEN THE REQUIREMENT THAT VEHICLES STOP UPON APPROACHING SCHOOL BUSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-217 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is amended by rewriting the first sentence beginning in line 1 and ending with the word "barrier" appearing in line 18 to read as follows:

"Every person using, operating, or driving a motor vehicle upon the roads and highways of this State or upon any street of any town or city in this State, upon approaching from any direction on the same road, highway or street any school bus or any privately-owned bus transporting children to and from any school, church, or Sunday school, while such bus is stopped and engaged in receiving or discharging passengers therefrom upon the roads or highways of the State or upon any of the streets of cities and towns of the State, or at any time while such bus is displaying its mechanical stop signal, shall bring his motor vehicle to a full stop before passing or attempting to pass such bus and shall remain stopped until the mechanical stop signal of the bus has been withdrawn or until such bus has moved on; except, that the driver of a vehicle upon any road, highway or street which has been divided into two roadways, so constructed as to separate vehicular traffic
between the two roadways by an intervening space or by a physical barrier, need not stop upon meeting or passing any such bus which has stopped in the roadway across such dividing space or physical barrier.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

H. B. 1249

CHAPTER 953

AN ACT DECLARING CERTAIN CORPORATE DEEDS AND CONVEYANCES VALID.

The General Assembly of North Carolina do enact:

Section 1. Any deed, deed of trust, or other conveyance for land in this State made on behalf of a corporation prior to January 1, 1969, where the president or vice president has appeared before a notary public and the secretary or assistant secretary has attested and placed the corporate seal of such corporation upon the instrument and the instrument was executed by the president or vice president on behalf of such corporation by its authority duly given and said certificate recites that the secretary or assistant secretary acknowledges the instrument to be the act and deed of the corporation, in the absence of an acknowledgment of the president or vice president, the instrument and acknowledgment being otherwise regular, is hereby declared to be a good and valid deed or conveyance by such corporation for all purposes, and shall be admitted to probate and registration, and shall pass title to the property therein conveyed to the grantee as fully as if said deed, deed of trust, or other conveyance were executed according to the provisions and forms of law in force in this State at the date of the execution of said deed, deed of trust or other conveyance.

Sec. 1 1/2. This Act shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. B. 757

CHAPTER 954

AN ACT TO AMEND ARTICLE 10 OF CHAPTER 122 OF THE GENERAL STATUTES TO PROVIDE FOR THE REFUSAL OR REVOCATION OF A LICENSE BY THE APPROPRIATE STATE AGENCY AND FOR THE ANNUAL LICENSING OF PRIVATE HOSPITALS, HOMES, OR SCHOOLS FOR MENTALLY ILL OR RETARDED PERSONS OR INEBRIATES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 122-72 (a), as it appears in the 1967 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended by deleting, from lines three and eight thereof, the words "first" and "obtained".

Sec. 2. G.S. 122-72 (b), as it appears in 1964 Replacement Volume 3B of the General Statutes, is hereby amended by adding a sentence at the beginning thereof as follows:

"Licenses shall be obtained annually."
Sec. 3. G.S. 122-72 (e), as it appears in the 1967 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended by deleting the designation and "(d)" from line five thereof, and by placing the word "and" between the designation "b" and "c".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

H. B. 1114

CHAPTER 955

AN ACT TO GRANT THE AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS AND TO CLARIFY THE SMALL WATERSHED LAWS WITH RESPECT TO PROJECT MAINTENANCE IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Johnston County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed one cent (1¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. General Statutes 139-8 is hereby amended by inserting in line 1 of paragraph (6) of said Section, after the word "structures" and before the word "as", the words and punctuation ", works and projects"; and paragraph (6) of said Section is further amended by adding at the end of said paragraph, before the period, the following: "works and projects as well as any other structures, works, and projects which the district is authorized to undertake"; so that said paragraph (6) as so amended will read as follows:

"(6) To construct, improve, operate, and maintain such structures, works and projects as may be necessary or convenient for the performance of any of the operations authorized in this Chapter, including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake."

Sec. 3. (a) It is hereby declared that the provisions of General Statutes Chapter 139 were intended to authorize the maintenance of watershed improvement works and projects, as well as watershed improvement structures. All expenditures heretofore incurred by any local watershed sponsor for any such maintenance of works, projects, or structures are hereby validated and confirmed.

(b) The proceeds of any tax heretofore approved by the voters of a county for a county watershed improvement program, or authorized by special or local act for a county watershed improvement program, may be expended for such maintenance of works and projects, as well as structures, if the board of county commissioners or other watershed governing body after a public hearing determines that the
proceeds should be so expended. Notice of such hearing shall be published as provided for notices under Article 2 of General Statutes Chapter 139.

(c) The proceeds of any tax hereafter approved by the voters of a county for a watershed improvement program may be expended for such maintenance of works and projects, as well as structures, with or without the holding of a public hearing as designated by subsection (b) of this Section, even though any election procedures preliminary to the vote approving the tax may have been initiated prior to the ratification of this Act.

(d) No action based on the alleged invalidity of the expenditures herein confirmed or of the use of tax proceeds herein authorized shall lie after January 1, 1970, to enjoin or contest any such expenditure or any such use of tax proceeds.

Sec. 4. This Act shall be applicable only in Johnston County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

H. B. 1131  CHAPTER 956
AN ACT TO AUTHORIZE COUNTIES TO TAX MOTOR VEHICLES FOR FINANCING THE DISPOSAL OF JUNKED AND ABANDONED VEHICLES.

The General Assembly of North Carolina do enact:

That G. S. 153-9 be amended to add subsection (60) as follows:

Section 1. That the board of county commissioners of any county is hereby authorized to finance methods of disposing junked or abandoned vehicles within any county. The board may impose annually a tax not to exceed one dollar ($1.00) for each vehicle registered in the county for financing these disposal methods.

Sec. 2. This Act shall apply to the following counties: Guilford

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

H. B. 1215  CHAPTER 957
AN ACT AUTHORIZING THE ESTABLISHMENT OF A RECREATION DISTRICT WITHIN BUNCOMBE COUNTY, THE LEVYING OF A RECREATION TAX AND THE ISSUANCE OF BONDS IN BEHALF OF THE RECREATION DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. A petition signed by at least fifteen per cent (15%) of the resident freeholders living within an area, which area is described in the petition and designated as "Black Mountain-Swannanoa Recreation District", and which area may include all the territory within Black Mountain-Swannanoa Township except the territory within the corporate limits of the Town of Montreat, may be filed with the Board of County Commissioners of Buncombe County requesting it to do one or both of the following things:

1095
CHAPTER 957  SESSION LAWS—1969

(1) Levy an annual tax in a stated amount of cents on each one hundred dollars ($100.00) of assessed valuation of the taxable property within the district for the purpose of providing, conducting and maintaining a supervised recreation system in said district.

(2) Issue bonds of the unit in behalf of the recreation district in the amount specified in the petition and to levy a tax on all taxable property within the district for the payment thereof, for the purpose of acquiring, improving and equipping lands or buildings or both for parks, playgrounds, recreation centers and other recreation facilities.

When the petition is filed the board of county commissioners shall cause notice to be given by posting at the courthouse door, and at three public places in such proposed recreation district, and by three weekly publications in a newspaper circulating in such proposed recreation district, that on a date named in such notice, which shall not be earlier than twenty days after the first posting and publication of such notice, it will hold a public hearing at a designated place within the proposed recreation district, upon the question or questions petitioned for and set forth in such notice, and that any taxpayer or other interested person may appear and be heard at the time and place set forth in such notice. At the time and place stated in such notice the board shall hear all interested persons and may adjourn the hearing from time to time. The board shall have the authority to modify or enlarge the area described in such petition.

When the petition is filed, it shall be the duty of the board of county commissioners to cause the question petitioned for to be submitted to the voters at a special election to be held in the district within one hundred twenty (120) days from the date of filing.

Sec. 2. If said election is held pursuant to a petition requesting the levy of a tax for recreation purposes, the form of the question, stated on the ballot, shall be substantially the words: "For District Recreation Tax" and "Against District Recreation Tax". Such affirmative and negative forms shall be printed upon one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark.

Sec. 3. If a majority of the qualified voters, voting at said election, shall vote "For District Recreation Tax", then the board of county commissioners is authorized and directed, on the basis of a budget submitted to the board by the Recreation District Commission, to levy and collect a tax in said district in such amounts as it may deem necessary, not exceeding the amount voted, on the one hundred dollars ($100.00) valuation of property in said district from year to year. At least once a month, the tax collector of the county shall deposit the proceeds of such tax in a bank designated by the Recreation District Commission. The officer or officers having charge or custody of the funds of the district shall require said bank to furnish security for the protection of such deposits as provided for in G. S. 159-28. Withdrawals from such account shall be made by vouchers signed by the chairman and the treasurer of the Recreation District Commission for the purposes of establishing and conducting of a system of supervised recreation for such district; the acquisition and improvement of any lands, buildings, or equipment; the construction, operation, equipping and maintaining of parks, playgrounds, recreation centers and recreation facilities, and all buildings and structures necessary or useful in connection therewith.
Sec. 4. If said election is held pursuant to a petition requesting a bond issue, then all proceedings relating thereto and all notices shall be performed and given in accordance with the County Finance Act.

Sec. 5. The board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district in which the election was held, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district. Except as otherwise herein provided said tax shall be levied and collected in the same manner as other taxes of the county. The county authorities shall apply said tax solely to the payment of principal and interest of such bonds.

Sec. 6. The proceeds of the special tax or bonds herein authorized shall be administered as provided in Section 3 by a Recreation District Commission to be known as the “Black Mountain-Swannanoa Recreation District Commission”. The commission shall be vested with the authority to provide, maintain, conduct and operate the recreation system within said district with authority to employ directors, supervisors, and play leaders and such other officers or employees as may be deemed best within the budget provided. The commission shall have the power and authority to accept any gift, grant, lease, loan, devise or bequest of money, lands, buildings, or other personal property or any donation to be applied, principal or income for either temporary, immediate or permanent recreational use. Lands or devises, gifts or bequests may be accepted and held subject to the terms under which such land or devise, gift or bequest is made, given or received.

Sec. 7. If a majority of the qualified voters voting at any special election provided for in this Act shall vote in the affirmative, then the Black Mountain-Swannanoa Recreation District shall be in existence, have legal status, be a legal entity, and shall be subject to all the legal powers, duties and obligations and shall exercise all of the authority given or conferred by this Act, and the appointing authorities named in this Act shall proceed to appoint a commission to act as the governing authority of said recreation district in accordance with the provisions of Section 8 of this Act. The said commission may pass a resolution, fixing or designating its title or name to be used in the administration of all of its affairs and business.

Sec. 8. The commission shall consist of five or more members as determined by the board of county commissioners. Two of the members shall be appointed by the governing body of any city or town included within said district, and the remaining member or members shall be appointed by the board of county commissioners. At least one-third (1/3) of the members shall serve for a term of one year, at least one-third (1/3) of the members for a term of two years and the remainder for a term of three years. The board of county commissioners shall designate the original terms of the members. Upon the expiration of their original terms of office, each succeeding term shall be for three years and until their successors qualify for office. Vacancies on the commission shall be filled for the unexpired term by appointment of the governing body of the city, town or county which made the original appointment. The members shall serve without compensation. The recreation commission at its first meeting shall appoint a chairman, a treasurer, and such other officers as may be deemed proper for the conduct of its business and shall adopt rules and regulations to govern its procedures, and may adopt rules and regulations from time to time for the purpose of governing the use of parks, playgrounds, recreation centers and recreation facilities. The treasurer shall be required to furnish bond
in some surety company authorized to do business in North Carolina, in an amount
to be fixed by the Recreation District Commission, which bond shall be approved
by the Recreation District Commission and shall be conditioned upon the true
accounting for all funds which may come into his hands as such treasurer.

Sec. 9. The board of commissioners of the county shall order the county board
of elections to conduct the election so called as provided in Section 1, which said
board of elections shall provide one or more polling places in said district, shall
provide for a registrar or registrars and judges of election at said voting places,
shall provide for the registration of all qualified voters living in said district, shall
cause to be prepared the necessary ballots for voting at said election, shall fix the
time and place for holding the same, and shall conduct said election in every respect
according to the provisions of the laws governing general elections so far as they
may be applicable. The costs of holding the election shall be paid by the county.

Sec. 10. At the close of the polls in any election provided for in this Act, the
election officers shall count the votes and make returns thereof to the county board
of elections which board shall, as soon as practicable after the election, judicially
pass upon the returns and judicially determine and declare the results of such elec-
tion. The returns shall be made in duplicate, one copy of which shall be delivered
ten to the county board of elections and the other filed with the Clerk of the Superior
Court of the county. The county board of elections shall prepare a statement show-
ing the number of votes cast for and against the bonds, and declaring the result
of the election, which statement shall be signed by the chairman of the board and
attested by the clerk, who shall transmit it to the board of county commissioners
who shall record it in the minutes of the board and file the original in his office
and publish it once in a newspaper published or circulating in such district.

Sec. 11. No right of action or defense founded upon the invalidity of such elec-
tion or the invalidity of any proceedings or steps taken in the creation of such
district shall be asserted, nor shall the validity of such election or the validity of
the creation of such district, or the right or duty to levy a sufficient tax for the
payment of the principal and interest of such bonds, be open to question in any
court upon any ground whatever, except in an action or proceeding commenced
within thirty (30) days after the publication of such statement of results as provided
in the preceding Section.

Sec. 12. The powers conferred by this Act shall be regarded as supplemental
and in addition to powers conferred by other laws and shall not supplant or repeal
any existing powers for the issuance of bonds, or any provisions of law for the pay-
ment of bonds issued under such powers, or for the custody of moneys provided
for such payment.

Sec. 13. This Act shall constitute full authority for the things herein authorized
and no proceedings, publications, notices, consents or approvals shall be required
for the doing of the things herein authorized, except such as are herein prescribed
and required, and except that the provisions of the Local Government Act and the
County Finance Act shall be applicable to any bonds issued under this Act.

Sec. 14. This Act shall apply only to Buncombe County.

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby
repealed.

Sec. 16. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 20th day of
June, 1969.
AN ACT TO GRANT THE AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS AND TO CLARIFY THE SMALL WATERSHED LAWS WITH RESPECT TO PROJECT MAINTENANCE IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of New Hanover County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. General Statutes 139-8 is hereby amended by inserting in line 1 of paragraph (6) of said Section, after the word "structures" and before the word "as", the words and punctuation ", works and projects"; and paragraph (6) of said Section is further amended by adding at the end of said paragraph, before the period, the following: ", including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake"; so that said paragraph (6) as so amended will read as follows:

"(6) To construct, improve, operate, and maintain such structures, works and projects as may be necessary or convenient for the performance of any of the operations authorized in this chapter, including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake."

Sec. 3. (a) It is hereby declared that the provisions of General Statutes Chapter 139 were intended to authorize the maintenance of watershed improvement works and projects, as well as watershed improvement structures. All expenditures heretofore incurred by any local watershed sponsor for any such maintenance of works, projects, or structures are hereby validated and confirmed.

(b) The proceeds of any tax heretofore approved by the voters of a county for a county watershed improvement program, or authorized by special or local act for a county watershed improvement program, may be expended for such maintenance of works and projects, as well as structures, if the board of county commissioners or other watershed governing body after a public hearing determines that the proceeds should be so expended. Notice of such hearing shall be published as provided for notices under Article 2 of General Statutes Chapter 139.

(c) The proceeds of any tax hereafter approved by the voters of a county for a watershed improvement program may be expended for such maintenance of works and projects, as well as structures, with or without the holding of a public hearing as designated by subsection (b) of this Section, even though any election procedures preliminary to the vote approving the tax may have been initiated prior to the ratification of this Act.
(d) No action based on the alleged invalidity of the expenditures herein confirmed or of the use of tax proceeds herein authorized shall lie after January 1, 1970, to enjoin or contest any such expenditure or any such use of tax proceeds.

Sec. 4. This Act shall be applicable only in New Hanover County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

H. B. 1305

CHAPTER 959

AN ACT TO INCORPORATE THE TOWN OF COOLEEMEE IN DAVIE COUNTY SUBJECT TO AN ELECTION.

The General Assembly of North Carolina do enact:

Section 1. (a) The Board of Elections of Davie County is hereby authorized to call and conduct a special election on such date as it shall determine for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Cooleemee the question whether or not such area shall be incorporated as a municipal corporation known as the Town of Cooleemee, and to elect the members of the governing body if said area is incorporated. On the election day, the polls shall be open from 6:30 a.m. until 6:30 p.m. The Board of Elections for Davie County in conducting the election required to be held herein shall follow the procedure as outlined in this Act and the General Statutes of North Carolina relating to municipal elections where not in conflict with this Act.

(b) A new registration of all qualified voters in the described area shall be conducted for the purpose of registering the names of those who desire to vote in such special election. The registration book for such new registration shall be open for thirty (30) days prior to the election and shall remain open on each day from 9:00 a.m. until 5:00 p.m. On the second, third and fourth Saturdays preceding the election, the books shall be kept at the polling place. On other days during the registration period, it may be kept at the home or place of business of the registrar, or at the polling place, as designated in the notice hereinafter required. The Saturday before the election shall be Challenge Day.

(c) The Board of Elections of Davie County shall, not later than thirty (30) days before the election, appoint a registrar and two judges of election and designate a polling place for the special election.

(d) Not later than thirty (30) days before the election, the Board of Elections of Davie County shall cause to be posted at the Cooleemee Post Office, and at such other public places as the Board may choose, a notice stating the time, the polling place, and the purpose of the special election; the names of the registrar and judges of election; the dates, hours, and place or places of registration; the date, time, and place for challenges; that the registration is a complete new registration for the special election; and that candidates for election to the Town Board of Commissioners must file with the Board notice of candidacy not earlier than forty-five (45) days and not later than thirty (30) days before the election. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Cooleemee community.
(e) Any qualified voter who would offer himself as a candidate for Commissioner in such election shall file with the Chairman or Clerk of the Board of Elections of Davie County a written statement giving notice of his candidacy. Such notice shall be filed not earlier than forty-five (45) days and not later than thirty (30) days before the election, and shall be substantially in the following form: "I, ____________________________, do hereby give notice that I am a candidate for election to the office of Commissioner, Town of Cooleemee, to be voted on at the election to be held on call of Board of Elections of Davie County, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Cooleemee, residing at ___________________________.

(Date) ___________________________ (Signature) ____________
Witness: ___________________________.

(f) In the special election, those voters who favor the incorporation of the Town of Cooleemee as provided in this Act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Town of Cooleemee", and those voters who are opposed to the incorporation of the Town of Cooleemee as provided in this Act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of Town of Cooleemee".

(g) Also in the special election, each qualified registered voter shall be entitled to vote for five (5) candidates for Commissioner upon a ballot on which shall be listed, in alphabetical order, the names of all persons who filed notice of candidacy with the Board of Elections during the period hereinabove established.

Sec. 2. If a majority of the votes cast in such special election shall be cast "AGAINST Incorporation of Town of Cooleemee", then Sections 4 through 13 of this Act shall have no force and effect.

Sec. 3. If a majority of the votes cast in such special election shall be cast "FOR Incorporation of Town of Cooleemee", then Sections 10 through 13 of this Act shall be in full force and effect from and after date of the election.

Sec. 4. (a) In the special election, the three (3) candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four (4) years or until their successors are elected and qualified, and the two (2) candidates for Commissioner who receive the next largest numbers of votes cast for Commissioner shall be declared elected for terms of two (2) years or until their successors are elected and qualified. In case of a tie between opposing candidates, the Board of Elections shall determine the result by lot.

(b) The Chairman of the Board of Elections shall notify the persons elected as Commissioners, and shall designate some qualified officer to administer to them the oath of office, which shall be done as soon as practicable following their election.

Sec. 5. The following provisions of law shall constitute the Charter of the Town of Cooleemee in Davie County:

"THE CHARTER OF THE TOWN OF COOLEEMEE"

"ARTICLE I. INCORPORATION AND CORPORATE POWERS"

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Town of Cooleemee', and shall be vested with all property which may be acquired by the Town, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew
CHAPTER 959  
SESSION LAWS—1969

the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Cooleemee shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Corporate Boundaries. (a) Beginning at River Bridge, Highway 801 to Rowan County, follow South Yadkin River upstream to "Cowpasture Branch" just beyond River Dam. Follow Branch to point adjacent to Church Street Extension, then to a point northwest end of Hickory Street, then to include all property adjoining Hickory Street to intersection of Hickory Street and State Road No. 1128 and all property adjoining State Road No. 1128 to Highway 801; then all property adjoining Highway 801 to intersection at Midway Street to Center Street; then go southwest on centerline of Center Street to point approximately 200 feet from Midway Street. At this point, all adjoining property on Center Street to Holt Street. Include all property adjoining Holt Street, north on line to River Bridge at Beginning point.

"(b) As soon as practicable following their election, the Board of Commissioners of the Town of Cooleemee shall cause to be made an accurate survey of the corporate boundaries and shall cause to be made an accurate map based upon such survey. After such survey and map is completed, and after the Board of Commissioners of the Town of Cooleemee finds and declares upon its minutes that the boundaries shown on such map do not vary from the description in subsection (a) of this Section, they shall cause accurate copies of such map to be filed in the office of the register of deeds of Davie County and in the office of the Secretary of State of North Carolina. From and after the time a copy of such map is filed in the office of the register of deeds of Davie County, the corporate boundaries as shown thereon shall be the corporate boundaries of the Town of Cooleemee until changed in accordance with law. An accurate copy of such map shall also be maintained in the Town offices.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

"Section 3.1. Mayor and Mayor Pro Tempore. The Board of Commissioners shall choose one of its number to be the Mayor of the Town of Cooleemee. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such
powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall also choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor and Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the Board of Commissioners.

'Section 3.2. Composition of Board of Commissioners. The Board of Commissioners shall consist of five (5) members to be elected by and from the qualified voters of the Town voting at large in the manner provided by Article IV.

'Section 3.3. Terms; Qualifications; Vacancies. (a) Except for the initial terms of office hereinbefore specified, the Mayor and the members of the Board of Commissioners shall serve for terms of four (4) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

'(b) No person shall be eligible to be a candidate or be elected as a member of the Board of Commissioners, or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

'(c) If any elected Commissioner shall refuse to qualify, or if there shall be any vacancy in the office of Commissioner after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term. Any Commissioner so appointed shall have the same authority and powers as if regularly elected.

'Section 3.4. Compensation of Mayor and Commissioners. The Mayor and other members of the Board of Commissioners shall receive for their services such salary as the Board of Commissioners shall determine. After the initial salaries have been established, such salaries may be increased or decreased as the Board of Commissioners sees fit, but no increase or decrease shall be made to take effect during the respective term of office which he is serving at the time the increase or decrease is voted.

'Section 3.5. Organization of Board; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: 'I, ________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of Commissioner, on which I am about to enter, according to my best skill and ability; so help me, God.'

'Section 3.6. Meetings of Board. (a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Commissioners, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

'(b) All meetings of the Board of Commissioners shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.
"Section 3.7. Quorum; Votes. (a) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the members of the Board of Commissioners shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Cooleemee.' All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

"ARTICLE IV. ELECTION PROCEDURE

"Section 4.1. Regular Municipal Elections. Following the initial election hereinbefore provided for, regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971. In the regular 1971 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two (2) Commissioners to serve for a term of four (4) years, or until their successors are elected and qualify. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large three (3) Commissioners to serve for terms of four (4) years, or until their successors are elected and qualify.

"Section 4.2. Voting. In the regular 1971 election and quadrennially thereafter, each voter shall be entitled to vote for two (2) candidates for Commissioner, and the two (2) candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected. In the 1973 election and quadrennially thereafter, each voter shall be entitled to vote for three (3) candidates for Commissioner, and the three (3) candidates who receive the largest numbers of votes cast for Commissioner shall be declared elected. In case of a tie between opposing candidates, the election officials shall determine the result by lot.

"Section 4.3. Marking of Ballots: In all regular municipal elections, each voter shall cast his vote for as many candidates as there are offices to be filled, and where an elector marks a ballot for any number of candidates less than the number of offices to be filled, such ballot shall not be counted for any of the candidates. There shall be printed on all ballots for Commissioner the number of candidates to be voted for.

"Section 4.4. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), and shall be substantially in the following form: 'I, ________________, do hereby give notice that I am a candidate for election to the office of Commissioner, Town of Cooleemee, to be voted on at the election to be held on ________________ , and I hereby request that my name be placed
on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Cooleemee, residing at ________________________.

(Date) ____________________ (Signature) ____________________

(Witness) ____________________

"Section 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with the provisions of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. TOWN ATTORNEY

"Section 5.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

"Section 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 6.1. Town Clerk. The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Section 6.2. Town Tax Collector. The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 6.3. Town Accountant. The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Section 6.4. Consolidation of Functions. The Board of Commissioners may, in its discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Board may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.5. Other Employees. The Board of Commissioners may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the affairs of the Town, and may, in its discretion, appoint a person to supervise all Town departments, and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney.
"ARTICLE VII. FINANCE

"Section 7.1. Custody of Town Money. All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository. Such institution shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Section 7.2. Issuance of Bonds. The Town may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Section 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Commissioners.

"Section 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Town for the fiscal year 1969-70 and subsequent years. The Town may obtain from Davie County, and the County Tax Supervisor shall provide upon request, a record of property within the corporate limits which was listed for taxation as of January 1, 1969.

"ARTICLE VIII. CLAIMS AGAINST THE TOWN

"Section 8.1. Title to Properties Used for Certain Purposes. In the absence of any contracts with the Town in relation to the lands used or occupied by it for the purposes of streets, sidewalks, alleys, or other public works of the Town signed by the owner thereof or his agent, it shall be conclusively presumed that said land has been granted to the Town by the owner or owners, and the Town shall have good right and title thereto and shall have, hold, and enjoy the same. Unless the owner or owners of said land, or those claiming under them, shall make claim or demand in writing addressed to the Board of Commissioners within two (2) years following the date when such land was taken, he or they shall be forever barred from recovering such land or having any compensation therefor; provided, nothing herein shall affect the rights of persons under disabilities until two (2) years following removal thereof.

"Section 8.2. Tort Claims. All claims or demands against the Town arising in tort shall be presented to the Board of Commissioners in writing, signed by the claimant or his attorney or agent, within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim
or demand is so presented within ninety (90) days, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

*ARTICLE IX. GENERAL PROVISIONS*

"Section 9.1. Health and Well-Being of Citizens. The Board of Commissioners of the Town shall have the power and the right to adopt such rules and regulations for the effective policing of the Town as they may deem necessary, and to take all necessary steps for the proper enforcement of the same; and the Board of Commissioners shall have the right and the power to adopt such rules and regulations for the preservation and protection of the health and well-being of the Town and its citizens as they may deem necessary, and to take all necessary steps for the proper enforcement of the same.

"Section 9.2. North Carolina General Statutes. The Town shall have the benefit of and be subject to all the provisions of Chapter 160 of the General Statutes of North Carolina and all laws amendatory thereof, and shall have the benefit of and be subject to all the provisions of all general laws regulating towns and cities, except in so far as said Chapter 160 and the aforesaid laws are modified and changed by the provisions of this Town Charter."

Sec. 6. If any provisions of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provision or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. Subject to the provisions of Sections 1 through 3 hereof, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1309

CHAPTER 960

AN ACT PROVIDING THE TOWN OF EDENTON, NORTH CAROLINA, ALTERNATIVE METHODS OF ASSESSING THE COST OF EXTENDING WATER AND SEWER LINES.

The General Assembly of North Carolina do enact:

Section 1. In addition and as alternatives to the method provided in G.S. 160-241 for assessing the costs of water and sewer lines and laterals, the Board of Councillors of the Town of Edenton, North Carolina, if in its opinion it would be more equitable to do so, hereby is authorized in its discretion to levy any such assessments according to either of the following methods: (1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the footage of land upon a public street by an equal rate per foot of such frontage.

In lieu of assessing the total cost of a particular project as herein provided, the governing body annually between the first days of January and July of each year, may determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost of any portion thereof during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It also may include the antici-
pated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this Act is to distribute more equitably the cost of the installation of water and sewer lines throughout the Town; to permit a property owner to know in advance what the cost of installation of water and sewer lines benefiting his property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights of way also may be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

If a lot or parcel of land used for a single-family residential purpose is assessed under this Section and the lot or parcel of land is subdivided into additional lots for single-family occupancy, the Board of Councilmen may assess the additional lots or parcels of land into which the original parcel of land is from time to time divided on the basis of the average cost as determined under the provisions of this Section at the time the owner of the additional lot requests the utility service. Such assessment shall be made only after the owner of the newly created lot or lots has requested water or sewer service and an assessment against his property or has paid the amount of the assessment in cash. In the absence of such request or payment, the service shall be withheld from the property.

If a lot or parcel of land is used for any purpose other than for single-family occupancy, the Board of Councilmen may assess the lot or parcel of land used for such other purpose in an amount equal to the multiple of the assessment for a single-family lot by the nearest number of times that the area so used is divisible by 20,000 feet but in no case shall the assessment be less than the assessment which would be made against a single-family dwelling lot.

Sec. 2. The Board of Councilmen shall have authority to exempt from assessment for water and sewer extensions for corner lots 150 feet of the frontage of any side of a corner lot when water and sewer extensions are installed along both sides of such lot.

Sec. 3. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 20th day of June, 1969.

S. B. 526

CHAPTER 961

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF STANDARDS OF CONSTRUCTION FOR MOBILE HOMES, TO REQUIRE COMPLIANCE THEREWITH, TO PROVIDE FOR RECIPROCITY WITH OTHER STATES AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as "The Uniform Standards Code for Mobile Homes Act".

Sec. 2. Definitions. Unless clearly indicated otherwise by context, the following words when used in this Act, for the purpose of this Act, shall have the meanings respectively ascribed to them in this Section:
(a) "Mobile Home" means a movable or portable dwelling over 32 feet in length and over 8 feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

(b) "Commissioner" means the Commissioner of Insurance of the State of North Carolina.


(a) Mobile homes, because of the manner of their construction, assembly and use and that of their systems, components and appliances (including heating, plumbing and electrical systems) like other finished products having concealed vital parts may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured. In the sale of Mobile Homes, there is also the possibility of defects not readily ascertainable when inspected by purchasers. It is the policy and purpose of this State to provide protection to the public against those possible hazards, and for that purpose to forbid the manufacture and sale of new Mobile Homes which are not so constructed as to provide reasonable safety and protection to their owners and users.

(b) The Commissioner is authorized and empowered to promulgate rules and regulations embodying the fundamental principles adopted, recommended, or issued as USAS A119.1 and amended from time to time by the United States of America Standards Institute (USASI), successor to the American Standards Association (ASA) applicable to mobile homes as defined herein.

Sec. 4. Compliance with the Commissioner's Rules. No person, firms or corporations may manufacture, sell, or offer for sale any mobile home which has been constructed more than twelve (12) months after the effective date of this Act, unless such mobile home, its components, systems and appliances have been constructed and assembled in accordance with the Standards herein defined. Any mobile home unit which bears the label or seal of compliance of a recognized testing laboratory having follow-up inspection services approved by the North Carolina State Building Code Council (such as Underwriters' Laboratories or similar testing service) shall be deemed to be in full compliance with the standards and rules and regulations prescribed in this Act. All mobile home units bearing such label or seal shall be acceptable as meeting the requirements of this Act throughout the State of North Carolina without further inspection or fees except for zoning, utility connections and foundation permits required by local ordinance. Any Mobile Home unit not bearing such label or seal shall be subject to inspection by local building inspectors as provided in Section 5 of this Act.

Sec. 5. Enforcement. This Act shall be enforced by local building inspectors under the supervision of the State Commissioner of Insurance in the same manner as the State Building Code is enforced under Article 9 of Chapter 143 of the General Statutes, and all penalties and enforcement provisions of said Article apply to the enforcement of this Act.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Sec. 7. This Act shall be in full force and effect from and after July 1, 1969.
CHAPTER 961  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

S. B. 838  CHAPTER 962
AN ACT TO AMEND SECTION 110-2 OF THE GENERAL STATUTES, RELATING TO THE WORKING HOURS OF MINORS UNDER SIXTEEN YEARS OF AGE.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 110-2, as the same appears in the 1967 Supplement to Volume 3A of the General Statutes, by striking out the word "six", as the same appears after the word "after" and before the word "o'clock", as the same appears in the sixth line of said Section, and by inserting in lieu thereof the word "seven".

Further amend G. S. 110-2, as the same appears in the 1967 Supplement to Volume 3A of the General Statutes, by striking out the period appearing after the word "day" in the seventh line of said Section, and by inserting in lieu of the period a comma and by adding after said comma, the following: "or after nine o'clock on days when schools are not in session."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

H. B. 561  CHAPTER 963
AN ACT TO AMEND CHAPTER 47 OF THE SESSION LAWS OF 1963, BEING THE CHARTER OF THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That "Section 3" of Chapter 47 of the Session Laws of 1963 is hereby amended by correcting the location of the U. S. Coast and Geodetic Triangulation Station in Kernersville so that the North latitude of said Station be designated as '36 degrees 07 minutes 31.2526 seconds" and the West longitude be designated as "80 degrees 04 minutes 31.2218 seconds" with X co-ordinate of 1,682,408.06 feet and Y co-ordinate of 866,225.55 feet.

Sec. 2. That a new Section entitled Section 14 be added to Chapter 47 of the Session Laws of 1963, the same to read as follows:

"Sec. 14. Form of Government. The form of government for the Town of Kernersville shall be the 'town manager' form of government as provided for in G. S. 160-338 through 160-351, except as modified by this Charter."

Sec. 3. That a new Section entitled Section 15 be added to Chapter 47 of the Session Laws of 1963, the same to read as follows:

"Sec. 15. Town Manager: Appointment, compensation, term.—The board of aldermen, as soon as practical after the effective date of this Act, shall appoint an officer whose title shall be town manager, who shall be the chief executive officer and the head of the administrative branch of the Town government. The town manager shall be chosen by the board of aldermen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter
outlined. At the time of his appointment he need not be a resident of the Town or State, but during his tenure of office he shall reside within the Town. No person elected mayor or to the board of aldermen shall be eligible for appointment as town manager. The town manager shall serve at the pleasure of the board of aldermen and he shall receive such compensation as the board shall fix by ordinance. In case of the absence or disability of the manager, the board may designate a qualified administrative officer of the Town to perform the duties of the manager during such absence or disability.”

Sec. 4. That a new Section entitled Section 16 be added to Chapter 47 of the Session Laws of 1963, the same to read as follows:

“Sec. 16. Town Manager: Chief Administrator. The town manager shall be responsible to the board of aldermen for the proper administration of all affairs of the Town. As chief administrator, the town manager shall have the power to appoint and remove all officers and employees in the administrative service of the Town, except the town attorney.”

Sec. 5. That a new Section entitled Section 17 be added to Chapter 47 of the Session Laws of 1963, the same to read as follows:

“Sec. 17. Town manager: Duties. It shall be the duty of the town manager to supervise the administration of the affairs of the Town; to see that the ordinances, resolutions and regulations of the board of aldermen and the laws of the State are faithfully executed; to make such recommendations to the board of aldermen concerning the affairs of the Town as he shall deem expedient; to keep the board of aldermen advised of the financial condition and the future financial needs of the Town; attend all meetings of the board of aldermen and prepare and submit to the board of aldermen such reports as he may deem expedient or as may be required of him by the board of aldermen; to perform all other duties as may be required by the board of aldermen.”

Sec. 6. That Sections 19, 20, 21 and 22 of Chapter 47 of the Session Laws of 1963 be amended so as to strike out and omit the words ‘board of aldermen’ whenever such words shall appear in said Sections, and to replace them with the words ‘town manager’, except in Section 19 where reference is made to the journal of the meetings of the board of aldermen. In this one instance only, the words ‘board of aldermen’ shall not be stricken and omitted.

Sec. 7. That “Sec. 23.” of Chapter 47 of the Session Laws of 1963, be amended to read as follows:

“Sec. 23. Volunteer fire chief and firemen. The town manager shall provide for the appointment of the chief of the Kernersville Volunteer Fire Department and for the appointment of the volunteer members thereof in the manner he deems best.”

Sec. 8. That Section 34, entitled “Courts”, and Section 35, entitled “Election upon the question of continuing the town manager form of government”, of Chapter 47 of the Session Laws of 1963, be stricken and deleted in their entirety.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.
CHAPTER 964

H. B. 959

CHAPTER 964
AN ACT TO AMEND G. S. 153-9:57) TO AUTHORIZE COUNTIES TO ACQUIRE LAND BY CONDEMNATION IN THE MANNER DESCRIBED BY ARTICLE 9 OF CHAPTER 136 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9:57) is hereby amended by striking out the last sentence and inserting in lieu thereof the following:

"If negotiations for the purchase of land are unsuccessful, or if the county cannot obtain a good and sufficient title thereto by purchase from the owner or owners, then the Board of County Commissioners of any county may exercise the right of eminent domain and acquire any such land by condemnation in the same manner as is provided for the State Highway Commission by Article 9 of Chapter 136 of the General Statutes, as the same may from time to time provide, provided that the Board of County Commissioners of any county shall not have the power to condemn any property already devoted to public use."

Sec. 2. This Act shall apply to the following counties: Guilford, and amends further by changing Sections 2 and 3 to read Sections 3 and 4 respectively.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

H. B. 968

CHAPTER 965
AN ACT TO MAKE IT CLEAR THAT DECREES AND ORDERS CONCERNING DISSOLUTIONS AND CANCELLATIONS OF CORPORATE ChARTERS ARE TO BE RECORDED BY THE REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-129, as the same appears in the 1967 Cumulative Supplement to Volume 2B of The General Statutes of North Carolina, is amended by adding the following sentence at the end thereof:

"The register of deeds shall record and index the order or decree in the Record of Incorporations; promptly after the recordation, the register shall note the fact of recordation on the said copy and return it to the corporation or its representative. If the corporation or its representative cannot be located, the register may destroy the copy."

Sec. 2. The last sentence of G. S. 105-230, as the same appears in the 1967 Cumulative Supplement to Volume 2D of The General Statutes of North Carolina, is deleted and the following is substituted therefor:

"The Secretary of State shall immediately notify by certified mail every such domestic or foreign corporation of the action taken by him, and also shall immediately certify such suspension to the register of deeds of the county in which the principal office or place of business of such corporation is located in this State with instructions to said register of deeds, and it shall be the register's duty to record and index the suspension in the Record of Incorporations; promptly after the recordations, the register shall note the fact of recordation on the said copy and return
it to the corporation or its representative. If the corporation or its representative cannot be located, the register may destroy the copy."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 20th day of

June, 1969.

H. B. 1209  

CHAPTER 966

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINEBLUFF, CHAPTER 274 OF THE PRIVATE LAWS OF 1913, TO INCREASE THE NUMBER OF COMMISSIONERS FROM 3 TO 5.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 274 of the Private Laws of 1913, as amended by Chapter 109 of the Private Laws of 1915, is hereby further amended by rewriting the same to read as follows:

"Sec. 3. On Tuesday after the first Monday in May in 1971, and biennially thereafter, an election shall be held in the Town of Pinebluff, under the general laws governing municipal elections, to elect a Mayor and five Commissioners to serve for terms of two years, or until their successors are elected and qualify."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, except Chapter 629, Session Laws of 1969.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of

June, 1969.

H. B. 1265  

CHAPTER 967

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF COUNTY COMMISSIONERS FROM DISTRICTS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Yadkin County shall consist of five members who shall be nominated and elected by the voters of the entire county. For the purpose of nominating and electing the members of the Board of County Commissioners, the County is hereby divided into three districts as follows:

DISTRICT NO. 1 shall consist of East Bend, Forbush, Liberty Townships and South Fall Creek Precinct. Two Commissioners shall be nominated and elected from District No. 1 by the voters of the entire County, and the persons nominated and elected must be residents of the District.

DISTRICT NO. 2 shall consist of Boonville Township and North Fall Creek Precinct. One commissioner shall be nominated and elected from District No. 2 by the voters of the entire County, and the person nominated and elected must be a resident of the District.

DISTRICT NO. 3 shall consist of Knobs, Buck Shoals and Deep Creek Townships. Two Commissioners shall be nominated and elected from District No. 3 by the voters of the entire County, and the persons nominated and elected must be residents of the District.

Sec. 2. In the primary and general election in 1970, and biennially thereafter, the persons nominated and elected from the above districts shall serve for a term

1113
of two years and until their successors are elected and qualified. A vacancy occurring in the Board of Commissioners shall be filled for the unexpired term as now provided by general law.

The Primary and general election shall be held and conducted as provided in Chapter 163 of the General Statutes of North Carolina, except as may be otherwise provided herein.

Sec. 3. Chapter 148, Public-Local Laws of 1939, and all laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 717, Session Laws of 1969.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

S. B. 834

CHAPTER 968

AN ACT TO IMPLEMENT STATE COOPERATION IN NORTH CAROLINA - FEDERAL WATER RESOURCES DEVELOPMENT PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. Article 21 of Chapter 143 of the North Carolina General Statutes is hereby amended by adding at the end thereof a new Part to be designated as “Part 4” and reading as follows:


Subsection 143-215.40. Short Title. This part shall be known as and may be cited as the Federal Water Resources Development Law of 1969.

Subsection 143-215.41. Public Policy. It is hereby declared the public policy of the State of North Carolina to encourage development of such river and harbor, flood control and other similar civil works projects as will accrue to the general or special benefit of any county or municipality of North Carolina or to any region of the State. To this end, it is also hereby declared that within the meaning of the North Carolina Constitution expenditures for such projects and obligations incurred for such projects are for public purposes, that county and municipal and other local government expenditures and obligations incurred therefor are necessary expenses, and that county expenditures therefor are for special purposes for which the special approval of the General Assembly is hereby given.

Subsection 143-215.42. Resolutions and ordinances assuring local cooperation. (a) The boards of commissioners of the several counties, in behalf of their respective counties, the governing bodies of the several municipalities, in behalf of their respective municipalities, the governing bodies of any other local government units, in behalf of their units, and the North Carolina Board of Water and Air Resources, in behalf of the State of North Carolina, subject to the approval of the Governor and the Advisory Budget Commission, are hereby authorized to adopt such resolutions or ordinances as may be required giving assurances to any appropriate agency of the United States Government for the fulfillment of the required items of local cooperation as expressed in acts of Congress or congressional documents, as conditions precedent to the accomplishment of river and harbor, flood control or other such civil works projects, when it shall appear, and is determined by such board or governing body that any such project will accrue to the general or special benefit
of such county or municipality or to a region of the State. In each case where the subject of such local cooperation requirements comes before a board of county commissioners or the governing body of any municipality or other local unit a copy of its final action, whether it be favorable or unfavorable, shall be sent to the Director of the Department of Water and Air Resources for the information of the Governor.

(b) Within the meaning of this part, a "local government unit" means any local subdivision or unit of government or local public corporate entity (other than a county or municipality), including any manner of special district or public authority.

Subsection 143-215.43. Items of cooperation to which localities and the State, acting through the Board of Water and Air Resources, may bind themselves. Such resolutions and ordinances may irrevocably bind such county, municipality, other local unit, of the State of North Carolina, acting through the Board of Water and Air Resources, to the following when included as requirements of local cooperation for a Federal water resources development project.

(1) To provide, without cost to the United States, all lands, easements, and rights-of-way required for construction and subsequent maintenance of the project and for aids to navigation, if required, upon the request of the Chief of Engineers, or other official to be required in the general public interest for initial and subsequent disposal of spoil, and also necessary retaining dikes, bulkheads, and embankments therefor, or the costs of such retaining works.

(2) To hold and save the United States free from damages due to the construction works and subsequent maintenance of the project.

(3) To provide firm assurances that riverside terminal and transfer facilities will be constructed at the upper limit of the modified project to permit transfer of commodities from or to plants and barges.

(4) To provide and maintain, without cost to the United States, depths in berthing areas and local access channels serving the terminals commensurate with depths provided in related project areas.

(5) To accomplish, without cost to the United States, such alterations, if any, as required in sewer, water-supply, drainage, electrical power lines, and other utility facilities, as well as their maintenance.

(6) To provide, without cost to the United States, all lands, easements, rights-of-way, utility relocations and alterations, and, with the concurrence and under the direction of the State Highway Commission, highway or highway bridge construction and alterations necessary for project construction.

(7) To adjust all claims concerning water rights.

(8) To maintain and operate the project after completion, without cost to the United States, in accordance with regulations prescribed by the Secretary of the Army or other responsible Federal official, board, or agency.

(9) To provide a cash contribution for project costs assigned to project features other than flood control.

(10) To prevent future encroachment which might interfere with proper functioning of the project for flood control.
(11) To provide or satisfy any other items or conditions of local cooperation as stipulated in the congressional or other Federal document covering the particular project involved.

This Section shall not be interpreted as limiting but as descriptive of the items of local cooperation, the accomplishment of which counties, municipalities and the State are herein authorized to irrevocably bind themselves; it being intended to authorize counties, municipalities and the Board of Water and Air Resources in behalf of the State to comply fully and completely with all of the items of local cooperation as contemplated by Congress and as stipulated in the congressional acts or documents concerned, or project reports by the Army Chief of Engineers, the Administrator of the Soil Conservation Service, the Board of Directors of the Tennessee Valley Authority, or other responsible Federal official, board or agency.

Subsection 143-215.43. Acquisition of lands. (a) For the purpose of complying with the terms of local cooperation as specified in Chapter 143, Article 21, Part 4, and as stipulated in the Congressional document covering the particular project involved, any county, municipality, or other local government unit may acquire the necessary lands, or interest in lands, by lease, purchase, gift or condemnation. A municipality, county or other local government unit may acquire such lands by any of the aforesaid means outside as well as inside its territorial boundaries, if the local governing body finds that substantial benefits will accrue to property inside such territorial boundaries as a result of such acquisition.

(b) The power of condemnation herein granted may be exercised only after:

(1) The municipality, county or other local unit makes application to the Board of Water and Air Resources, identifying the land sought to be condemned and stating the purposes for which said land is needed; and

(2) The Board of Water and Air Resources finds that the land is sought to be acquired for a proper purpose within the intent of Chapter 143, Article 21, Part 4. The findings of the Board of Water and Air Resources will be conclusive in the absence of fraud, notwithstanding any other provision of law.

(c) The Board of Water and Air Resources shall certify copies of its findings to the applicant municipality, county, or other local unit, and to the Clerk of Superior Court of the county or counties wherein any of the land sought to be condemned lies for recordation in the special proceedings thereof.

(d) For purposes of this Section:

(1) The term 'interest in land' means any land, right-of-way, rights of access, privilege, easement, or other interest in or relating to land. Said 'interest in land' does not include an interest in land which is held or used in whole or in part for a public water supply, unless such 'interest in land' is not necessary or essential for such uses or purposes.

(2) A 'description' of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant, boundaries may be described by any of the following methods or by any combination thereof: by reference to a map; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.
(e) The procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in G.S. Chapter 40, Article 2, and all acts amendatory thereof.

(f) Interests in land acquired pursuant to this Section may be used in such manner and for such purposes as the local governing body deems best. If, in the opinion of the local governing body, such lands should be sold, leased or rented, this may be done, subject to the approval of the Board of Water and Air Resources.

(g) This Section is intended to confer supplementary and additional authority, and not to confer exclusive authority nor to impose cumulative requirements. If a municipality, county or other local government unit is authorized to acquire lands or interests in lands by some other law (such as by General Statutes Chapter 139, 153, 160, or 162A) as well as by this Section, compliance with the requirements of this Section or the requirements of such other law will be sufficient.

(h) This Section shall not authorize acquisition by condemnation of interests in land within the boundaries of any project to be constructed by the Tennessee Valley Authority, its agents or sub-division or any project licensed by the Federal Power Commission or interests in land owned or held for use by a public utility, as defined in G.S. 62-3. No Commission created pursuant to G. S. 158-8 shall condemn or acquire any property to be used by the Tennessee Valley Authority, its agents or sub-division.

Subsection 143-215.44. Additional powers. For the purpose of complying with requirements of local cooperation as described in this Part, county and municipal governing bodies shall also have the power to accept funds, and to use general tax funds for necessary project purposes, including project maintenance.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1969.

S. B. 168  CHAPTER 969

AN ACT TO AMEND CHAPTER 127 OF THE GENERAL STATUTES SO AS TO GRANT CERTAIN MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD OR STATE DEFENSE MILITIA IMMUNITY FROM CRIMINAL OR CIVIL LIABILITY FOR ACTS DONE IN THE PERFORMANCE OF THEIR DUTIES DURING TIME OF PUBLIC DISASTER OR CRISIS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 127 of the General Statutes is hereby amended by inserting a new section immediately following G. S. 127-106.1 to be designated as G. S. 127-106.2 and to read as follows:

"G. S. 127-106.2. Immunity of guardsmen from civil and criminal liability. (a) A member of the North Carolina National Guard or State defense militia in active State service, while acting in aid of civil authorities and in the line of duty shall have the immunities of a law enforcement officer.

(b) Whenever members of the North Carolina National Guard or State defense militia are called into active State service to execute the laws, engage in disaster relief, suppress or prevent actual or threatened riot or insurrection, repel invasion,
CHAPTER 969

apprehend or disperse any snipers, rioters, mob or unlawful assembly, they shall have the immunities of a law enforcement officer.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 468

CHAPTER 970

AN ACT TO AMEND ARTICLE 5 AND ARTICLE 5A OF THE GENERAL STATUTES RELATING TO NARCOTIC, BARBITURATE, AND STIMULANT DRUGS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 90-87(9), as it appears in the 1967 Cumulative Supplement to Volume 2C of the General Statutes, is hereby amended by inserting immediately after the word "opium" in the first line thereof, the words "opium poppy, cannabidial, tetrahydro-cannabinol," and by inserting, immediately after the word "cocaine" in line 9 thereof, the words "or possesses hallucinogenic properties similar to lysergic acid diethylamide," and by deleting the word "hallucinogenic" in line 4, and inserting in lieu thereof the word "hallucinogenic".

Sec. 2. G.S. 90-87 is hereby amended by adding a new subsection immediately after subsection (11), to be designated as subsection (11a), and to read as follows:

"(11a) 'Opium Poppy.' The term 'opium poppy' includes the plant Papaver Somniferum, any other plant which is the source of opium or opium products, and any part of any such plant."

Sec. 3. G.S. 90-97(b) is hereby amended by deleting the word "and" at the end of subsection (1) thereof, and by changing the period, at the end of subsection (2) thereof, to a semicolon, and by adding the following subsections:

"(3) That the person who purchases, receives or possesses such exempt preparation by any means whatsoever does so in good faith for the purpose of using the exempt preparation as a medicine and not for the purpose of evading the provisions of this Article;

"(4) That no person shall purchase or receive by any means whatsoever more than one fluid ounce of paregoric, within any consecutive twenty-four hour period, except upon prescription issued by a duly licensed physician.

"(5) That whenever a pharmacist or physician sells or dispenses any exempt preparation, he shall affix to the container in which such preparation is sold or dispensed, a label showing doctor's name and address or pharmacy name and address."

Sec. 4. G.S. 90-113.1 is hereby amended by adding a new subsection at the end thereof to read as follows:

"(12) Definition. As used in this Article the phrase 'glue containing a solvent having the property of releasing toxic vapors or fumes' shall mean and include any glue, cement, or other adhesive containing one or more of the following chemical compounds: Acetone, an acetate, benzene, toluene, xylene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, or petroleum ether."
Sec. 5. G.S. 90-113.8, as it appears in the 1967 Cumulative Supplement to Volume 2C of the General Statutes, is hereby amended by inserting, immediately after the word "illegal" in line 3 of subsection (a) thereof, the word "sale", and by adding a new subsection at the end thereof to read as follows:

"(d) Any person who violates any provision of G.S. 90-113.9 through G.S. 90-113.11 shall be guilty of a misdemeanor, and punished in the discretion of the court."

Sec. 6. Article 5A of Chapter 90 of the General Statutes is hereby amended by adding at the end thereof the following new sections:

"G.S. 90-113.9. Inhaling fumes for purpose of causing intoxication, etc. No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any glue containing a solvent having the property of releasing toxic vapors or fumes; provided, that nothing in this Section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.

"G.S. 90-113.10. Use or possession of glue for purpose of violating G.S. 90-113.9. No person shall, for the purpose of violating G.S. 90-113.9, use, or possess for the purpose of so using, any glue containing a solvent having the property of releasing toxic vapors or fumes.

"G.S. 90-113.11. Sale, etc., of glue to be used in violation of G.S. 90-113.9. No person shall sell, or offer to sell, to any other person any tube or other container of glue containing a solvent having the property of releasing toxic vapors or fumes, if he has reasonable cause to suspect that the product sold, or offered for sale, will be used for the purpose set forth in G.S. 90-113.9.

"G.S. 90-113.12. Furnishing intoxicants, barbituates or stimulant drugs to inmates of charitable or penal institutions. If any person shall sell or give to any inmate of any charitable or penal institution any intoxicating drink, barbiturate or stimulant drug as defined by G.S. 90-113.1, except upon the prescription of a physician, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned at the discretion of the court; and if he be an officer or employee of any institution of the State, he shall be dismissed from his office.

"G.S. 90-113.13. Furnishing poison, narcotics, deadly weapons, cartridges or ammunition to inmates of charitable or penal institutions. If any person shall give or sell to any inmate or any charitable or penal institution, or if any person shall combine, confederate, conspire, aid, abet, solicit, urge, investigate, counsel, advise, encourage, attempt to procure, or procure another or others to give or sell to any inmate of any charitable or penal institution, any deadly weapon, or any cartridge or ammunition for firearms of any kind, or any narcotic, poison or poisonous substance, except upon the prescription of a physician, he shall be guilty of a felony and upon conviction thereof, shall be fined or imprisoned in the State's Prison for not more than ten (10) years in the discretion of the court; and if he be an officer or employee of any institution of the State, he shall be dismissed from his position or office."

Sec. 7. G.S. 90-113.25), as it appears in the 1967 Cumulative Supplement to Volume 2C of the General Statutes, is hereby amended by inserting, immediately after the word "person" in line 1 thereof, the words "to sell or".

Sec. 8. G.S. 90-113.2 is hereby amended by inserting the words "or any other drug whatsoever that is under the control of the North Carolina pharmacy laws" immediately after the word "drug" in line 2 of subsection (4) thereof, and further
CHAPTER 970
SESSION LAWS—1969

amend G.S. 90-113.2 by adding at the end thereof a new subsection, designated subsection (7), and to read as follows:

"(7) Impersonation of a Practitioner. It shall be unlawful for any person other than practitioners licensed under Articles 1, 2, 4, 6, 11 and 12 of Chapter 90 to represent to any such practitioner, pharmacy, or any of their employees or to any individual, corporation, partnership or association engaged in the business of "warehouseman" as defined in 90-113.1(10) or in the business of "wholesaler" as defined in 90-113.1. subsection 11 that he is a licensed practitioner to secure or attempt to secure any drug or drug preparation that requires a prescription under the Pharmacy Laws of North Carolina or in any way impersonate a practitioner for the purpose of securing or attempting to secure any drug requiring a prescription from a practitioner licensed by the State."

Sec. 9. G.S. 90-111.1 is hereby amended by inserting the words "or opium poppy" immediately after the word "marijuana" in line 2 thereof.

Sec. 10. G.S. 90-111(a) is hereby amended by inserting at the end of the first sentence thereof the following:

"Provided, that any person unlawfully possessing one gram or less of the drug defined in G.S. 90-87(1)a, or one-tenth of a gram or less of the drug defined in G.S. 90-87(1)b or c, or one gram or less of the drug marijuana defined in G.S. 90-87(1)d, shall, for the first offense, be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court."

Sec. 11. G.S. 14-427 through G.S. 14-431, G.S. 14-390 and G.S. 14-390.1 having been transferred into Sections of this Act, are hereby repealed.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 659

CHAPTER 971

AN ACT TO AMEND G. S. 163-176 AND G. S. 163-177 BY ADDING CERTAIN CATEGORIES OF PRIMARY AND ELECTION RETURNS TO THOSE OF WHICH DUPLICATE ABSTRACTS ARE NOW REQUIRED TO BE MAILED TO THE CHAIRMAN OF THE STATE BOARD OF ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-176 as the same appears in the 1967 Supplement to the 1964 Replacement Volume 3D is hereby amended by inserting the word "two" in the third paragraph between the words "and" and "duplicate".

Sec. 2. G. S. 163-177 in the same supplement is hereby amended by deleting the four line sentence following the words "Constitutional amendments and other propositions submitted to the voters of the State" and inserting in lieu thereof the following: "One duplicate abstract prepared in accordance with Sec. 163-176 for all offices and referenda for which the county board of elections is required to canvass the votes and declare the results (and which are listed below) shall be retained by the county board, which shall forthwith publish and declare the results; the second duplicate abstract shall be mailed to the chairman of the State Board of Elections, to the end that there be one set of all primary and election returns available at the seat of government."

1120
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 669

CHAPTER 972

AN ACT PROVIDING FOR SALARY AND TRAVEL ALLOWANCES FOR THE DEPUTY SHERIFFS OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Sec. 1. The salaries of two deputy sheriffs of Cherokee County shall be not less than four hundred dollars ($400.00) per month, and in addition thereto each deputy sheriff of Cherokee County shall be allowed not less than two hundred dollars ($200.00) for travel expenses. The salaries and travel expenses set out above shall be in lieu of all other perquisites.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed, except Chapter 358, Session Laws of 1969.

Sec. 3. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 708

CHAPTER 973

AN ACT TO VALIDATE THE PRIOR OPERATION BY THE GREENSBORO CITY BOARD OF EDUCATION OF A SCHOOL OWNED BY THE BOARD BUT LOCATED OUTSIDE THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO AUTHORIZE THE CONTINUED OPERATION OF THE SCHOOL HEREAFTER.

WHEREAS, the Greensboro City Board of Education constructed a school building known as the Edwin Anderson Alderman School on a tract of land which was owned by the Greensboro City Board of Education and which it thought was located within the boundaries of the Greensboro City Administrative Unit, and the school has been operated since sometime in the fall of 1968 and is still being operated; and

WHEREAS, Section 115-128 of the General Statutes of North Carolina provides in part that:

"No school may be operated by an administrative unit outside its own boundaries, although other school facilities such as repair shops may be operated outside the boundaries of the administrative unit"; and

WHEREAS, the continued operation of the Edwin Anderson Alderman School is necessary for the accommodation of the children who are entitled to attend the schools of the Greensboro City Administrative Unit;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The prior operation of the Edwin Anderson Alderman School by the Greensboro City Board of Education is hereby in all respects validated and approved, and the continued operation of that school hereafter is hereby authorized.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 731

CHAPTER 974

AN ACT TO AMEND THE CITY CHARTER OF THE CITY OF RALEIGH (CHAPTER 1184 OF THE SESSION LAWS OF NORTH CAROLINA, 1949, AS AMENDED) AS IT RELATES TO PAVING OF CERTAIN RESIDENTIAL STREETS.

The General Assembly of North Carolina do enact:

Section 1. That Section 105a of Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, be further amended by inserting at the end of the first sentence of the second paragraph the following:

"provided a petition for paving an unimproved portion of a street not exceeding 1,500 feet in length and classified as a residential street by the City Council and located between two existing paved streets and intersecting or connecting therewith, shall be sufficient if signed by a majority of those property owners occupying the property abutting the proposed improvement, or if the signatures represent over one-half of the lineal footage of property occupied by those property owners abutting the proposed improvement."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effective from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 737

CHAPTER 975

AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO, NORTH CAROLINA, AS REVISED, REORGANIZED AND AMENDED BY CHAPTER 447 OF THE SESSION LAWS OF 1961, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 447 of the Session Laws of 1961, as amended, the same being the Charter of the City of Goldsboro, is hereby amended by rewriting Section 1 of Article 2 thereof, to read as follows:

"ARTICLE 2. CITY ELECTIONS

Section 1. Regular Municipal Elections. There shall be, at the regular municipal election to be held the first Saturday in May, 1963, and biennially thereafter, elected from among the duly registered and qualified voters of the city a mayor and five aldermen who shall hold their respective offices for a term of two years and until their successors are duly elected and qualified. In such regular municipal election, the candidate receiving the largest number of votes for mayor shall be declared the duly elected mayor for the ensuing term, and the five candidates receiving the largest number of votes for aldermen shall be declared the duly elected aldermen for the next ensuing term. In the event that there should be an equal number of
votes for the candidates for the office of mayor, or an equal number of votes for two or more candidates for the offices of aldermen and such tie or ties must be resolved to determine the identity of the five aldermen to be declared elected to such office, then the question and result shall be determined by lot under the supervision of the Chairman of the Wayne County Board of Elections. In such regular municipal election no write-in votes shall be permitted or counted."

Sec. 2. Chapter 447 of the Session Laws of 1961 is hereby further amended by rewriting Sec. 2 of Article 2, to read as follows:

"Sec. 2. Municipal Primary Election. The municipal primary election, if one be required, for the nomination of candidates for the offices of mayor and aldermen shall be held on the second Saturday in April, preceding the regular municipal election. Such municipal primary election shall be a nonpartisan primary and all residents of the city who are registered and qualified to vote in the regular municipal election shall be qualified and eligible to vote in the municipal primary election. In such regular primary election no write-in vote shall be permitted or counted."

Sec. 3. Chapter 447 of the Session Laws of 1961 is hereby further amended by deleting the word "Tuesday" as the same appears in line 2 of Sec. 4 of Article 3 of said Act, and substituting in lieu thereof the word "Friday".

Sec. 4. Chapter 447 of the Session Laws of 1961 is hereby further amended by rewriting Section 1 of Article 16 of said Act to read as follows:

"Section 1. Sale of City Property. The board of aldermen may sell or exchange all city property, both real and personal, which in its opinion is not required for municipal purposes. All such sales or exchanges shall except as otherwise authorized in Sections 1.1 and 1.2 be subject to confirmation or rejection by the Board and shall be at public auction after advertisement as hereinafter described, except that where otherwise authorized and provided by general law such sale or exchange may be made under the authority and provisions of such general law, and that as to the following such sale or exchange may be by private sale or otherwise, as the board may determine to be for the best interest of the city:

(a) Cemetery lots.
(b) Real or personal property where the value does not exceed the sum of one thousand dollars ($1,000.00), or if jointly owned, where the value of the city's interest therein does not exceed such sum.
(c) Where the city is selling to or exchanging with any other governmental unit or the agency thereof within the United States.
(d) Where the property has been acquired for delinquent taxes and the sale is being made to the former owner."

Sec. 5. Chapter 447 of the Session Laws of 1961 is hereby further amended by inserting therein a new Section to be designated as Sec. 2 of said Article 16, and to read as follows:

"Sec. 2. Disposal of Surplus Real Property. The board of aldermen shall have power, in addition to the power granted by G. S. 160-59, to sell any real property which the board has declared to be surplus in the following manner:

(a) Upon receipt of a deposit of five percent (5%) of an offer to purchase any such lot or parcel of land, the board of aldermen may cause a notice to be published once a week for four successive weeks in some newspaper published in the city, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the City Manager, with a deposit
in the amount of five percent (5%) of each increased offer, on or before twelve o'clock noon on a date to be specified in the notice, which shall not be less than 21 nor more than 31 days next following the first publication of the notice as above provided for. No bid shall be received after twelve o'clock noon of the date so specified unless the board of aldermen shall cause the property to be readvertised and again offered for sale as hereinafter provided.

(b) At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding 60 days, the board of aldermen shall proceed to consider any and all bona fide offers made for the property, accompanied by the deposit of five percent (5%) of the amount thereof as hereinabove provided, and may thereupon confirm the sale of the property to the party, person or persons so making the highest bona fide offer, with deposit as aforesaid; provided, the board of aldermen shall find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.

(c) The board of aldermen, in its discretion, instead of confirming any such sale, shall have the right, power and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of the property.

(d) Two or more offers for two or more separate lots or parcels of land may be combined and advertised in the same notice.

(e) The board of aldermen, in their resolution declaring the real property to be surplus, shall direct the City Manager or other appropriate officials whether to follow the procedure set forth under G. S. 160-59 or the alternate procedure set forth in this Article."

Sec. 6. Chapter 447 of the Session Laws of 1961 is hereby further amended by inserting a new Section therein to be designated as Sec. 3 of said Article 16, and to read as follows:

"Sec. 3. Disposal of Surplus Personal Property. The board of aldermen shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property which the board of aldermen has declared to be surplus property in the following manner:

(a) Without bids or advertisement, at private sale, if the property has a market value of one thousand dollars ($1,000.00) or less.

(b) To the highest bidder upon receipt of informal written bids, with only such advertisement as the board of aldermen may direct, if the property has a market value of more than one thousand dollars ($1,000.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the board of aldermen.

(c) To the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the board of aldermen."

Sec. 7. Chapter 447 of the Session Laws of 1961 is hereby further amended by renumbering Secs. 2, 3, 4, and 5 of said Article 16 of said Act as Secs. 4, 5, 6, and 7.
Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 743  
CHAPTER 976

AN ACT TO AMEND THE COUNTY FISCAL CONTROL ACT TO CHANGE THE TIME WITHIN WHICH BUDGET ESTIMATES AND BUDGET RESOLUTIONS SHALL BE SUBMITTED AND ADOPTED.

The General Assembly of North Carolina do enact:

Section 1. G.S. 153-118 is hereby amended by striking out the words "first Monday of July" in line 28, and inserting in lieu thereof the words "first regular meeting in July".

Sec. 2. G.S. 153-120 is hereby amended by striking out the words "twenty-eighth day of July" in line 3, and inserting in lieu thereof the words "first regular meeting in August".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 747  
CHAPTER 977

AN ACT TO AMEND G. S. 48-29 TO PROVIDE THAT THE PLACE OF BIRTH OF AN ADOPTED CHILD SHOWN ON THE BIRTH CERTIFICATE ISSUED AT THE TIME OF ADOPTION SHALL BE THE SAME AS ON THE ORIGINAL BIRTH CERTIFICATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 48-29 is hereby amended by adding a new subsection (e) at the end thereof to read as follows:

"(e) The foregoing provisions to the contrary notwithstanding, the place of birth of any child adopted by a spouse of a natural parent of that child shall be the same on the new birth certificate as on the original certificate when the adoptive parent so requests."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from the date of ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
CHAPTER 978

AN ACT TO AUTHORIZE MUNICIPALITIES TO EXPEND FUNDS FOR IMPROVEMENTS UPON STATE HIGHWAY SYSTEM STREETS IN LIMITED CIRCUMSTANCES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-66.1 is hereby amended by adding a new subsection (4) to read as follows:

"(4) In the event that the governing body of any municipality shall determine that it is in the best interest of its citizens to do so, it may expend its funds for the purpose of making the following improvements on streets within its corporate limits which form a part of the State Highway system:

(a) construction of curbing and guttering;
(b) adding of lanes for automobile parking;
(c) bearing that portion of the cost of constructing street drainage facilities which may by reasonable engineering estimates be attributable to that amount of surface water collected upon and flowing from municipal streets which do not form a part of the State Highway system;
(d) constructing sidewalks; provided, that no part of the funds allocated to the municipality by G. S. 136.41.1 may be expended for sidewalk purposes.

In exercising the authority granted herein, the municipality may, with the consent of the State Highway Commission, perform the work itself, or it may enter into a contract with the State Highway Commission to perform such work. Any work authorized by this subsection may be financed jointly by the municipality and the State Highway Commission pursuant to a cost-sharing agreement entered into by each.

The cost of any work financed by a municipality pursuant to this subsection may be assessed against the properties abutting the street or highway upon which such work was performed in accordance with the procedures of either Article 9 of Chapter 160 of the General Statutes or any charter provisions or local acts applicable to the particular municipality."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

CHAPTER 979

AN ACT AUTHORIZING THE GASTON COUNTY BOARD OF EDUCATION TO CONVEY TO THE CITY OF GASTONIA FOR THE USE OF THE SCHIELE MUSEUM OF NATURAL HISTORY SCHOOL PROPERTY NO LONGER NEEDED FOR SCHOOL PURPOSES.

WHEREAS, the City of Gastonia is the owner of a certain tract of land upon which is situated the Schiele Museum of Natural History; and
WHEREAS, there is a need to obtain additional real property in order to expand the operation of this facility which serves not only the public schools, but also the citizens of Gaston County and surrounding areas; and

WHEREAS, The Gaston County Board of Education owns an adjoining tract of land upon which is situated the W. P. Grier Junior High School; and

WHEREAS, because of the topography of the land, the realty hereinafter described is not adaptable to school purposes, but is suited for the expansion of the program and facilities of the Schiele Museum of Natural History; and

WHEREAS, The Gaston County Board of Education, by proper resolution, has determined that the use of such school-owned real property is both unnecessary and undesirable for public school purposes; and

WHEREAS, a conveyance of the land hereinafter described to the City of Gastonia would be in the best interest of the citizens of Gaston County;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of Section 115-126 of the General Statutes of North Carolina, the Gaston County Board of Education be and it is hereby authorized and empowered to convey without consideration, except the benefit to Gaston County of having a museum of natural history, to the City of Gastonia, the following described land, lying in the City of Gastonia, Gastonia Township, Gaston County, North Carolina, by a good and sufficient deed hereafter in fee simple with a general warranty:

Beginning at an iron located at the northwest corner of the parcel of land owned by the City of Gastonia and upon which is situated the Schiele Museum of Natural History as described in detail in that certain instrument dated April 13, 1964, and recorded in Deed Book 864 at Page 174 in the Gaston County Registry; and running thence with the eastern line of land belonging to Claude W. Bailey and to Ralph and Emily Kendrick, now or formerly, North 0 degrees 31' East 221.75 feet to an iron, a new corner; thence a new line North 79 degrees 16' 11" East 574.36 feet to an iron, a new corner; thence a new line North 62 degrees 28' 22" East 213.29 feet to an iron, a new corner; thence a new line South 40 degrees 59' East 100 feet to an iron, a new corner; thence a new line South 57 degrees 35' West 150.25 feet to an iron, a new corner; thence a new line South 89 degrees 18' 30" West 127.73 feet to an iron, a new corner; thence a new line South 0 degrees 10' East 547.48 feet to an iron in the northern margin of Kendrick Drive; thence with the northern margin of the right of way of Kendrick Drive South 89 degrees 50' West 220 feet to an iron, southeast corner of the lands of the City of Gastonia as heretofore described; thence with the boundary line of the land belonging to the City of Gastonia the following courses and distances: (a) North 0 degrees 10' West 279.6 feet to an iron and (b) South 89 degrees 50' West 346.43 feet to the point of beginning, and containing 5.502 acres.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
CHAPTER 980  SESSION LAWS—1969

S. B. 776  CHAPTER 980

AN ACT AUTHORIZING THE VESTING OF TITLE TO CERTAIN SCHOOL PROPERTY IN THE GASTON COUNTY BOARD OF EDUCATION AND AUTHORIZING THE CONVEYANCE OF THE LEGAL TITLE THERETO TO SAID BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The title to all public school real and personal property in Gaston County which has heretofore been conveyed to the City of Gastonia, The Gastonia City Board of Education, Board of School Commissioners of Gastonia Graded School District, Gastonia Graded School District, City of Cherryville, Cherryville City Administrative School Unit, Board of School Commissioners of Cherryville Graded School District, or which has heretofore been conveyed to and is now held in the name of any other municipality, city administrative school unit, board of school commissioners, or graded school districts or otherwise for the benefit of the public schools within Gaston County shall vest in The Gaston County Board of Education.

Sec. 2. The Gastonia City Board of Education and The Cherryville City Board of Education, acting through their respective boards in office at the time of the consolidation of all public schools in Gaston County into one administrative school unit, and the City of Gastonia, the City of Cherryville and any other municipality or political subdivision holding the title to any public school real or personal property within Gaston County are hereby authorized to convey the legal title to said property to The Gaston County Board of Education without consideration by a good and sufficient deed in fee simple with general warranty.

Sec. 3. The title to all public school real and personal property in Gaston County which has heretofore been conveyed to the County Board of Education, Gaston County Board of Education, Board of Education of Gaston County or otherwise by any municipality, city or district administrative school unit, board of school commissioners, graded school district, school district committee, individual, firm or corporation shall vest in The Gaston County Board of Education.

Sec. 4. All conveyances heretofore made by The Gaston County Board of Education, The Gastonia City Board of Education, The Cherryville City Board of Education, and any other city administrative school unit, board of school commissioners or graded school district or otherwise holding the title to any public school real or personal property in Gaston County are hereby declared in all respects validly executed and admitted to record regardless of any inconsistency or error in the name of the school unit conveying the title to such real or personal property.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

1128
S. B. 778  

CHAPTER 981  

AN ACT TO AMEND CERTAIN STATUTES SO AS TO HAVE THEM REFER TO THE STATE BOARD OF SOCIAL SERVICES RATHER THAN THE STATE BOARD OF PUBLIC WELFARE AND SO AS TO CORRECT CERTAIN REFERENCES TO STATUTES TO SHOW THE PROPER STATUTORY DESIGNATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-50, as it appears in the 1967 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by rewriting subsections (1) and (2) thereof to read as follows:

"(1) 'Commissioner' means the State Commissioner of Social Services.

"(2) 'Department' means the State Department of Social Services."

Sec. 2. G. S. 112-21, as it appears in 1966 Replacement Volume 3A of the General Statutes, is hereby amended by rewriting lines one, two and three of the first paragraph thereof to read as follows:

"All widows of Confederate veterans and all colored servants of Confederate soldiers who are eligible for aid to the aged or disabled under the provisions of Chapter 108 of the General Statutes, from and after the first day of June one thousand nine."

Sec. 3. G. S. 112-21 is hereby further amended by rewriting lines six and seven of the second paragraph thereof to read as follows:

"aid to the aged or disabled under the provisions of Chapter 108 of the General Statutes without any applications being made by such persons for aid to the aged or disabled as required by said."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 779

CHAPTER 982  

AN ACT TO CHANGE THE NAMES OF THE STATE AND COUNTY BOARDS AND DEPARTMENTS OF PUBLIC WELFARE AND THE POSITIONS OF COMMISSIONER AND DIRECTORS OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-1, as it appears in Chapter 546 of the Session Laws of 1969, is hereby amended by re-writing the second sentence thereof to read as follows:

"In any law of this State or in any rule or regulation, any mention of, or words referring to the State Board of Charities and Public Welfare or to the State Board of Public Welfare shall be deemed to mean the State Board of Social Services, and any mention of or words referring to the State Department of Public Welfare, the Commissioner of Public Welfare, a county board of public welfare, a county department of public welfare, or a county director of public welfare shall be deemed to mean, respectively, the State Department of Social Services, the Commissioner of Social Services, a county board of social services, a county department of social services, and a county director of social services."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 790

CHAPTER 983

AN ACT AMENDING G. S. 106-408, RELATING TO SALES AT PUBLIC LIVE-STOCK MARKETS, SO AS TO PROVIDE FOR THE TIME OF SALES OF FEEDER PIGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-408, as the same appears in the 1967 Supplement to Volume 3A of the General Statutes, is amended by rewriting the second paragraph thereof to read as follows:

"The sales of all livestock at livestock auction markets shall start no later than 2:00 P.M.; provided, however, the Commissioner of Agriculture shall have authority to authorize a sale to begin as late as 4:00 P.M. when the sale (1) consists solely of the sale of pigs weighing no more than 150 pounds and sold as feeder pigs, (2) continues without interruption, and (3) lasts no longer than one hour. The sale of livestock shall be continuous until all are sold."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 793

CHAPTER 984

AN ACT TO AMEND SEVERAL MISCELLANEOUS SECTIONS OF THE GENERAL STATUTES TO CONFORM THE LANGUAGE TO THE UNIFORM COMMERCIAL CODE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 45-21.12 is hereby amended and rewritten to read as follows:

"Sec. 45-21.12. Power of sale barred when foreclosure barred. (a) Except as provided in subsection (b), no person shall exercise any power of sale contained in any mortgage or deed of trust, or provided by statute, when an action to foreclose the mortgage or deed of trust, is barred by the statute of limitations.

"(b) If a sale pursuant to a power of sale contained in a mortgage or deed of trust, or provided by statute, is commenced within the time allowed by the statute of limitations to foreclose such mortgage or deed of trust, the sale may be completed although such completion is effected after the time when commencement of an action to foreclose would be barred by the statute. For the purpose of this Section, a sale is commenced when the notice of the sale is first posted or published as provided by this Article or by the terms of the instrument pursuant to which the power of sale is being exercised."

Sec. 2. G.S. 14-114 is hereby amended and rewritten to read as follows:

"Sec. 14-114. Fraudulent disposal of personal property on which there is a security interest. If any person, after executing a security agreement on personal property for a lawful purpose, shall make any disposition of any property embraced in such
security agreement, with intent to hinder, delay or defeat the rights of the secured party, every person so offending and every person with a knowledge of the security interest buying any property embraced in which security agreement, and every person assisting, aiding orabetting the unlawful disposition of such property, with intent to hinder, delay or defeat the rights of any secured party in such security agreement, shall be guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court. In all indictments for violations of the provisions of this Section it shall not be necessary to allege or prove the person to whom any sale or disposition of the property was made, but proof of the possession of the property embraced in such security agreement by the grantor thereof, after the execution of said security agreement, and while it is in force, the further proof of the fact that the sheriff or other officer charged with the execution of process cannot after due diligence find such property under process directed to him for its seizure, for the satisfaction of such security agreement, or that the secured party demanded the possession thereof of the grantor for the purpose of sale to foreclose said security agreement, after the right to such foreclosure had accrued, and that the grantor failed to produce, deliver or surrender the same to the secured party for that purpose, shall be prima facie proof of the fact of the disposition or sale of such property, by the grantor, with the intent to hinder, delay or defeat the rights of the secured party."

Sec. 3. G.S. 14-115 is hereby amended and rewritten to read as follows:

"Sec. 14-115. Secreting property to hinder enforcement of lien or security interest. Any person removing, exchanging or secreting any personal property on which a lien or security interest exists, with intent to prevent or hinder the enforcement of the lien or security interest, shall be guilty of a misdemeanor."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on October 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 802

CHAPTER 985

AN ACT TO PROVIDE FOR NUMBERED SEATS IN THE 29TH SENATORIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 1063, Session Laws of 1967, is hereby amended by deleting the figure "29" from the second line thereof. Section 5 of Chapter 1063, Session Laws of 1967, is hereby amended by deleting the figure "24" from the second line thereof. Section 4 of Chapter 1063, Session Laws of 1967, is hereby amended by deleting the figure "33" from the third line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

1131
CHAPTER 986

S. B. 807

CHAPTER 986

AN ACT TO AMEND G. S. 127-79 TO PROVIDE A MINIMUM RATE OF PAY FOR MEMBERS OF THE NATIONAL GUARD AND NAVAL MILITIA ORDERED BY THE GOVERNOR TO STATE DUTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 127-79, as it appears in Volume 3B, 1964 Replacement, of the General Statutes, is amended by inserting immediately after the word "service" in line 7 the following:

"...provided that no such officer or enlisted man shall receive less than eight dollars ($8.00) per day".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 812

CHAPTER 987

AN ACT TO AMEND G. S. 14-148, RELATING TO THE REMOVAL OR DEFACING OF MONUMENTS AND TOMBSTONES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-148 is hereby amended by adding a proviso at the end thereof, to read as follows:

"...Provided, that nothing contained in this section shall preclude operators of public or private cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the use and care of such cemeteries."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1034

CHAPTER 988

AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO ALLOW SUSPENSION OF DRIVING LICENSES FOR CONVICTIONS OF TRAFFIC OFFENSES IN FEDERAL COURTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is amended by inserting between G. S. 20-23.1 and G. S. 20-24 a new Section to be designated G. S. 20-23.2 to read as follows:

"G. S. 20-23.2. Upon receipt of notice of conviction in any court of the Federal Government sitting in North Carolina of the offense of driving while under the influence of intoxicating liquor, the Department is authorized to revoke the driving privilege of the person convicted in the same manner as if such conviction had occurred in a court of this State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 2 1/2. Provided that this Act shall apply only to offenses committed on highways in Federal parks in this State.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 507

CHAPTER 989

AN ACT REQUIRING ALL AUTOMOBILE LIABILITY INSURERS TO SEND NOTICE TO THEIR INSURED'S IN THE EVENT THEIR POLICIES LOSE THE SAFE DRIVER DISCOUNT OR A SURCHARGE IS APPLIED TO SUCH POLICIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-248.8, as the same appears in the 1967 Cumulative Supplement to Volume 2B, is hereby amended by adding thereto a new paragraph reading as follows:

"Whenever any policy issued pursuant to the provisions of G. S. 20-279.21, loses the safe driver discount provided by the plan adopted pursuant to this Section, or the same is surcharged due to an accumulation of points under the safe driver reward plan, the insurer shall, prior to the billing for additional premium or simultaneously therewith, inform the named insured of the surcharge or loss of discount by mailing to such insured a notice which shall state a valid basis for the surcharge or loss of discount, and which shall advise that upon receipt of a written request from the named insured it will promptly mail to the named insured a statement of the amount of increased premium attributable to the surcharge or loss of discount.

"Such explanation shall be privileged, and shall not constitute grounds for any cause of action against the insurer or its representatives or any firm, person, or corporation who furnishes to the insurer the information upon which its reasons are based."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective January 1, 1970, and shall have application to any surcharging or loss of discount of automobile policies after such date.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1294

CHAPTER 990

AN ACT TO REPEAL CHAPTER 652 SESSION LAWS OF 1969 RELATING TO ABC FUNDS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 652, Session Laws of 1969, is hereby repealed.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
H. B. 1317

CHAPTER 991

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF MARSHVILLE TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN THE SAID CITY, AND TO PRESCRIBE THE NET PROCEEDS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Marshville may, upon Petition filed by 15% of the voters who voted in the last municipal election of the said City for Mayor, or, upon its own motion, call and conduct an election for the purpose of submitting the question as to whether city alcoholic beverage control stores may be operated in the said city. Said elections shall be held on a date to be fixed by the Board of Aldermen of the City of Marshville, notwithstanding the nearness of the date within which any other type of election may be held. At least 30 days public notice shall be given prior to the date of the election by publishing notice of said election in a newspaper with general circulation within said City at least once a week for four weeks. If such election should be held upon Petition duly filed, then the date of said election shall be within 90 days of the filing of such Petition.

Sec. 2. At such special election, ballots shall be provided which contain the words "For Alcoholic Beverage Control Stores", and "Against Alcoholic Beverage Control Stores", with appropriate squares so that each voter may by his cross (x) mark indicate his preference.

Sec. 3. If the majority of the votes cast at such special election shall be cast "For Alcoholic Beverage Control Stores", then the Board of Aldermen of the City of Marshville shall immediately create a City of Marshville Alcoholic Beverage Control Board, to be composed of a Chairman and two other members. The Chairman and other members shall be appointed by the Board of Aldermen. The member designated as Chairman shall serve for a term of three years; one member shall serve for a term of two years, and one member shall serve for a term of one year. After the initial terms, successors shall be appointed for terms of three years. Any vacancy on such Board shall be filled by the Board of Aldermen for the unexpired term. Compensation of the members of the Board shall be fixed by the Board of Aldermen.

Sec. 4. The City of Marshville Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, County Alcoholic Beverage Control Boards by G. S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control as read in G. S. 18-39; provided, however, that G. S. 18-45 (15), G. S. 18-39 (8), and G. S. 18-39 (10) shall not be applicable to the City of Marshville Alcoholic Beverage Control Board.

Sec. 5. The net annual revenue from the operation of the Alcoholic Beverage Control Stores remaining after the payment of all the costs and operating expenses and after retaining sufficient working capital in an amount determined by the City of Marshville Alcoholic Beverage Control Board shall be paid to the City of Marshville. The Board of Aldermen of the City of Marshville shall appropriate for law enforcement purposes 10% of such net annual revenue, and shall assign to one of its police officers the additional duty of enforcing the Alcoholic Beverage Control Laws, and in performing such duty, such officer shall have the County-wide jurisdiction; provided, that in lieu of assigning such additional duty to one of its police officers, the Board of Aldermen may, in its discretion, appropriate such amount
for support of a joint Alcoholic Beverage Control law enforcement effort with any other municipalities in Union County, upon such terms and conditions as it deems wise. So much of the net annual revenue then remaining, after such appropriation for law enforcement purposes shall be paid over by the Board of Aldermen of the City to the following named governing bodies, departments, boards and agencies in amounts equal to the following percentages of the remaining annual revenue:

(a) 62% to the General Fund of the City of Marshville.
(b) 25% to the General Fund of the County of Union.
(c) 12% to the Union County Board of Education.
(d) 1% to the Union County Library.

The City Alcoholic Beverage Control Board shall, upon request of the Board of Aldermen of the City, appropriate or pay out of the funds authorized by this Section on a quarterly basis after sufficient working capital has been initially set aside.

Sec. 6. If the majority of the votes cast in such special election shall be cast "Against Alcoholic Beverage Control Stores", then no City Alcoholic Beverage Control Stores shall be established in the City of Marshville under authority of this Act, unless authorized by a subsequent election conducted under authority of Section 1 of this Act.

Sec. 7. No election authorized under Section 1 of this Act shall be held within three (3) years next following the last election held under the provisions of this Act.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 9. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 615

CHAPTER 992

AN ACT TO AUTHORIZE RICHMOND COUNTY BOARD OF EDUCATION TO ACQUIRE LAND FOR FUTURE SCHOOL CONSTRUCTION AND TO AUTHORIZE PURCHASE AND PAYMENT ON AN INSTALLMENT BASIS.

WHEREAS, the Richmond County Board of Education finds it necessary to acquire certain land now located within Richmond County and it is necessary for financial budgetary reasons to finance the purchase of this land on a deferred payment plan extending over a six (6) year period from 1969 to 1974;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The Richmond County Board of Education, with the consent and approval of the Richmond County Board of Commissioners, is authorized to borrow up to one hundred and twenty thousand dollars ($120,000.00) for the purpose of purchasing real property upon which will be constructed school building(s), and the Richmond County Board of Education is authorized to repay any sum borrowed over a six (6) year period, or lesser period of time to be determined by the Richmond County Board of Education.

Sec. 2. The Richmond County Board of Education is further authorized to execute any and all documents, mortgages, instruments of security, or other necessary legal documents to complete the transaction authorized in Section 1, including the
CHAPTER 992  SESSION LAWS—1969

execution of the necessary promissory notes, and to do any and all things necessary to carry out the purchase of said real property.

Sec. 3. The Board of Commissioners of Richmond County is hereby authorized to submit any contracts or agreements entered into on behalf of the Richmond County Board of Education pursuant to this Act to a vote of the people of Richmond County. Any such election shall be conducted in the manner provided by law for bond elections in counties.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 679  CHAPTER 993


The General Assembly of North Carolina do enact:

Section 1. G.S. 153-296 (a) is hereby amended by adding thereto a new paragraph, designated (9a), as follows:

"(9a) The word 'revenues' shall mean all moneys received by a district from, in connection with or as a result of its ownership or operation of a sewerage system, including, without limitation and if deemed advisable by the district board, moneys received from the United States of America, or any agency thereof, pursuant to an agreement with the district board pertaining to the sewerage system."

Sec. 2. G.S. 153-311 is hereby amended by deleting in the first sentence thereof the phrase "not exceeding six per centum (6%) per annum".

Sec. 3. G.S. 153-312 is hereby amended by rewriting the second paragraph thereof to read as follows:

"All revenue bonds issued under the provisions of this Article shall be approved and sold by the Local Government Commission in the same manner as municipal bonds are approved and sold by said Commission, except that upon the filing with said Commission of a resolution of the district board requesting that its revenue bonds be sold at private sale and without advertisement and upon the approval of such request by said Commission, such bonds may be sold by said Commission at private sale and without advertisement to any purchaser or purchasers thereof, such sale to be for such price as said Commission shall determine to be in the best interests of the district and as shall be approved by the district board."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1969.
S. B. 742  

CHAPTER 994  

AN ACT TO AMEND G. S. 153-5.2, RELATING TO REAPPORTIONMENT OF BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph (1) of G. S. Sec. 153-5.2 is rewritten to read as follows:

"(1) Redefine the election or residence areas within the county and, if necessary, reapportion commissioners among the areas so defined, or in the alternative, reapportion one or more commissioners to the county at large and the remainder among the areas so defined, or".

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 745  

CHAPTER 995  

AN ACT TO AMEND SECTION 160-383 OF THE GENERAL STATUTES, BEING A PART OF THE MUNICIPAL FINANCE ACT, 1921, CONCERNING THE LIMITATION ON THE INCURRING OF DEBT.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (4) of subsection (a) of Section 160-383 of Article 28 of Chapter 160 of the General Statutes of North Carolina, the same being part of the Municipal Finance Act, 1921, as amended, is hereby amended to read as follows:

"(4) The true valuation of taxable property in the municipality, consisting of

(i) the true value of real and personal property last used in fixing the assessed valuation of property for municipal taxation

and

(ii) the true value of property subject to taxation under the provisions of Article 26 of Chapter 105 of the General Statutes, as it may be amended from time to time, as last determined by the State Board of Assessment."

and subdivision (5) of subsection (a) of said Section 160-383 is hereby amended to read as follows:

"(5) The percentage that the net debt bears to said true valuation".

Sec. 2. Subdivision (5) of subsection (b) of said Section 160-383 is hereby amended to read as follows:

"(b) The ordinance shall not be passed unless it appears from said statement that the said net debt does not exceed ___ per centum (____%) of said true valuation, unless the bonds to be issued under the ordinance are to be funding or refunding bonds, or are bonds for water, gas, electric light or power purposes, or two or more of said purposes or are bonds for sanitary sewers, sewage disposal or sewage purification plants, the construction of which shall have been ordered by the Board of Water and Air Resources, which Board is hereby authorized to make such order, or by a court of competent jurisdiction or are bonds for erosion control purposes or are bonds for erecting jetties or other protective works to prevent encroachment by the ocean, sounds or other bodies of water."

Sec. 3. Nothing in this Act shall be deemed to affect the validity of any bond ordinance adopted prior to the effective date of this Act or the power of a municipali-
ty to proceed with the calling and holding of an election thereon or the issuance of bonds or bond anticipation notes pursuant thereto.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed; provided, however, that nothing in this Act shall limit the power of a municipality to adopt a bond ordinance in accordance with the provisions of any applicable special or local act relating to a limitation on indebtedness notwithstanding that such ordinance could not be adopted under the limitation on indebtedness provided by this Act.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. B. 746

CHAPTER 996

AN ACT TO AMEND SECTIONS 153-83, 153-84, 153-86 AND 153-87 OF THE GENERAL STATUTES, BEING A PART OF THE COUNTY FINANCE ACT, CONCERNING THE LIMITATIONS ON THE INCURRING OF DEBT.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (1) of Section 153-83 of Article 9 of Chapter 153 of the General Statutes of North Carolina, the same being a part of The County Finance Act, as amended, is hereby amended to read as follows:

"(1) The true valuation of taxable property in the county, consisting of

(i) the true value of real and personal property last used in fixing the assessed valuation of property for county taxation

and

(ii) the true value of property subject to taxation under the provisions of Article 26 of Chapter 105 of the General Statutes, as it may be amended from time to time, as last determined by the State Board of Assessment."

and subdivision (10) of said Section 153-83 is hereby amended to read as follows:

"(10) The percentage that the net school debt bears to said true valuation."

Sec. 2. Subdivision (1) of Section 153-84 of said Article 9 of Chapter 153 is hereby amended to read as follows:

"(1) The true valuation of taxable property in the county, consisting of

(i) the true value of real and personal property last used in fixing the assessed valuation of property for county taxation

and

(ii) the true value of property subject to taxation under the provisions of Article 26 of Chapter 105 of the General Statutes of North Carolina, as it may be amended from time to time, as last determined by the State Board of Assessment."

and subdivision (10) of said Section 153-84 is hereby amended to read as follows:

"(10) The percentage that the net debt for other than school purposes bears to said true valuation."

Sec. 3. The last sentence of Section 153-86 of said Article 9 of Chapter 153 is hereby amended to read as follows:

"In connection with the publication of the order, and immediately below the same, the clerk shall publish a statement signed by him with blanks properly filled in substantially the following form:
The foregoing order has been introduced and a sworn statement has been filed under The County Finance Act showing the true valuation of taxable property in the county to be $____________ and the net debt for school purposes (substitute net debt for other than school purposes if the proposed bonds are for other than school purposes) including the proposed bonds, to be $____________. A tax will be levied for the payment of the proposed bonds and interest, if the same shall be issued. Any citizen or taxpayer may protest against the issuance of such bonds at a meeting of the board of county commissioners to be held at ______ o'clock A.M. ______, 19__ or an adjournment thereof.

Clerk of Board of Commissioners:*

Sec. 4. Section 153-87 of said Article 9 of Chapter 153 is hereby amended to read as follows:

"On the day so fixed for the public hearing, but not earlier than ten days after the first publication of the order, the governing body shall hear any and all citizens and taxpayers who may desire to protest against the issuance of the bonds, but such hearing may be adjourned from time to time. After such hearing, the governing body may pass the order in the form of its introduction, or in an amended form but the amount of bonds to be issued shall not be increased by such amendment, nor the purpose of issuance substantially changed, without due notice and hearing as above required. Provided, however, that no order for the issuance of school bonds shall be passed unless it appears from said sworn statement that the net school indebtedness does not exceed ___ per centum (___%) of said true valuation, unless the bonds to be issued are funding or refunding bonds; and no order shall be passed for the issuance of bonds other than school bonds unless it appears from said sworn statement that the net indebtedness for other than school purposes does not exceed ___ per centum (___%) of said true valuation, unless the bonds to be issued are funding or refunding bonds. No order for the issuance of bonds for the purchase of voting machines may be passed if the amount of the bonds authorized thereby is in excess of two hundred thousand dollars ($200,000.00), and such bonds shall not be exempt from the foregoing limitation of net indebtedness for other than school purposes."

Sec. 5. Nothing in this Act shall be deemed to affect the validity of any bond order introduced prior to the effective date of this Act or the power of a county to proceed with the final passage of such order or the calling and holding of an election thereon or the issuance of bonds or bond anticipation notes pursuant thereto.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed; provided, however, that nothing in this Act shall limit the power of a county to pass a bond order in accordance with the provisions of any applicable special or local act relating to a limitation on indebtedness notwithstanding that such order could not be passed under the limitation on indebtedness provided by this Act.

Sec. 7. This Act shall be in full force and effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
S. B. 798

CHAPTER 997

AN ACT TO AMEND CHAPTER 505 OF THE 1969 SESSION LAWS TO CORRECT THE REDEFINING OF THE CORPORATE LIMITS OF THE TOWN OF BETH-EL IN PITTI COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 450 of the 1961 Session Laws and Chapter 505 of the 1969 Session Laws are hereby amended by deleting the metes and bounds description contained therein, and inserting in lieu thereof a new description of the corporate limits of the Town of Bethel to read as follows:

Beginning at a stake in western right-of-way line of N. C. Highway #11, said stake being located 150 feet northwardly from the intersection of the northern right-of-way line of Harper Drive with the western right-of-way line of N. C. Highway #11; thence with the western line of N. C. Highway #11; S. 2 degrees 00 minutes W., 300 feet; thence N. 81 degrees 30 minutes E., 210 feet to an iron stake by a fence; thence S. 3 degrees W., 1,172 feet to an iron stake; thence S. 87 degrees E., 432 feet to an iron stake; thence S. 3 degrees W., 967 feet to an iron stake; thence S. 12 degrees E., 235 feet to an iron stake; thence S. 20 degrees 15 minutes E., 453 feet to a point in the center line of the Atlantic Coast Line Railroad track; thence S. 7 degrees W., 700 feet to a point in the center of the Bethel-Robersonville road; thence continuing S. 7 degrees W., 1,736 feet to an iron stake; thence S. 8 degrees 30 minutes W., 296 feet to an iron stake on the south side of the Flat Swamp road; thence continuing S. 8 degrees 30 minutes W., 558.6 feet to an iron stake; thence S. 6 degrees 30 minutes W., 176.5 feet to an iron stake; thence S. 8 degrees 30 minutes W., 461.27 to the center of the VEPCO primary power transmission line; thence with the center of the VEPCO power line S. 78 degrees 27 minutes W., 2,497.15 feet to a hedge-row dividing the Bount and Carson properties; thence with the Bount-Carson line N. 3 degrees 35 minutes E., 880.7 to the center of N. C. Secondary Road No. 1430; thence with said road N. 74 degrees 52 minutes W., 165.0 feet; thence N. 29 degrees 12 minutes W., 1,718.45 feet; thence parallel and 150 feet westerly from the western right-of-way line of Norfolk Street N. 31 degrees 54 minutes E., 586.24 feet; thence N. 25 degrees 30 minutes W., 563.41 feet; thence N. 24 degrees 10 minutes W., 629 feet crossing U. S. Highway #64 and South Railroad Street to a point in the center of the Atlantic Coast Line Railroad leading to Tarboro; thence along and with the eastern side of ditch N. 7 degrees 30 minutes W., 495 feet to an iron stake; thence N. 72 degrees E., 715 feet; thence parallel and 150 feet westerly from the western right-of-way line of Robinson Street N. 6 degrees 30 minutes E., 2,400 feet more or less to the southern right-of-way line of Hammond Ave.; thence with the southern line of Hammond Ave., S. 84 degrees 00 minutes E., 720 feet more or less to the western right-of-way line of West Lane; thence with the western right-of-way line of West Lane N. 2 degrees 00 minutes E., 200 feet; thence S. 84 degrees 00 minutes E., 550 feet; thence N. 2 degrees 00 minutes E., 400 feet; thence S. 87 degrees 45 minutes E., 1,108 feet to the beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
H. B. 399

CHAPTER 998

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES SO AS TO CREATE A PRESUMPTION OF KNOWLEDGE OF THE AGE OF A PURCHASER OF MALT BEVERAGES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 18 of the General Statutes is hereby amended by adding a new section to be codified as G. S. 18-78.2 and to read as follows:

G. S. 18-78.2. Presumption of knowledge of age of purchaser. Whenever a sale of beverages as defined in Sec. 18-64 is made to a person under the age of eighteen (18) years, it shall be prima facie evidence that the person making the sale had knowledge that the purchaser was under the age of eighteen (18) years. Such prima facie evidence may be rebutted by showing that the purchaser produced for inspection a drivers license, selective service card, school identification card, or military identification card showing the age of the purchaser to be eighteen (18) years or more and the description of the physical appearance of the person on the identification card reasonably describes the purchaser. In the absence of such identification, the prima facie evidence of knowledge of age may be rebutted by the vendor by other evidence which reasonably indicated at the time of sale that the purchaser was eighteen (18) years of age or more.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 965

CHAPTER 999

AN ACT TO REGULATE THE PRACTICE OF FITTING AND SELLING HEARING AIDS.

The General Assembly of North Carolina do enact:

Section 1. The General Statutes of North Carolina are hereby amended by inserting therein immediately following Chapter 93C of the General Statutes a new Chapter 93D to read as follows:

"CHAPTER 93D

"NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD

G. S. 93D-1. Definitions. For the purposes of this Act: (1) "Board" shall mean the North Carolina State Hearing Aid Dealers and Fitters Board.

(2) "Hearing aid" shall mean any instrument or device designed for or represented as aiding, improving or compensating for defective human hearing and any parts, attachments or accessories of such an instrument or device.

(3) "Fitting and selling hearing aids" shall mean the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by other means and the consequent selection or adaptation or sale or rental of hearing aids intended to compensate for hearing loss including the making of an impression of the ear.

G. S. 93D-2. Fitting and Selling Without License Unlawful. It shall be unlawful for any person to fit or sell hearing aids unless he has first obtained a License
or Apprentice License from the North Carolina State Hearing Aid Dealers and Fitters Board.

G. S. 93D-3. North Carolina State Hearing Aid Dealers and Fitters Board; Composition Organization, Duties and Compensation. (a) Composition of the Board. There is hereby created a Board whose duty it shall be to carry out the purposes and enforce the provisions of this Chapter, and which shall be known as the "North Carolina State Hearing Aid Dealers and Fitters Board". The Board shall be composed of seven (7) members. Four (4) members who have been actively engaged in the fitting and selling of hearing aids for three (3) years shall be appointed by the Governor. These initial appointments are for the following terms: one for one year, one for two years, one for three years and one for four years. All subsequent appointments shall be for terms of four (4) years.

Two (2) members shall be appointed by the Governor from a list of four (4) physicians practicing in North Carolina, specializing in the field of Otolaryngology, which list shall be compiled by the Medical Society of North Carolina. These initial appointments shall be for terms of two years and four years respectively. All subsequent appointments shall be for terms of four (4) years.

One (1) member shall be appointed by the Governor from a list of two (2) audiologists residing in North Carolina, which list shall be compiled by the North Carolina Speech and Hearing Association. This initial appointment shall be for a term of three (3) years. All subsequent appointments shall be for a term of two (2) years.

Vacancies on the Board shall be filled by appointment of the Governor. Appointees shall serve the unexpired term of their predecessor in office and must be appointed from the same category, physician, or hearing aid dealer or audiologist, as their predecessor in office. The members of the Board, before entering their duties, shall respectively take all oaths taken and prescribed for other State officers, in the manner provided by law, which oaths shall be filed in the Office of the Secretary of State, and the Board shall have a common seal.

(b) Organization of the Board. The Board shall choose, at the first regular meeting and annually thereafter, one of its members to serve as president and one as secretary and treasurer. A majority of the Board shall constitute a quorum. The Board shall meet at least once a year, the time and place of the annual meeting and any special meetings to be designated by the president. The secretary and treasurer of the Board shall keep a full record of its proceedings, including a current list of all licensees, which shall at all reasonable times be open to public inspection.

(c) Duties of the Board. The Board shall: (1) authorize all disbursements necessary to carry out the provisions of this Chapter; (2) supervise and administer qualifying examinations to test and determine the knowledge and proficiency of applicants for Licenses; (3) issue Licenses to qualified persons who apply to the Board; (4) obtain audiometric equipment and facilities necessary to carry out the examination of applicants for Licenses; (5) suspend or revoke licenses and Apprentice Licenses pursuant to this Chapter; (6) make and publish rules and regulations (including a Code of Ethics) which are necessary and proper to regulate the fitting and selling of hearing aids and to carry out the provisions of this Chapter; (7) exercise jurisdiction over the hearing of complaints, charges of malpractice including corrupt or unprofessional conduct, and allegations of violations of the Board's rules or regulations, which are made against any fitter and seller of hearing aids in North Carolina; (8) require the periodic inspection and calibration of audiometric testing equipment.
of persons who are fitting and selling hearing aids; (9) in connection with any matter within the jurisdiction of the Board, summon and subpoena and examine witnesses under oath and to compel their attendance and the production of books, papers, or other documents or writings deemed by the Board to be necessary or material to the inquiry. Each summons or subpoena shall be issued under the hand of the secretary and treasurer or the president of the Board and shall have the force and effect of a summons or subpoena issued by a Court of record. Any witness who shall refuse or neglect to appear in obedience thereto or to testify or produce books, papers, or other documents or writings required shall be liable to contempt charges in the manner set forth in G. S. 150-17. The Board shall pay to any witness subpoenaed before it the fees and per diem as paid witnesses in civil actions in the Superior Court of the county where such hearing is held.

(d) Compensation of the Board; Surplus Funds. Out of the funds coming into the possession of said Board, each member thereof may receive as reimbursement for each day he is actually engaged in the assigned duties of his office, the sum of eight (8) cents per mile for travel plus the actual costs of meals and public lodging while away from home, which costs of meals and lodging may not exceed twenty dollars ($20.00) per day. Such expenses shall be paid from the fees and assessments received by the Board under the provisions of this Chapter. No part of these expenses or any other expenses of the Board, in any manner whatsoever, shall be paid out of the State treasury. All moneys received in excess of expense allowance and mileage, as above provided, shall be held by the secretary-treasurer as a special fund for meeting other expenses of the Board and carrying out the provisions of this Chapter.

The secretary-treasurer shall give a bond to the Board to be approved by the Board, in the sum of five thousand dollars ($5,000.00) conditioned upon the faithful performance of the duties of his office.

The Board shall make an annual report of its proceedings to the Governor on the first Monday in June of each year, which report shall contain an account of all moneys received and disbursed by the Board and a complete listing of names and addresses of all licensees. Copies of the report and list of licensees shall be filed in the Office of the State Auditor, the Secretary of State, and Attorney General.

G. S. 93D-4. Board may Enjoin Illegal Practices. The Board may, if it finds that any person is violating any of the provisions of this Chapter, apply to Superior Court for a temporary or permanent restraining order or injunction to restrain such persons from continuing such illegal practices. If upon application, it appears to the Court that such person has violated or is violating the provisions of this Chapter, the Court shall issue an order restraining the sale or fitting of hearing aids or other conduct in violation of this Chapter. All such actions by the Board for injunctive relief shall be governed by the Rules of Civil Procedure and Article 37, Chapter 1 of the General Statutes; provided, that injunctive relief may be granted regardless of whether criminal prosecution has been or may be instituted under the provisions of this Chapter.

G. S. 93D-5. Requirements for Registration; Examinations. (a) No person shall begin the fitting and selling of hearing aids in this State after the effective date of this Chapter until he is issued a License or Apprentice License by the Board. Except as hereinafter provided, each applicant for a License shall pay a fee of fifty dollars ($50.00) and shall show to the satisfaction of the Board that he; (1) is a
person of good moral character, (2) is twenty-one (21) years of age or older, provided that, a person who has reached the age of nineteen (19) years or more may be awarded an Apprentice License, (3) has an education equivalent to a four-year course in an accredited high school, (4) is free of contagious or infectious disease.

(b) Except as hereinafter provided, no License shall be issued to a person until he has successfully passed a qualifying examination administered by the Board.

G. S. 93D-6. Persons Selling in other Jurisdictions. Whenever the Board determines that another state or jurisdiction has requirements at least equivalent to those in effect pursuant to this Chapter for the fitting and selling of hearing aids, and that such state or jurisdiction has a program at least equivalent to the program for determining whether applicants pursuant to this Article are qualified to sell and fit hearing aids, the Board may issue, but is not compelled to issue, licenses to applicants therefor who hold current, unsuspended and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicant shall be required to any examination or procedure required by G. S. 93D-5, except that he shall pay a fee of fifty dollars ($50.00) to the Board upon application. Such applicant must have one full year of experience satisfactory to the Board before issuance of the License.

G. S. 93D-7. Persons Engaged in the Fitting and Selling of Hearing Aids Before the Passage of this Act. Every person engaged in fitting and selling hearing aids upon the effective date of this Act shall be issued a License by the Board, upon presentation of evidence satisfactory to the Board that he is a person of good moral character, is twenty-one (21) years of age or older, and has been engaged in fitting and selling hearing aids in this State for at least two years prior to the effective date of this Act, provided such person pays a fee of fifty ($50.00) dollars for the issuance of a License by the Board; and provided he makes application to the Board for such License within sixty (60) days after the effective date of this Act. Upon payment of an additional five ($5.00) dollars, a License Certificate shall be issued.

G. S. 93D-8. Examination of Applicants: Issue of License Certificate. (a) Every applicant for a License who is notified by the Board that he has fulfilled the requirements of G.S. 93D-5 (a) excepting those making application pursuant to G.S. 93D-6 and G.S. 93D-7, shall appear at a time, place and before such persons as the Board may designate, to be examined by written and practical tests in order to demonstrate that he is qualified for the fitting and selling of hearing aids. The Board shall give one examination of the type prescribed herein each year at a duly prescribed time and place, which shall be publicized for at least ninety (90) days in advance. Additional examinations may be given at the discretion of the Board. The examination provided in this Section shall not include questions requiring a medical or surgical education but shall consist of:

1) Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:
(a) the basic physics of sound, (b) the human hearing mechanism, including the science of hearing and the cause and rehabilitation of abnormal hearing and hearing disorders, and (c) the structure and function of hearing aids.
2) Tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:
(a) pure tone audiometry, including air conduction testing and bone conduction testing, (b) live voice and recorded voice speech audiometry, including speech
receives threshold testing and speech discrimination testing, (c) effective masking, (d) recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy, (e) selection and adaptation of hearing aids and testing of hearing aids, (f) taking earmold impressions, and (g) such other skills as may be required for the fitting of hearing aids in the opinion of the Board.

(b) Upon payment of five dollars ($5.00) the Board shall issue a License Certificate to each applicant who successfully passes the examination.


(a) Any applicant who has fulfilled the requirements of G.S. 93D-5 (a) may apply to the Board for an Apprenticeship License.

(b) Upon receiving an application as provided under G.S. 93D-5 (a) accompanied by a fee of five dollars ($5.00), the Board may issue an Apprenticeship License which shall entitle the applicant to fit and sell hearing aids under the supervision of a holder of a regular License.

(c) No Apprenticeship License shall be issued by the Board under this Section unless the applicant shows to the satisfaction of the Board that he is or will be supervised and trained by a hearing aid fitter and seller who holds a License.

(d) If a person twenty-one (21) years of age or older who holds an Apprenticeship License issued under this Section does not take the next succeeding examination given after a minimum of one full year of apprenticeship, his Apprenticeship License shall not be renewed, except for good cause shown to the satisfaction of the Board.

(e) If a person who holds an Apprenticeship License takes and fails to pass the next succeeding examination given after one full year of apprenticeship, the Board may renew the Apprenticeship License for a period of time to end thirty (30) days after the results of the examination given next after the date of renewal of said Apprenticeship License. In no event shall more than one renewal of Apprenticeship License or two examinations for License be permitted. The fee for Apprenticeship license renewal shall be twenty-five dollars ($25.00).

(f) The Apprenticeship License may be revoked for cause as determined by the Board in its discretion.

G.S. 93D-10. Registration and Notice.

The Board shall register each person to whom it grants a License or Apprentice License. The Secretary-Treasurer of the Board shall keep a record of the place of business of all Licensees and Apprentice Licensees. Any notice required to be given by the Board to a person holding a License or Apprentice License may be given by mailing to him at the last address received by the Board from him.

G.S. 93D-11. Annual Fees; Failure to Pay; Expiration of License.

Every person who engages in the fitting and selling of hearing aids shall pay to the Board an annual license renewal fee of twenty five dollars ($25.00). Such payment shall be made prior to the first day of April in each year. In case of default in payment the License shall expire 30 days after notice by the Secretary-Treasurer to the last known address of the licensee by registered mail. The Board may reinstate an expired license upon the showing of good cause for late payment of fees, upon payment of said fees within 60 days after expiration of the License, and
CHAPTER 999  
SESSION LAWS—1969

upon the further payment of a late penalty of ten dollars ($10.00). After 60 days after the expiration date, the Board may reinstate the License for good cause shown upon application for reinstatement and payment of the late penalty of ten dollars ($10.00) and renewal fee.

G. S. 93D-12. License to be Displayed at Office.

Every person to whom a License or Apprentice License is granted shall display the same in a conspicuous part of his office wherein the fitting and selling of hearing aids is conducted, or shall have a copy of such License or Apprentice License on his person and exhibit the same upon request when fitting or selling hearing aids outside of his office.


(a) The Board may in its discretion administer the punishment of private reprimand, suspension of License or Apprentice License for a fixed period or revocation of License or apprentice License as the case may warrant in their judgment for any violation of the rules and regulations of the Board or for any of the following causes: (1) habitual drunkenness (2) gross incompetence (3) knowingly fitting and selling hearing aids while suffering with a contagious or infectious disease (4) commission of a criminal offense indicating professional unfitness (5) the use of a false name or alias in his business (6) conduct involving willful deceit (7) conduct involving fraud or any other business conduct involving moral turpitude (8) advertising of a character or nature tending to deceive or mislead the public, (9) advertising declared to be unethical by the Board or prohibited by the Code of Ethics established by the Board, (10) permitting another person to use his License or Apprentice License, and

(a) for violating any of the provisions of this Chapter.

(b) Board action in revoking or suspending a License shall be in accordance with the provisions of G.S. 150-9 through 150-34. Any person whose License has been suspended for any of the grounds or reasons herein set forth, may, after the expiration of ninety days but within two years, apply to the Board to have the same reissued; upon a showing satisfactory to the Board that such reissuance will not endanger the public health and welfare, the Board may reissue a License to such person for a fee of fifty dollars ($50.00) plus five dollars ($5.00) for a certificate of License. If application is made subsequent to two years from date of suspension, reissuance shall be in accordance with the provisions of G.S. 93D-8.


This Chapter shall not prevent any person from engaging in the measuring of human hearing for the purpose of selection of hearing aids, provided such person or organization employing such person does not sell hearing aids or accessories thereto, nor shall this Chapter apply to any physician licensed to practice medicine or surgery in the State of North Carolina. Nothing in this Chapter shall permit a licensee hereunder to perform any practices or services set forth in Article 17 of Chapter 90 of the General Statutes of North Carolina.

G.S. 93D-15. Violation of Article Forbidden.

Any person who violates any of the provisions of this Chapter and any person who holds himself out to the public as a fitter and seller of hearing aids without
having first obtained a License or Apprentice License as provided for herein, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000.00) nor less than five hundred dollars ($500.00) or imprisonment for not more than six months, or both, in the discretion of the Court.


If any provision of the Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or the application of the Act which can be given effect without the invalid provisions. To this end, the provisions of this Act are declared to be severable."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ninety (90) days from its ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1969.

H. B. 1165

CHAPTER 1000

AN ACT TO EXEMPT NON-PROFIT ORGANIZATION ACTIVITY BUS DRIVERS FROM THE CHAUFFEUR’S LICENSE REQUIREMENT AND TO RESTRICT THE SPEED OF SUCH BUSES TO 45 MPH WHEN LOADED.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 2 of G. S. 20-6 as the same appears in the 1965 Replacement Volume 1C of the North Carolina General Statutes is hereby amended on line 7 of the second paragraph by deleting all of paragraph 2 following the word "capacity" and inserting in lieu thereof the following words: "except the driver of a church bus, farm bus, school bus or an activity bus for a non-profit organization when such bus is being operated for a non-profit purpose, who holds a valid operator's license." Those under twenty (20) years of age must be certified and licensed to operate a North Carolina school bus.

Sec. 2. Article 7 of Chapter 20, North Carolina General Statutes, as the same appears in the 1965 Replacement Volume 1C is hereby amended by adding a new Section thereto to be numbered 20-218.2 and to read as follows:

"G. S. 20-218.2. It shall be unlawful for any person to operate an activity bus for a non-profit organization for a non-profit purpose which is being used for transportation of persons in connection with non-profit activities in excess of 45 miles per hour.

Any person violating paragraph 1 of this Section shall, upon conviction, be fined not more than fifty dollars ($50.00) or imprisoned for not more than thirty (30) days."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
CHAPTER 1001

H. B. 1213

CHAPTER 1001

AN ACT MAKING THE ONE YEAR STATUTE OF LIMITATIONS APPLY TO ACTIONS FOR SLANDER.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1, Section 55 of the General Statutes of North Carolina is hereby amended by striking the words "1. For slander."; and striking from line 3 the figure "2" and inserting in lieu thereof the figure "1" and striking from line 8 thereof the figure "3" and inserting in lieu thereof the figure "2".

Sec. 2. Chapter 1, Section 54 of the General Statutes of North Carolina is hereby amended by inserting on line 6, in paragraph 3 after the word "libel" and before the word "assault" the word "slander" and inserting after the word "slander" and before the word "assault" a comma.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification but shall apply only to causes of action accruing on or after ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1262

CHAPTER 1002

AN ACT TO AMEND CHAPTER 192 OF THE SESSION LAWS TO CORRECT A TYPOGRAPHICAL ERROR.

The General Assembly of North Carolina do enact:

Section 1. The third sentence of Section 3 of Chapter 192 of the 1969 Session Laws is hereby deleted in order to correct a typographical error and the following is inserted:

"Such appeal shall be based and heard only upon the exceptions filed thereto in writing by the appealing party, either as to issues of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal. All of the terms and provisions of G.S. 156-75 shall apply to the appeal."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 55

CHAPTER 1003

AN ACT REMOVING COUNTY EXEMPTIONS FROM CERTAIN GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(35 1/2) and 153-9(35 3/4) are repealed and a new subdivision inserted in lieu thereof as follows:

"(35 1/2). To Promote Soil and Water Conservation Work. To cooperate with the National Soil Conservation Service and the State Soil and Water Conservation Agencies and districts to promote soil and water conservation work, and to appropriate tax or nontax revenues for such purposes. The special approval of the General Assembly is hereby given for the levy of special taxes for such purposes."
Sec. 2. The last paragraph of G. S. 153-9(43) is repealed.
Sec. 3. G. S. 153-10 is repealed.
Sec. 4. The last paragraph of G. S. 153-10.1 is repealed.
Sec. 5. G. S. 160-61.1(c) is repealed.
Sec. 6. The last sentence and the provisos applicable to Lincoln and Catawba Counties of G. S. 153-152 are repealed.
Sec. 7. The last paragraph of G. S. 153-9(47) is repealed.
Sec. 8. G. S. 154-3 is repealed.
Sec. 9. G. S. 160-181.10 is repealed.
Sec. 10. All laws and clauses of laws in conflict with this Act are repealed.
Sec. 11. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 327

CHAPTER 1004

AN ACT TO AMEND ARTICLE VI OF THE NORTH CAROLINA CONSTITUTION RELATING TO THE QUALIFICATION OF INDIVIDUALS TO REGISTER AND VOTE IN ELECTIONS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of North Carolina, as revised and amended pursuant to An Act to Revise and Amend the Constitution of North Carolina, H. B. 231, enacted as Chapter 153 of the Session Laws of 1969, is amended by striking therefrom all of Article VI, Sec. 4, and by renumbering Secs. 5 through 10 of that Article as Secs. 4 through 9.

Sec. 2. The Constitution of North Carolina, as that document read on January 1, 1969, is amended by striking therefrom all of Article VI, Sec. 4, and by renumbering Secs. 5 through 9 as Secs. 4 through 8.

Sec. 3. The amendment set out in Sections 1 and 2 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing elections in this State.

Sec. 4. At that election, each qualified voter presenting himself to vote shall be provided a ballot on which shall be printed the following:

"[ ] FOR constitutional amendment abolishing literacy requirement for voting."
"[ ] AGAINST constitutional amendment abolishing literacy requirement for voting."

Those qualified voters favoring the amendment set out in Sections 1 and 2 of this Act shall vote by marking an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by making an X or a check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this Section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 5. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the revision and amendment submitted to the qualified voters by An Act to Revise and Amend the Constitution of North Carolina are in favor of that revision and amendment, then the Governor shall certify the amendment set out in Section 1 of this Act under the Great Seal of the State to the Secretary of State, who shall enroll

1149
that amendment so certified among the permanent records of his office, and that amendment shall take effect as an amendment to the revised and amended Constitution of North Carolina on July 1 next after its ratification by the qualified voters.

Sec. 6. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the revision and amendment submitted to the qualified voters by an Act to Revise and Amend the Constitution of North Carolina are against that revision and amendment, then the Governor shall certify the amendment set out in Section 2 of this Act under the Great Seal of the State to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and that amendment shall take effect as an amendment to the present Constitution of North Carolina on July 1 next after its ratification by the qualified voters.

Sec. 7. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, then G. S. 163-58 and all other statutes requiring that a person be able to read and write as a condition for registration or voting are repealed, effective July 1 next after the ratification of the amendment by the qualified voters.

Sec. 8. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1041

CHAPTER 1005

AN ACT PERMITTING A SURETY TO SURRENDER HIS PRINCIPAL WHEN SENTENCE IS SUSPENDED ON CONDITION OR THE PRINCIPAL IS OTHERWISE SUBJECT TO THE CONTINUED JURISDICTION AND SUPERVISION OF THE COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 15-122 of the General Statutes of North Carolina is amended by adding a new paragraph to the end thereof as follows:

"If upon conviction of the principal, the court shall continue prayer for judgment, impose a sentence suspended upon condition that the principal perform or refrain from performing any act, suspend sentence and place the principal on probation, or impose any other judgment or sentence which subjects the principal to the continued jurisdiction and supervision of the court, the surety may surrender the principal to the court and shall thereupon be released from all obligation under the recognizance. Upon surrender of the principal in such instance, the principal may give new bail as provided in G. S. 15-123 for the faithful performance of the conditions of the judgment or sentence."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
AN ACT AMENDING G. S. 65-36 AND G. S. 58-228 RELATING TO THE FUNDS ASSESSED PERPETUAL CARE CEMETERIES AND MUTUAL BURIAL ASSOCIATIONS FOR THE OPERATION OF THE OFFICE OF THE STATE BURIAL COMMISSIONER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 65-36, as the same appears in the 1967 Cumulative Supplement to Volume 2C of the General Statutes, is amended by striking "fourteen thousand dollars ($14,000.00)", in line 10 thereof, and by inserting in lieu thereof the words and figures "seventeen thousand dollars ($17,000.00)".

Sec. 2. G. S. 58-228, as the same appears in the 1967 Cumulative Supplement to Volume 2B of the General Statutes, is amended by striking "fifty-six thousand dollars ($56,000.00)", in lines 8 and 9 thereof, and by inserting in lieu thereof the words and figures "sixty-eight thousand dollars ($68,000.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

AN ACT AMENDING ARTICLE 15, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF UNFIT DWELLINGS.

The General Assembly of North Carolina do enact:

Section 1. That Sections 160-184 (3) and (4) of the General Statutes of North Carolina be, and they hereby are, revised and amended to hereafter read as follows:

(3) That if, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order,

a. If the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate, close and demolish such dwelling; or

b. If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate, close or demolish the dwelling, the public officer may cause such dwelling to be repaired, altered or improved or to be vacated, closed or demolished; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building
is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Sec. 2. This Act shall apply only to the Town of Fairmont in Robeson County.
Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1203

CHAPTER 1008

AN ACT TO AMEND G. S. 39-13.1 REGARDING THE VALIDATION OF CERTAIN DEEDS, ETC., EXECUTED BY MARRIED WOMEN WITHOUT PRIVATE EXAMINATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 39-13.1 is hereby amended by designating the present paragraph as Subsection (a) and by adding Subsection (b) as follows:

"(b) Any deed, contract, conveyance, lease or other instrument executed prior to February 7, 1945, which is in all other respects regular except for the failure to take the private examination of a married woman who is a party to such deed, contract, conveyance, lease or other instrument is hereby validated and confirmed to the same extent as if such private examination had been taken, provided that this Section shall not apply to any instruments now involved in any pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon ratification except that this Act shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1207

CHAPTER 1009

AN ACT RELATING TO INSURANCE DEPARTMENT INVESTIGATORS AND PROVIDING GENERAL POWER OF ARREST FOR SUCH INVESTIGATORS IN CONNECTION WITH VIOLATIONS OF INSURANCE LAWS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-9.2 is hereby amended as follows:

1. By inserting immediately after the word and punctuation "deputies," and immediately before the word "actuaries" in line 3 thereof the word and punctuation "investigators."

2. By inserting immediately after the period on line 4 and before the word "All" the following sentence: "If the Commissioner or any investigator appointed to conduct such investigations is of the opinion that there is evidence to charge any person or persons with a criminal violation of the insurance laws he may arrest with warrant or cause such person or persons to be arrested."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective upon ratification.
In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1214  CHAPTER 1010

AN ACT REMOVING COUNTY EXEMPTIONS FROM CERTAIN GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-294.19 is hereby repealed.
Sec. 2. G. S. 153-266.9 is repealed.
Sec. 3. G. S. 153-266.22 is repealed.
Sec. 4. The last paragraph of G. S. 153-9(52) is repealed.
Sec. 5. The last sentence and the proviso of G. S. 160-181.2 are repealed.
Sec. 6. G. S. 160-227.1 is repealed.
Sec. 7. All laws and clauses of laws in conflict with this Act are repealed.
Sec. 8. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1266  CHAPTER 1011

AN ACT TO AMEND G. S. 116-44.1 TO AUTHORIZE LOWER SPEED LIMITS ON STREETS ON UNIVERSITY CAMPUSES WHERE HAZARDOUS CONDITIONS EXIST AND TO PROVIDE FOR REMOVAL OF UNATTENDED VEHICLES FOUND IN VIOLATION OF TRAFFIC REGULATIONS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 116-44.1 as the same appears in the 1966 Replacement Volume 3A of the General Statutes is amended by inserting after the word "necessary" appearing in line 6 thereof the following proviso:

"Provided, however, that, based upon a traffic and engineering investigation, the Board of Trustees may determine and fix speed limits on streets and highways subject to such rules, regulations and ordinances lower than those provided in G. S. 20-141, and the Board of Trustees may make reasonable provisions for the towing or removal of unattended vehicles found to be in violation of other rules, regulations and ordinances."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1270  CHAPTER 1012

AN ACT TO AMEND THE PUNISHMENT FOR SITTING OR LYING UPON HIGHWAYS OR STREETS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-174.1 is hereby amended by striking from line 4 thereof the following: "fine or imprisonment, or both, in the discretion of the court", and
adding in lieu thereof: "a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six (6) months, or both, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 164

CHAPTER 1013

AN ACT TO PROVIDE LEGAL REPRESENTATION FOR INDIGENT PERSONS,
TO STRENGTHEN THE ASSIGNED COUNSEL SYSTEM, TO ESTABLISH A
PUBLIC DEFENDER IN CERTAIN JUDICIAL DISTRICTS, AND FOR OTHER
RELATED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. Chapter 7A, Judicial Department, is amended by adding at the end thereof the following new subchapter:

"Subchapter IX. Representation of Indigent Persons.

Article 36. Entitlement of Indigent Persons Generally.

Sec. 7A-500. Indigency; definition; entitlement; determination.

(a) An indigent person is a person who is financially unable to secure legal representation and to provide all other necessary expenses of representation in an action or proceeding enumerated in this subchapter.

(b) Whenever a person, under the standards and procedures set out in this subchapter, is determined to be an indigent person entitled to counsel, it is the responsibility of the State to provide him with counsel and the other necessary expenses of representation. The professional relationship of counsel so provided to the indigent person he represents is the same as if counsel had been privately retained by the indigent person.

(c) The question of indigency may be determined or redetermined by the court at any stage of the action or proceeding at which an indigent is entitled to representation.

Sec. 7A-501. Scope of entitlement. (a) An indigent person is entitled to services of counsel in the following actions and proceedings:

(1) any felony case, and any misdemeanor case for which the authorized punishment exceeds six months imprisonment or a fine not exceeding five hundred dollars ($500.00);

(2) a hearing on a petition for a writ of habeas corpus under Chapter 17 of the General Statutes;

(3) a post-conviction proceeding under Chapter 15 of the General Statutes;

(4) a hearing for revocation of probation, if counsel was provided at trial or if confinement of more than six months is possible as a result of the hearing;

(5) a hearing in which extradition to another state is sought;

(6) a proceeding for judicial hospitalization under Chapter 122, Article 11 (Mentally Ill Criminals), of the General Statutes;

(7) a civil arrest and bail proceeding under Chapter 1, Article 34, of the General Statutes; and

(8) in the case of a juvenile, a hearing as a result of which commitment to an institution or transfer to the Superior Court for trial on a felony charge is possible.
(b) In each of the actions and proceedings enumerated in subsection (a) of this Section, entitlement to the services of counsel begins as soon as feasible after the indigent is taken into custody or service is made upon him of the charge, petition, notice or other initiating process. Entitlement continues through any critical stage of the action or proceeding, including, if applicable:

(1) an in-custody interrogation;
(2) a pre-trial identification procedure at which the presence of the indigent is required;
(3) a hearing for the reduction of bail, or to fix bail if bail has been earlier denied;
(4) a preliminary hearing;
(5) trial and sentencing; and
(6) direct review of any judgment or decree, including review by the United States Supreme Court of final judgments or decrees rendered by the highest court of North Carolina in which decision may be had.

Sec. 7A-502. Source of counsel; fees; appellate records.

(a) Counsel for an indigent person shall be assigned by the court. In those districts which have a public defender, however, the public defender may tentatively assign himself or an assistant public defender to represent an indigent person, subject to subsequent approval by the court.

(b) Fees of assigned counsel and salaries and other operating expenses of the offices of the public defenders shall be borne by the State.

(c) In a county in which the district court has not yet been established, when an appeal is taken by an indigent person, the county shall make available a trial transcript and any other records required for adequate appellate review.

Sec. 7A-503. Duty of custodian of a possibly indigent person; determination of indigency.

(a) In districts which have a public defender, the authority having custody of a person who is without counsel for more than 48 hours after being taken into custody shall so inform the public defender. The public defender shall make a preliminary determination as to the person’s entitlement to his services, and proceed accordingly. The court shall make the final determination.

(b) In districts which do not have a public defender, the authority having custody of a person who is without counsel for more than 48 hours after being taken into custody shall so inform the clerk of superior court. The clerk shall make a preliminary determination as to the person’s entitlement to counsel and so inform any district or superior court judge holding court in the county. The judge so informed may assign counsel. The court shall make the final determination.

(c) In any district, if a defendant, upon being taken into custody, states that he is indigent and desires counsel, the authority having custody shall immediately inform the defender or the clerk of superior court, as the case may be, who shall take action as provided in this Section.

(d) The duties imposed by this Section upon authorities having custody of persons who may be indigent are in addition to the duties imposed upon arresting officers under G.S. 15-47.

Sec. 7A-504. Supporting services. The court, in its discretion, may approve a fee for the service of an expert witness who testifies for an indigent person, and
shall approve reimbursement for the necessary expenses of counsel. Fees and expenses accrued under this Section shall be paid by the State.

Sec. 7A-505. Partial indigency; liens; acquittals.

(a) If, in the opinion of the court, an indigent person is financially able to pay a portion, but not all, of the value of the legal services rendered for him by assigned counsel or by the public defender, and other necessary expenses of representation, he shall order the partially indigent person to pay such portion to the clerk of superior court for transmission to the State treasury.

(b) In all cases the court shall fix the money value of services rendered by assigned counsel or the public defender, and such sum, to the extent not reimbursed to the State by the indigent person as provided in subsection (a), plus any sums allowed by the court for other necessary expenses of representing the indigent person, shall be entered as a judgment in the office of the clerk of superior court, and shall constitute a lien as prescribed by the general law of the State applicable to judgments. Funds collected by reason of any such judgment shall be deposited in the State Treasury.

(c) If the indigent person is not finally convicted, the foregoing provisions with respect to partial payments and liens shall not be applicable.

Sec. 7A-506. False statements; penalty. A false material statement made by a person under oath or affirmation in regard to the question of his indigency constitutes perjury, and upon conviction thereof, the defendant may be punished as provided in G. S. 14-209.

Sec. 7A-507. Waiver of counsel; pleas of guilty.

(a) An indigent person who has been informed of his rights under this subchapter may, in writing, waive any right granted by this subchapter, if the court finds of record that at the time of the waiver the indigent person acted with full awareness of his rights and of the consequences of a waiver. In making such a finding, the court shall consider, among other things, such matters as the person's age, education, familiarity with the English language, mental condition, and the complexity of the crime charged. A waiver shall not be allowed in a capital case.

(b) If an indigent person waives counsel as provided in subsection (a), and pleads guilty to any offense, the court shall inform him of the nature of the offense and the possible consequences of his plea, and as a condition of accepting the plea of guilty the court shall examine the person and shall ascertain that the plea was freely, understandably and voluntarily made, without undue influence, compulsion or duress, and without promise of leniency. An indigent person without counsel shall not be allowed to plead guilty to a capital offense.

Sec. 7A-508. Counsel fees. In districts which do not have a public defender, the court shall fix the fee to which an attorney who represents an indigent person is entitled. In doing so, the court shall allow a fee based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, the time, effort and responsibility involved, and the fee usually charged in similar cases. Fees shall be fixed by the district court judge for actions or proceedings finally determined in the district court and by the superior court judge for actions or proceedings originating in, heard on appeal in, or appealed from the superior court. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable.

Sec. 7A-509. Implementing regulations by State Bar Council. In districts which do not have a public defender, the North Carolina State Bar Council shall make
rules and regulations consistent with this Article relating to the manner and method of assigning counsel, the procedure for the determination of indigency, the waiver of counsel, the adoption and approval of plans by any district bar regarding the method of assignment of counsel among the licensed attorneys of the district, and such other matters as shall provide for the protection of the constitutional rights of all indigent persons and the reasonable allocation of responsibility for the representation of indigent persons among the licensed attorneys of this State. Such rules and regulations shall not become effective until certified to and approved by the Supreme Court of North Carolina.

ARTICLE 37. The Public Defender.

Sec. 7A-520. Public Defender; defender districts; qualifications, compensation. The office of public defender is established, effective January 1, 1970, in the following judicial districts: the twelfth and the eighteenth.

The public defender shall be an attorney licensed to practice law in North Carolina, and shall devote his full time to the duties of his office. The compensation of the defender is the same as that of a full-time district solicitor, and is paid by the State.

Sec. 7A-521. Selection of defender; term; removal. The Public defender shall be appointed by the Governor from a list of not less than two names and not more than three names nominated by written ballot of the attorneys resident in the district who are licensed to practice law in North Carolina. The balloting shall be conducted pursuant to regulations promulgated by the Administrative Office of the Courts. The term of office of the public defender is four years beginning January 1, 1970, and each fourth year thereafter.

A vacancy in the office of public defender is filled, in the same manner as the original appointment, for the unexpired term.

A public defender or assistant public defender may be suspended or removed from office, and reinstated, for the same causes and under the same procedures as are applicable to removal of a district court judge.

Sec. 7A-522. Assistant defenders; assigned counsel. Each public defender is entitled to at least one full-time assistant public defender, and to such additional assistants, full-time or part-time, as may be authorized by the Administrative Office of the Courts. Assistants are appointed by the public defender and serve at his pleasure. Compensation of assistants shall be as provided in the biennial budget appropriations act. Assistants shall perform such duties as may be assigned by the public defender.

A member of the district bar who consents to such service may be assigned by the public defender to represent an indigent person, and when so assigned is entitled to the services of the defender's office to the same extent as a full-time public defender. In assigning assistant defenders and members of the bar generally the defender shall consider the nature of the case and the skill of counsel, to the end that all indigent persons are adequately represented.

If a conflict of interests prohibits the public defender from representing an indigent person, or in unusual circumstances when, in the opinion of the court the proper administration of justice requires it, the court may assign any member of the district bar to represent an indigent person, and when so assigned, counsel is
entitled to the services of the defender's office to the same extent as counsel assigned by the public defender.

Members of the bar assigned by the defender or by the court are compensated in the same manner as assigned counsel are compensated in districts which do not have a public defender.

Sec. 7A-523. Investigative services. Each public defender is entitled to the services of one investigator, to be appointed by the defender to serve at his pleasure. The Administrative Officer of the Courts shall fix the compensation of each investigator, and may authorize additional investigators, full-time or part-time, upon a showing of need.

Sec. 7A-524. Support for office of defender. The Administrative Officer of the Courts shall procure office equipment and supplies for the public defender, and provide secretarial and library support from State funds appropriated to his office for this purpose.

Sec. 7A-525. Reports. The public defender shall keep appropriate records and make periodic reports, as requested, to the Administrative Office of the Courts on matters related to the operation of his office."

Sec. 2. G. S. 7A-300 is hereby amended as follows:

(a) By rewriting subsection (a)(2) as follows: "(2) Salaries and expenses of superior court judges, solicitors, assistant solicitors, public defenders, and assistant public defenders, and fees and expenses of counsel assigned to represent indigents under the provisions of Subchapter IX of this Chapter";

(b) By renumbering subsection (a) (8) as (a) (9) and inserting the following new subsection after subsection (a) (7): "(8) Briefs for counsel and transcripts and other records for adequate appellate review when an appeal is taken by an indigent person"; and

(c) By striking out the numeral "(7)" in line one of subsection (b) and inserting in lieu thereof the numeral "(8)".

Sec. 3. G. S. 7A-304 (a)(2) is hereby amended by adding the words "public defenders," after the word "prosecutors," and before the word "magistrates," in line ten.

Sec. 4. G. S. 7A-344 and G. S. 7A-345 are hereby renumbered G. S. 7A-345 and G. S. 7A-346, respectively, and the following new section is inserted after G. S. 7A-343:

"G. S. 7A-344. Special duties of Director concerning representation of indigent persons. In addition to the duties prescribed in G. S. 7A-343, the Director shall also:

(1) supervise and coordinate the operation of the laws and regulations concerning the assignment of legal counsel for indigent persons under Subchapter IX of this Chapter to the end that all indigent persons are adequately represented;

(2) advise and cooperate with the offices of the public defenders as needed to achieve maximum effectiveness in the discharge of the defender's responsibilities;

(3) collect data on the operation of the assigned counsel and the public defender systems, and make such recommendations to the General Assembly for improvement in the operation of these systems as appear to him to be appropriate; and

(4) accept and utilize federal or private funds, as available, to improve defense services for the indigent."

1158
Sec. 5. G. S. 7A-345 as herein renumbered to 7A-346 is amended by adding the words "public defenders," after the word "prosecutors," and before the word "magistrates," in line one.

Sec. 6. G. S. 15-5.2 is hereby amended as follows:

(a) By striking out the words "Session Laws 1963, Chapter 1080" in lines four and five and again in line eight, and inserting in lieu thereof in both places the words "Chapter 7A, subchapter IX"; and

(b) By adding a new paragraph, to read as follows: "This Section shall apply only in those counties in which there is not yet established a district court. This Section is repealed effective January 1, 1971."

Sec. 7. G. S. 15-181 is hereby rewritten to read as follows:

"G. S. 15-181. Defendant may appeal without security for costs. Whenever an indigent entitled to counsel under the provisions of Chapter 7A, subchapter IX, has been convicted in the Superior Court, he shall have the right to appeal without giving security for costs."

Sec. 8. G. S. 15-200.1 is hereby amended by striking out the sentence "The court, at the request of the defendant, shall grant a reasonable time for the defendant to prepare his defense." in lines seven and eight and inserting in lieu thereof the following: "The probationer shall be entitled to representation by counsel, including court-appointed counsel if he is indigent and had counsel at the trial or if more than six month's confinement is possible as a result of revocation of probation. He is also entitled to a reasonable time to prepare his defense."

Sec. 9. G. S. 15-219 is hereby amended by striking out everything after the first sentence and inserting in lieu thereof: "If the petitioner is an indigent person, the provisions of Chapter 7A, subchapter IX are applicable."

Sec. 10. G. S. 15-220 is hereby amended as follows:

(a) By inserting after the word "county" and before the word "to" in line four of the second paragraph the following words: "in counties which do not yet have district court."

(b) By adding at the end of paragraph two the following new sentence: "In counties in which a district court is established the State is liable for payment of the costs assessed in this paragraph."

Sec. 11. G. S. 15-222 is hereby amended by striking out all of the first paragraph after the first sentence and all of the second paragraph.

Sec. 12. G. S. 15-4.1, G. S. 15-5, G. S. 15-5.1, G. S. 15-5.3, G. S. 15-5.4 and all other laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 13. Partial invalidity. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
H. B. 1260

CHAPTER 1014

AN ACT TO REDUCE THE MAXIMUM PUNISHMENT FOR WORTHLESS CHECKS.

The General Assembly of North Carolina do enact:

G. S. 14-107 is hereby amended by deleting the period following the word "misdemeanor" in line 17 thereof, and adding the following: "and upon conviction shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding 6 months, or both, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1297

CHAPTER 1015

AN ACT TO AMEND G.S. 7-448 AND G.S. 7-449, RELATING TO MEMBERSHIP AND TERMS OF OFFICE ON THE JUDICIAL COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. G.S. 7-448, as the same appears in the 1967 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows: "A Judicial Council is hereby created which shall consist of the Chief Justice of the Supreme Court or some other member of that court designated by him, the Chief Judge of the Court of Appeals or some other member of that court designated by him, two judges of the Superior Court and one judge of the District Court designated by the Chief Justice, the Attorney General or some member of his staff designated by him, two Solicitors of the Superior Court designated by the Chief Justice, and ten additional members, two of whom shall be appointed by the GOVERNOR, two by the President of the Senate from among the members of the Senate, two by the Speaker of the House of Representatives from among the members of the House and four by the Council of the North Carolina State Bar. All appointive members of the Judicial Council shall be selected on the basis of their interest in and competency for the study of law reform. The four members to be appointed by the Council of the North Carolina State Bar shall be active practitioners in the trial and appellate courts."

Sec. 2. G.S. 7-449, as the same appears in the 1967 Cumulative Supplement to the General Statutes, is hereby amended by inserting a paragraph after paragraph number "1" to read as follows: "2. If he designates no other member of the Court of Appeals, the Chief Judge during his term of office."

Sec. 3. Paragraph "2" of G.S. 7-449, as it appears in the 1967 Cumulative Supplement to the General Statutes, is renumbered "3".

Sec. 4. Paragraph "3" of G.S. 7-449, as it appears in the 1967 Cumulative Supplement to the General Statutes, is renumbered "4".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

1160
H. B. 1295  CHAPTER 1016
AN ACT TO AMEND G. S. 40-38 RELATING TO COMPENSATION TO BE PAID A SPECIAL MASTER IN PUBLIC WORKS EMINENT DOMAIN PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 40-38 is hereby amended by striking out of the third sentence thereof the words "not exceed fifteen ($15.00) dollars per day plus travel and subsistence expenses" and inserting in lieu thereof the words "be fixed by the court".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1314  CHAPTER 1017
AN ACT AMENDING CHAPTER 358, SESSION LAWS OF 1969, RELATING TO SALARIES OF ELECTED COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. Sec. 153-48.2, as amended by Chapter 358, Session Laws of 1969, is amended by changing the semicolon at the end of paragraph (4) to a colon and inserting the following: "Provided, that nothing in this paragraph shall exclude elected officers from cost-of-living salary increments given to county officers and employees generally."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 185  CHAPTER 1018
AN ACT TO AMEND G. S. 18-51 SO AS TO PROHIBIT THE TRANSPORTATION OF ALCOHOLIC BEVERAGES IN VEHICLES FOR HIRE UNLESS SUCH BEVERAGES BELONG TO A PASSENGER THEREIN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-51(1) is hereby amended by adding a new paragraph at the end thereof to read as follows:

"It shall be unlawful for any person operating a for hire passenger vehicle as defined in G. S. 20-38(20)b to transport alcoholic beverages except when the vehicle is actually transporting a bona fide paying passenger who is the actual owner of the alcoholic beverages being transported, such alcoholic beverages owned and possessed by each passenger shall be transported in the manner and amount authorized by this Section, provided that the provisions of G. S. 20-16 (a)(8) shall not apply to a person convicted under this Act. Provided, that the transportation of up to one gallon of alcoholic beverages, as defined in G.S. 18-60, shall not be ground for confiscation of the motor vehicle."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

1161
CHAPTER 1018  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 985  CHAPTER 1019

AN ACT TO REVOKE ALL SCHOLARSHIPS AND GRANTS OF FUNDS FOR THE ASSISTANCE OF STUDENTS WHO ARE CONVICTED, ENTER A PLEA OF GUILTY OR NOLO CONTENDERÉ TO A CHARGE OF RIOT, INCITING A RIOT, TRESPASS OR THE SEIZURE OF THE BUILDINGS OR FACILITIES ON THE CAMPUSES OF STATE-SUPPORTED COLLEGES AND UNIVERSITIES.

The General Assembly of North Carolina do enact:

Section 1. Any student regularly registered and enrolled as an undergraduate, graduate, or professional student in a State-supported college, university or community college who shall be convicted, enter a plea of guilty or nolo contendere upon an indictment or charge for engaging in a riot, inciting a riot, unlawful demonstration or assembly, seizing or occupying a building or facility, sitting down in buildings they have seized, or lying down in entrances to buildings or any facilities, or on the campus of any college, university, or community college, or any student, whether an undergraduate, graduate or professional student who shall forfeit an appearance bond on an indictment or charge of any of the above named offenses, shall have revoked and withdrawn from his benefit all state supported scholarships or any state funds granted to him for educational assistance. It shall be the duty of all persons or officials having charge of and authority over the granting of state supported scholarships or any other form of financial assistance to immediately revoke and withdraw same in the event and upon the happening of any of the conditions or matters above enumerated; provided, however, that in subsequent academic terms any such student shall be eligible to be considered for and to be granted financial assistance from state funds.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. B. 1153  CHAPTER 1020

AN ACT TO AMEND G. S. 51-1 TO ALLOW THE MAYOR OF SPARTA TO PERFORM MARRIAGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 51-1 is hereby amended by inserting after "church," in line 5 the words "mayor of a city or town,"

Sec. 2. This Act shall apply only to the Mayor of the Town of Sparta.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.
CHAPTER 1021
AN ACT TO PROVIDE FOR THE SAFETY OF CITIZENS AND VISITORS FROM UNNECESSARY MECHANICAL HAZARDS IN THE OPERATION OF SKI TOWS, LIFTS AND TRAMWAYS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 95 of the General Statutes is hereby amended by adding thereto a new Article, to be designated as "Article 15", which shall read as follows:

"Article 15

*Passenger Tramway Safety

"Sec. 95-116. Declaration of policy. In order to safeguard life, health, property, and the welfare of this State, it shall be the policy of the State of North Carolina to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts, tramways and related devices to insure that reasonable design and construction are used, that accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts and passenger tramways. The primary responsibility for design, construction, maintenance, and inspection rests with the operators of such passenger tramway devices. The State, through the Commissioner of Labor, shall register all ski lift devices and passenger tramways and establish reasonable standards of design and operational practices, and cause to be made such inspections as may be necessary in carrying out this policy.

"Sec. 95-117. Definitions. Each word or term defined in this Article has the meaning indicated in this Section, unless a different meaning is plainly required by the context.

"(1) 'Commissioner' means the Commissioner of Labor of the State of North Carolina.

"(2) 'Industry' means activities of all those persons in the State who own, manage, or direct the operation of passenger tramways.

"(3) 'Operator' means any person, firm, corporation, or organization which owns, manages, or directs the operation of a passenger tramway. 'Operator' may apply to the State or any political subdivision or instrumentality thereof.

"(4) 'Passenger tramway' means a device used to transport passengers uphill on skis, or in cars on tracks, or suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one or more spans. 'Passenger tramway' shall include the following devices:

"(a) 'Two-car aerial passenger tramway', a device used to transport passengers in two open or enclosed cars attached to, and suspended from, a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or similar device;

"(b) 'Multi-car aerial passenger tramway', a device used to transport passengers in several open or in closed cars attached to, and suspended from, a moving wire rope or attached to a moving wire rope and supported on a standing wire rope, or similar device;

"(c) 'Skimobile', a device in which a passenger car running on steel or wooden tracks is attached to and pulled by a steel cable, or similar device;
CHAPTER 1021  SESSION LAWS—1969

"(d) 'Chair lift,' a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain or link belt supported by trestles or towers with one or more spans, or similar devices;

"(e) 'J bar, 'T bar or platter pull,' so-called and similar types of devices or means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans;

"(f) 'Rope tow,' a type of transportation which pulls the skiers, riding on skis as the skier grasps the rope manually, or similar devices.

"Sec. 95-118. Registration required. No passenger tramway shall be operated in this State unless it has been registered by the Commissioner of Labor. On or before November 1 in each year, every operator of a passenger tramway shall apply to the Commissioner of Labor, on forms prepared by said Commissioner, for registration of the passenger tramway which such operator owns or manages, or the operation of which he directs. The application shall contain such information as the Commissioner may reasonably require in order for him to determine whether the passenger tramway sought to be registered by such operator comply with the intent of this Article and the rules and regulations promulgated by the Commissioner as hereinafter provided.

"Sec. 95-119. Registration of passenger tramways. The Commissioner shall issue to the applying operator without delay a registration certificate for each passenger tramway owned, managed, or the operation of which is directed by such operator when the Commissioner is satisfied:

"(a) That the facts stated in the application are sufficient to enable the Commissioner to fulfill his duties under this Article; and

"(b) That each such passenger tramway sought to be registered complies with the rules and regulations of the Commissioner promulgated pursuant to the provisions of this Act.

"(c) In order to satisfy himself that the conditions described in subsections (a) and (b) of this Section have been fulfilled, the Commissioner may cause to be made such inspections hereinafter described as he may reasonably deem necessary.

"(d) When an operator installs a passenger tramway subsequent to November 1, of any year, such operator shall file a supplemental application for registration of such passenger tramway. Upon the receipt of such supplemental application, the Commissioner shall proceed immediately to initiate proceedings leading to the registration or rejection of registration of such passenger tramway pursuant to the provisions of this Article.

"(e) Each registration shall expire on October 31, next following the day of issue. Each operator shall cause the registration certificate for each passenger tramway thus registered to be displayed prominently at the place where passengers are loaded thereon.

"Sec. 95-120. Powers and duties of the Commissioner. In addition to all other powers and duties conferred and imposed upon the Commissioner by this Article, the Commissioner shall have and exercise the following powers and duties:

"(a) To adopt and enforce reasonable rules and regulations relating to public safety in the construction, operation, and maintenance of passenger tramways. The rules and regulations authorized under this Section shall conform as nearly as possi-
ble to the standards contained for mechanical engineering aerial passenger tramways safety code as adopted and used by the U.S.A. Standards Institute, B77.1 - 1960, with addenda B77.1(a) - 1963, and B77.1(b) - 1965, and as said safety code from tramways may be amended from time to time, and in the formulation of said regulations the Commissioner may use and adopt any other safety code for tramways as issued by recognized scientific and mechanical societies. The said regulations shall not be discriminatory in their application to operators of passenger tramways, and the procedures of the Commissioner shall be as provided in this Act;

"(b) To hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the Commissioner, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers and records relevant to any inquiry;

"(c) To approve, deny, revoke, and renew the registrations provided for in this Article and the procedures of the Commissioner with respect thereto shall be as provided in this Article with respect to the issuance of certificates or licenses;

"(d) To cause the prosecution and the institution of actions for injunctions of all persons violating the provisions of this Article and to incur the necessary expenses thereof;

"(e) To cause the seal of the Commissioner of Labor to be affixed to all registrations issued by him, and to employ, within the funds available to him, and prescribe the duties of all such personnel as the Commissioner may deem necessary in the administration of this Article.

"Sec. 95-121. Inspections and reports. The Commissioner may cause to be made such inspections of the construction, operation, and maintenance of passenger tramways as he shall deem to be reasonably necessary. If, as the result of an inspection, it is found that a violation of the Commissioner's rules and regulations exists, or a condition in passenger tramway construction, operation or maintenance exists, which endangers safety of the public, an immediate report shall be made to the Commissioner for appropriate investigation and order.

"Sec. 95-122. Emergency shut-down. When facts are presented to the Commissioner tending to show that an unreasonable hazard exists in the continued operation of a passenger tramway, and after such verification of said facts as is practical under the circumstances and consistent with the public safety, the Commissioner may by an emergency order require the operator of said tramway forthwith to cease using the same for the transportation of passengers. Such emergency order shall be in writing, signed by the Commissioner, and notice thereof shall be served upon the operator or his agent immediately in control of said tramway by a true copy of such order, with a return being made of such service and endorsed on the original order. Such emergency shut-down shall be effective for a period not to exceed forty-eight (48) hours from the time of service. Immediately after the issuance of an emergency order, the Commissioner shall conduct an investigation into the facts of the case and shall take such action as may be appropriate and as provided by the provisions of this Article.

"Sec. 95-123. Orders. If, after investigation, the Commissioner finds that a violation of any of his rules and regulations exists, or that there is a condition in passenger tramway construction, operation, or maintenance which endangers the safety of the public, the Commissioner shall forthwith issue his written order setting forth
his findings, the corrective action to be taken, and fixing a reasonable time for compliance therewith. Such orders shall be served upon the operator involved by Certified Mail, and shall become final, unless the operator shall seek judicial review of said order as hereinafter provided. The Commissioner shall have the power to institute injunctive proceedings in any court of competent jurisdiction of the judicial district in which the passenger tramway is located for the purpose of restraining the operation of said tramway or for compelling compliance with any lawful order of the Commissioner. Any appeal from an order of the Commissioner shall be made in conformance with the Article provided for judicial review of decisions of administrative agencies, the same being Article 33 of Chapter 143 of the General Statutes, as amended.

"Sec. 95-124. Suspension of registration. If any operator fails to comply with the lawful order of the Commissioner as issued under this Article, and within the time fixed thereby, the Commissioner may suspend the registration of the affected passenger tramway for such time as he may consider necessary for the protection of the safety of the public. Any operator who shall be convicted, or enter a plea of guilty or nolo contendere, to operating a passenger tramway which has not been registered by the Commissioner, or after its registration has been suspended by the Commissioner, shall be guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars ($50.00) per day for each day of the such illegal operations or by imprisonment in the discretion of the court, or both such fine and imprisonment.

"Sec. 95-125. Effective date of initial applications. This Article shall take effect and become operative on July 30, 1969, provided that the initial applications for registration of passenger tramways shall be filed on or before November 1, 1969, and passenger tramways in existence on November 1, 1969, may be operated without registration until final action is taken by the Commissioner on the application for registration thereof."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

S. B. 759

CHAPTER 1022

AN ACT TO AMEND G.S. 115-129 TO PROVIDE FOR THE TEMPORARY USE OF MOBILE CLASSROOM UNITS WHERE PERMANENT SCHOOL BUILDINGS DO NOT HAVE SUFFICIENT CLASSROOMS TO HOUSE THE ANTICIPATED ENROLLMENT.

The General Assembly of North Carolina do enact:

Section 1. G.S. 115-129 is hereby amended by adding a new paragraph at the end of said Section, which said paragraph shall read as follows:

"Upon determination by a county or city board of education that the existing permanent school building does not have sufficient classrooms to house the pupil enrollment anticipated for such school, then such city or county board of education is authorized to acquire and utilize as temporary classrooms for the operation of such school, relocatable or mobile classroom units, which units and method of use
shall meet the approval of the School Planning Division of the State Board of Education, and which units shall comply with all applicable requirements of the North Carolina State Building Code and of the local building and electrical codes applicable to the area in which such school is located. The acquisition and installation of such units shall be subject in all respects to the provisions of Chapter 143 of the General Statutes. The provisions of Chapter 87, Article 1, of the General Statutes, shall not apply to persons, firms or corporations engaged in the sale or furnishing to county and city boards of education and the delivery and installation upon school sites of classroom trailers as a single building unit or of relocatable or mobile classrooms delivered in less than four units or sections."

Sec. 2. This Act shall be retroactive in its application and shall apply to all proceedings where offers have been submitted and bids have been obtained and to all contracts for the acquisition of such relocatable, temporary, mobile classrooms whether same have been delivered or not.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

S. B. 809

CHAPTER 1023

AN ACT AMENDING CHAPTER 116 OF THE GENERAL STATUTES SO AS TO PERMIT NORTH CAROLINA STATE UNIVERSITY TO PROCURE INSURANCE AGAINST THE HAZARDS CREATED BY ASSEMBLING, CONSTRUCTION, USE AND OPERATION OF NUCLEAR REACTORS.

The General Assembly of North Carolina do enact:

Section 1. Part 2 of Chapter 116 of the General Statutes is hereby amended by adding at the end thereof a new Section to be designated as Section 116-37.1 and reading as follows:

"G.S. 116-37.1. Authorization to purchase insurance in connection with construction and operation of nuclear reactors. In connection with the construction of, assembling of, use and operation of, any nuclear reactor now owned or hereafter acquired by it, North Carolina State University is hereby authorized and empowered to procure proper insurance against the hazards of explosion, implosion, radiation and any other special hazards unique to nuclear reactors, including nuclear fuel and all other components thereto. Further, North Carolina State University is authorized to enter into agreements with the United States Atomic Energy Commission prerequisite to licensing by that agency of nuclear reactors and to maintain as a part of such agreement or agreements appropriate insurance in amounts required by the Atomic Energy Commission of nuclear reactor licenses.

To the extent that North Carolina State University shall obtain insurance under the provisions of this Section, it is hereby authorized and empowered to waive its governmental immunity from liability for damage to property or injury to death to persons arising from the assembling, construction of, use and operation of nuclear reactors. Such immunity shall be deemed to have been waived by the act of obtaining such insurance, but only to the extent that North Carolina State University is indemnified by such insurance."
"Any contract of insurance purchased pursuant to this Section must be issued by a company or corporation duly licensed and authorized to do a business of insurance in this State except to the extent that such insurance may be furnished by or through a governmental agency created for the purpose of insuring against such hazards or through reinsurance pools or associations established to insure against such hazards.

"Any person sustaining property damage or personal injury may sue North Carolina State University for damages for injury arising out of the construction, assembly, use or operation of a nuclear reactor on the campus of the University in the Superior Court of Wake County, and to the extent that the University is indemnified by insurance, it shall be no defense to any such action that the University was engaged in the performance of a governmental or discretionary function of the University. In the case of death alleged to have been caused by the assembly, construction, use or operation of such nuclear reactor, the personal representative of the deceased person may bring such action.

"Nothing in this Section shall in any way affect any other actions which have been or may hereafter be brought under the Tort Claims Act against North Carolina State University, nor shall the provisions of this Section in any way abrogate or replace the provisions of the Workmen's Compensation Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

S. B. 810

CHAPTER 1024

AN ACT TO AUTHORIZE CASWELL AND ROCKINGHAM COUNTIES TO LEVY TAXES FOR SPECIAL PURPOSES AS AUTHORIZED BY G.S. 153-9.

The General Assembly of North Carolina do enact:

Section 1. G.S. 153-9 (43) (c) as the same appears in the Cumulative Supplement to Volume 3C of the General Statutes is hereby amended by inserting immediately after the word "Carteret" and immediately before the word "Chatham" in the last paragraph thereof, the word "Caswell".

Sec. 2. G.S. 153-9 (43) (c) as the same appears in the Cumulative Supplement to Volume 3C of the General Statutes is further amended by inserting immediately after the word "Robeson" and immediately before the word "Rutherford" in the last paragraph thereof the word "Rockingham".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.
S. B. 816  

CHAPTER 1025

AN ACT TO AMEND ARTICLE 12A OF CHAPTER 143 TO MAKE AVAILABLE TO EMPLOYEES OF THE NORTH CAROLINA DEPARTMENT OF CORRECTION THE BENEFITS OF THE LAW ENFORCEMENT OFFICERS' DEATH BENEFIT ACT.

The General Assembly of North Carolina do enact:

Section 1. G.S. 143-166.2(4) as the same appears in Volume 3C of the General Statutes is hereby amended by adding after the word "thereof" as it appears at the end of the third line of said paragraph, by the addition of the following:

"and all full time employees of the North Carolina Department of Correction;".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

S. B. 821  

CHAPTER 1026

AN ACT AUTHORIZING CONTINUATION OF A SPECIAL TAX LEVY FOR SUPPORT OF THE CALDWELL TECHNICAL INSTITUTE BY WHATEVER NAME HEREAFTER ADOPTED FOR SAID INSTITUTION.

The General Assembly of North Carolina do enact:

Section 1. All local taxes heretofore authorized by the voters of Caldwell County to be levied annually for the local financial support of the Caldwell Technical Institute may continue to be levied by the Board of Commissioners of Caldwell County for the purpose of providing local financial support of the institution notwithstanding any change hereafter made in the name of the institution.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from the date of ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

S. B. 837  

CHAPTER 1027

AN ACT TO AMEND G. S. 14-234 TO PROVIDE THAT IT SHALL NOT APPLY TO ACTS DONE PURSUANT TO CERTAIN STATE AND GOVERNMENTAL ASSISTANCE PROGRAMS FOR SPECIFIED GROUPS OF PERSONS.

The General Assembly of North Carolina do enact:

Section 1. Section 234 of Chapter 14 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following:

"Nothing in this Section nor in any general principle of common law shall render unlawful the acceptance of remuneration from a governmental board, agency or commission for services, facilities, or supplies furnished directly to needy individuals by a member of said board, agency or commission under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by such board, agency or commission; provided, however, that such programs of public assistance to needy persons
are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; and provided further that the board, agency or commission, nor any of its employees or agents, shall have no control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance, and that the remuneration for such services, facilities or supplies shall be in the same amount as would be paid to any other provider; and provided further that, although the board, agency or commission member may participate in making determinations of eligibility of needy persons to receive the assistance, he shall take no part in approving his own bill or claim for remuneration."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 934

CHAPTER 1028

AN ACT TO AMEND G. S. 161-9 TO PRESCRIBE THE SIZE AND DESIGN OF THE OFFICIAL SEAL FOR REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 161-9 is hereby rewritten to read as follows:

"The office of register of deeds for every county shall have and use an official seal or stamp, which shall be provided by the county commissioners. The official seal or stamp shall be round, and the size shall not exceed 1-5/8 inches in diameter. Contained thereon shall be the name of the register of deeds, the county and letters 'N. C.', and the words 'Register of Deeds'. The ink used for the official stamp shall be of the reproducible type; provided, that any register of deeds using a non-conforming seal or stamp prior to the effective date of this Act may continue to use such seal or stamp."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 1000

CHAPTER 1029

AN ACT TO AMEND G. S. 105-385 TO PROVIDE FOR THE RETURN OF NOTICE OF ATTACHMENT AND GARNISHMENT TO APPROPRIATE DIVISIONS OF THE GENERAL COURT OF JUSTICE, AND TO PROVIDE FOR HEARINGS BEFORE THE SAME.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of G. S. 105-385 as the same appears in the 1965 Replacement Volume 2D of the General Statutes of North Carolina is hereby amended by rewriting the same as follows:

"(d) Attachment and Garnishment. Subject to the provisions of this Article governing the priority of rights acquired, the collector may attach wages or other compensation, rents, bank deposits, the proceeds of property subject to levy and sale, or other property incapable of manual delivery: Provided, the same belongs to the
taxpayer or has been transferred to another under circumstances which would permit it to be levied upon if it were tangible, or is due to the taxpayer or may become due to him in the calendar year; and the person owing same or having same in his possession shall become liable for the taxes to the extent of the amount he owes or has in his possession: Provided, that not more than ten percent of wages or other compensation for personal services shall be liable to attachment and garnishment for failure to pay taxes.

To proceed under this subsection, the collector shall serve or cause to be served upon the taxpayer and the person owing or having in his possession the wages, rents, debts or other things sought to be attached, a notice showing at least:

(1) The name of the taxpayer;
(2) The amount of the taxes, penalties and costs (including the fees allowed by this subsection) and year or years for which such taxes were levied;
(3) The name of the taxing unit or units by which such taxes were levied;
(4) A brief description of the thing sought to be attached; and
(5) A statement that the person served has the right to appear, within ten days after service, before some designated Division of the General Court of Justice in the county in which the taxing unit lies, and show cause why he should not be compelled to pay said taxes, penalties and costs.

Notices concerning two or more taxpayers may be combined if they are to be served upon the same person, but in such case the taxes, penalties and costs charged against each taxpayer must be set forth separately.

A copy of each notice shall be retained by the collector and a copy shall be filed, not later than the first business day following the day of service, with the Court before which the notice is returnable, together with a notation of service. Upon entry of judgment, by default or after appearance and hearing, in favor of the taxing unit, the person so served shall become liable for the taxes, penalties and costs, but payment shall not be required from amounts which are to become due to the taxpayer until they actually become due.

The fee for serving said notice shall be fixed by the governing body of the taxing unit. Court costs shall be the same as in other proceedings in the appropriate division of the General Court of Justice. Fees and costs shall be added to and collected as part of the taxes, but if judgment is rendered against the taxing unit, such costs and fees shall be paid by the taxing unit. All fees collected by officers shall be disposed of in the same manner as other fees collected by such officers.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective in each county upon the establishment of a District Court therein.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.
H. B. 1008  

CHAPTER 1030

AN ACT TO PROVIDE FOR PERMANENT HUNTING AND FISHING LICENSES FOR STATE RESIDENTS OVER 65 YEARS OF AGE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 113-95 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"Any resident of this State who has attained the age of sixty-five years may, upon making application, including satisfactory proof of age, to the License Section of the Wildlife Resources Commission at its headquarters in Raleigh, and upon payment of a fee of ten dollars ($10.00), receive from the Commission a nontransferable combination hunting and fishing license which shall be valid for the life of such person. Such license shall not relieve the holder thereof from the purchase of any additional license or permit which may be required for hunting big game, fishing for mountain trout, hunting and fishing on public Wildlife Management areas, or using special devices for fishing inland waters. Provided, however, that any person 70 years of age or older shall be permitted to hunt and fish free of any charge upon satisfactory proof of age."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on August 1, 1969.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 1060  

CHAPTER 1031

AN ACT TO REVISE THE VITAL STATISTICS LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Article 7 of G.S. Chapter 130 is hereby rewritten to read as follows:

"Article 7.

Vital Statistics.

G.S. 130-36. State Registrar. The State Health Director shall be State Registrar of Vital Statistics and shall have general supervision over the Central Office of Vital Statistics, which is hereby established.

G.S. 130-37. Duties of State Registrar. The State Registrar shall have charge of the registration of births and deaths, shall prepare the necessary instructions, forms and blanks for obtaining and preserving such records, and shall procure the faithful registration of the same in each local registration district as constituted in the succeeding Section, and in the Central Office of Vital Statistics at the capital of the State. The State Registrar shall be charged with the uniform and thorough enforcement of the provisions of this Article throughout the State, and shall from time to time recommend to the General Assembly any additional legislation that may be necessary for this purpose. The State Registrar is authorized to make reasonable rules and regulations for the administration of this Article.

G.S. 130-38. Registration Districts. For the purposes of this Article, the State shall be divided into local registration districts as follows: Each county, and each area served by a local health department, or any combination of the above governmental units, as designated by the State Registrar.
G.S. 130-39. Control of State Registrar over local districts. The State Registrar shall have the authority to abolish or consolidate existing registration districts, and/or create new districts when economy and efficiency and the interests of the public service may be promoted thereby.

G.S. 130-40. Appointment and removal of local registrars. (a) The State Registrar shall appoint a local registrar for each registration district. The State Registrar shall have the authority and power to designate and appoint the local health director or administrator as registrar for the area over which he has jurisdiction, or any fractional part or parts thereof. The fees accruing from the vital statistics registration service, where such service is performed by the local health director or administrator under such appointment, shall be used by the local health department for health services. The State Registrar shall direct, supervise, and control the activities of local registrars.

(b) The State Registrar may remove a local registrar for reasonable cause.

G. S. 130-41. Appointment of deputy and sub-registrars. Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness, disability, or removal, and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. When it may appear necessary, the local registrar is hereby authorized, with the approval of the State Registrar, to appoint one or more suitable persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial-transit permits in and for such portions of the district as may be designated; and each sub-registrar shall enter the date the certificate was received by him and shall forward all certificates to the local registrar of the district within seven days, and in all cases before the third day of the following month: provided, that each sub-registrar shall be subject to the supervision and control of the State Registrar and may be by him removed for neglect or failure to perform his duties in accordance with the provisions of this Article or the rules and regulations of the State Registrar, and he shall be subject to the same penalties for neglect of duties as the local registrar.

G. S. 130-42. Burial-transit permits. (a) The funeral director or person acting as such who first assumes custody of a dead body or fetus shall obtain a burial-transit permit prior to final disposition or removal from the State of the body or fetus and within seventy-two (72) hours after death. Such burial-transit permit shall be issued by the local registrar of the district where the death or fetal death occurred. A burial-transit permit issued under the law of another state which accompanies a dead body or fetus brought into this State shall be authority for final disposition of the body or fetus in this State.

(b) A permit for disinterment and reinterment of a dead body or fetus except as authorized by regulation or otherwise provided by law. Such permit shall be issued by the local registrar to a licensed funeral director, embalmer, or other person acting as such, upon proper application.

(c) The State Registrar may promulgate rules and regulations to provide for the issuance of a burial-transit permit prior to the filing of a certificate of death or fetal death in cases in which compliance with the requirement that the certificate be filed prior to the issuance of the permit would result in undue hardship.

G. S. 130-43. Fetal Death Registration. (a) A fetal death certificate for each fetal
death (stillbirth) which occurs in this State after gestation period of twenty (20) completed weeks or more shall be filed with the local registrar of the district in which the delivery occurred within seventy-two (72) hours after such delivery and prior to final disposition of the fetus or removal from the State. If the place of fetal death is unknown, a fetal death certificate shall be filed in the registration district in which a dead fetus was found within seventy-two (72) hours after the occurrence. If a fetal death occurs on a moving conveyance, a fetal death certificate shall be filed in the registration district in which the fetus was first removed from such conveyance.

(b) The funeral director or person acting as such who first assumes custody of a fetus shall file the fetal death certificate. In the absence of such person, the physician in attendance at or after the delivery shall file the certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall obtain the medical certification of cause of death and other required medical information from the person responsible therefor. The medical certification and other required medical information shall be completed and signed within seventy-two (72) hours after delivery by the physician in attendance at or after delivery except when inquiry is required by Article 21 of this Chapter. When such inquiry is required, the medical examiner shall complete and sign the medical certification within seventy-two (72) hours after taking charge of the case.

(c) When a fetal death is attended by a midwife, the midwife shall sign as the attendant but shall not sign the medical certificate of fetal death; such cases, and fetal deaths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance as provided for in G. S. 130-45.

G. S. 130-44. Contents of death certificate. The certificate of death shall contain, as a minimum, those items prescribed and specified on the standard certificate of death as prepared by the national agency in charge of vital statistics except as the same may be changed or amended by the North Carolina State Registrar of Vital Statistics.

G. S. 130-45. Death without medical attendance; duty of funeral directors and officials; approval required before cremation. (a) In case of death without medical attendance, it shall be the duty of the funeral director or person acting as such, and any other person having knowledge of such death, to notify the local medical examiner and local registrar of such death. No burial-transit permit shall be issued until the medical examiner has completed his investigation and certification. If there is no local medical examiner, the registrar shall refer the case to the Chief Medical Examiner for investigation and certification of death. The certificate of death, required for a burial-transit permit, shall state therein the name of deceased, the disease causing death, or, if from external causes, the means of death, whether probably accidental, suicidal, or homicidal, and such other information as may be required by the State Registrar in order to properly classify the death.

(b) No cremation of a dead body, in case of death without medical attendance, shall take place until the medical examiner has made inquiry into the cause of and manner of death and has certified in writing that the inquiry has been made and in his opinion no further examination is necessary.

G. S. 130-46. Death Registration. (a) A death certificate for each death which occurs in this State shall be filed with the local registrar of the district in which the death occurred within seventy-two (72) hours after such death and prior to final
disposition of the body or removal from the State. If the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found within seventy-two (72) hours after such occurrence. If death occurs in a moving conveyance, a death certificate shall be filed in the registration district in which the dead body was first removed from such conveyance.

(b) The funeral director or person acting as such who first assumes custody of a dead body shall file the death certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall obtain the medical certification of cause of death from the person responsible therefor. He shall then state the facts required relative to the date and place of burial, over his signature and over the signature of the embalmer, if applicable. He shall present the completed certificate to the local registrar or his representative in order to obtain a burial-transit permit. He shall deliver the burial-transit permit to the person in charge of the place of burial before interring or otherwise disposing of the body; or shall attach the burial-transit permit to the box containing the corpse, when shipped by any transportation company.

(c) The medical certificate shall be made and signed by the physician, if any, who last treated the deceased for the disease or injury which caused death, and such physician shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred, and he shall further state the cause of death. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial-transit permit; and any certificate containing any such indefinite or unsatisfactory terms, as defined by the State Registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. In deaths in hospitals, institutions, or of nonresidents, the physician shall supply the information required above, if he is able to do so, and may state where, in his opinion, the disease was contracted.

(d) It shall be the duty of the physician or medical examiner making the medical certification as to the cause of death to complete the medical certification prior to interment but in no event more than seventy-two (72) hours after death. The said physician or medical examiner may, in appropriate cases, designate the cause of death as unknown pending an autopsy or upon some other reasonable cause for delay, but shall send the supplementary information to the local registrar as soon as it is obtained.

G. S. 130-47. Interment without burial-transit permit forbidden. No person in charge of any premises in which interments are made shall inter or permit the interment, disinterment, or other disposition of any body unless it is accompanied by a burial-transit permit, as herein provided. Such person shall endorse upon the burial-transit permit the date of interment, or disinterment over his signature, and shall return all burial-transit permits so endorsed to the local registrar of his district within ten (10) days from the date of disposal. He shall also keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and the name and address of the funeral director; which record shall at all times be open to official inspection. When burying a body in a cemetery or burial ground having no person in charge, the funeral director, or person acting as such, shall sign the burial-transit permit, giving the date of burial, and shall write across
the face of the burial-transit permit the words "No person in charge," and file the burial-transit permit within ten (10) days with the registrar of the district in which the cemetery is located.

G. S. 130-48. Registration of divorces and annulments. (a) For each divorce and annulment of marriage granted by any court of jurisdiction in this State, a report shall be prepared and filed by the clerk of court with the State Registrar. The information necessary to prepare the report shall be furnished to the clerk of court by the parties or their legal representatives on forms prescribed and furnished by the State Registrar. On or before the 15th day of each month, the clerk of court shall forward to the State Registrar the report of each divorce and annulment granted during the preceding calendar month. Upon request, the Office of Vital Statistics shall furnish a true copy of any such record, which may be, but is not required to be, photographic, upon the payment to the office of a fee not to exceed two dollars ($2.00), and such true copy shall be competent evidence in any court or other proceeding in this State with like force and effect as the original. The monies received by the office pursuant to this Section shall be turned over to the State Treasurer and paid into the General Fund of the State. The Office of Vital Statistics is hereby authorized and empowered to do all things necessary to implement and carry out the provisions of this Section.

(b) In any county in which the district court is not established, the sum of one dollar ($1.00) shall be taxed as a part of the costs in the cause in which the decree of divorce or annulment is granted and the same shall be collected by the clerk of the court as costs. With each monthly report, the clerk shall transmit to the Office of Vital Statistics one-half of these costs.

G. S. 130-49. Registration of marriage certificates; duty of registers of deeds; forms; furnishing copies; copies as evidence. On or before the fifteenth day of each month, the registers of deeds of the several counties of this State shall transmit to the Office of Vital Statistics, on forms prescribed and furnished by it, a record of each and every marriage ceremony performed in his county during the preceding calendar month, a record of which has been filed in his office as required by applicable law. The form prescribed by the State Registrar shall contain and set forth in substance the forms and information required by G. S. 51-16, as amended, as a minimum requirement, and shall be the official form of a marriage license, certificate of marriage, and application for marriage license, issued by the register of deeds. The form so prescribed shall contain additional information in order to conform to the minimum requirements of the national agency in charge of vital statistics. Each form signed and issued by the register of deeds, assistant register of deeds, or deputy register of deeds shall constitute an original or duplicate original. Upon request, the Office of Vital Statistics shall furnish a true copy of any such record, which may be, but is not required to be, photographic, upon the payment to the office of a fee of two dollars ($2.00), and such true copy shall be competent evidence in any court or other proceeding in this State with like force and effect as the original. The monies received pursuant to this Section shall be paid into the General Fund of the State. The Office of Vital Statistics is authorized to do all things necessary to implement and carry out the provisions of this Section.

G. S. 130-50. Birth Registration. (a) A certificate of birth for each live birth, regardless of the gestation period, which occurs in this State shall be filed with the local registrar of the district in which the birth occurs within five (5) days after
such birth and shall be registered by such registrar if it has been completed and filed in accordance with this Section. Such certificate shall be on the form adopted and furnished by the State Registrar. When a birth occurs on a moving conveyance, a birth certificate shall be filed in the district in which the child was first removed from the conveyance. When a birth occurs in a hospital or other medical facility, the person in charge of the institution or his designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

(b) When a birth occurs outside a hospital or other medical facility, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician in attendance at or immediately after the birth, or in the absence of such a person,
(2) The midwife or any other person in attendance at or immediately after the birth, or in the absence of such a person,
(3) Either parent, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(c) If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child and the surname of the child shall be the same as that of the husband, unless paternity has been determined otherwise by a court of competent jurisdiction in which case the name of the father as determined by the court shall be entered and the surname of the child shall be the same as that of the mother. If the mother was not married either at the time of conception or birth, the certificate shall be completed as provided in G. S. 130-54.

G. S. 130-51. Registration of birth certificate more than five days and less than four years after birth. Any birth may be registered more than five (5) days and less than four (4) years after birth in the same manner as births are registered under this Article within five (5) days of birth. Such registration shall have the same force and effect as if the registration had occurred within five (5) days of birth: Provided, such registration shall not relieve any person of criminal liability for the failure to register such birth within five (5) days of birth as required by G. S. 130-50.

G. S. 130-52. Registration of birth four years or more after birth. (a) When the birth of a person born in this State has not been registered within four (4) years after birth, a delayed certificate may be filed with the register of deeds in the county in which the birth occurred in accordance with regulations promulgated by the State Registrar. Each such birth must be registered in duplicate on forms approved and furnished by the State Registrar. Such certificate so registered shall have the same evidentiary value as those registered within five (5) days. Certificates of birth registered four (4) years or more after the date of occurrence shall be marked "delayed" and show on their face the date of the delayed registration. A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate. The register of deeds shall forward the original and duplicate certificate to the Office of Vital Statistics for final approval. If the certificate complies with the rules and regulations and has not been previously registered, the State Registrar shall file the original and return the duplicate to the register of deeds for recording.
(b) When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the State Registrar finds reason to question the validity or adequacy of the certificate or the documentary evidence, the State Registrar shall not register the delayed certificate and shall advise the applicant of the reasons for this action. In the event the deficiencies are not corrected, the registration official shall advise the applicant of his right of appeal to a court of competent jurisdiction.

G. S. 130-53. Register of deeds may perform notarial acts. (a) The register of deeds is hereby authorized to take acknowledgments, administer oaths and affirmations, and to perform all other notarial acts necessary for the registration or issuance of certificates relating to births, deaths or marriages. The register of deeds shall be entitled to a fee as prescribed in G. S. 161-10.

(b) All acknowledgements taken, affirmations or oaths administered, or other notarial acts performed by the register of deeds relating to the registration of certificates of births, deaths or marriages, prior to June 16, 1959, are hereby validated and in all respects confirmed.

G.S.130-54. Contents of birth certificate. The certificate of birth shall contain, as a minimum, those items prescribed and specified on the standard certificate of birth as prepared by the national agency in charge of vital statistics, except as the same may be amended or changed by the North Carolina State Registrar of Vital Statistics: Provided, that in case of a child born out of wedlock, the father's name shall not be shown on the certificate without his written consent under oath, and provided, further, that in case of a child born out of wedlock, the last name of the child shall be the same as that of the mother, or the person or persons caring for the child when such request is made by both the mother of the child and the person or persons caring for the child, or, if the mother of the child is deceased, or her whereabouts shall have been unknown for a period of three years, then the person or persons caring for such child may make such a request for such change. Where it has been adjudicated in a court of competent jurisdiction that a mother has abandoned her child, then the consent required of the mother by this Section shall not be necessary.

G.S. 130-55. Validation of irregular registration of birth certificates. The registration and filing with the Office of Vital Statistics of the birth certificate of any person whose birth has not been registered within five days of birth under G.S. 130-50 is hereby validated. All copies of birth certificates filed prior to April 9, 1941, properly certified by the State Registrar, shall have the same evidentiary value as if the birth had been registered within five days of such birth as provided by G.S. 130-50.

G.S. 130-56. Institutions to keep records of inmates. All superintendents or managers, or other persons in charge of hospitals, lying-in or other institutions, public or private, to which persons resort for treatment of diseases or confinement, or to which persons are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates or patients in their institutions. Such records shall be in the form of the certificates provided for by this Article, as directed by the State Registrar. This information must be obtained at the time of the inmate's or patient's admittance or as soon thereafter as practicable, but in any event prior to the discharge of said inmate or patient. In case of persons admitted or committed for treatment of disease, the physician in charge shall specify
for entry in the record the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this Section shall be obtained from the individual himself if it is practicable to do so; and when they cannot be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

G.S. 130-57. Certificate of identification in lieu of birth certificate where parentage cannot be established. A certificate of identification for a foundling child whose parentage cannot be established shall be filed by the court which determines that the child is a foundling, with the local registrar of vital statistics of the district in which the child was found. This certificate of identification shall contain such information and be in such form as the State Registrar may prescribe and shall serve in lieu of a birth certificate.

G.S. 130-58. Certificate of identification for child of foreign birth. In the case of an adopted child born in a foreign country and having legal settlement in this State, the State Registrar shall, upon the presentation of a certified copy of the original birth certificate from the country of birth and a copy of the final order of adoption signed by the clerk of court or other appropriate official prepare a certificate of identification for such child. The certificate shall contain the same information as is required by G.S. 48-29 (a) for children adopted in this State, except that the country of birth shall be specified in lieu of the state of birth.

G.S. 130-59. State Registrar to supply blanks; to perfect and preserve birth and death certificates. (a) The State Registrar shall prepare, have printed, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this Article; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificate received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory.

(b) All physicians, midwives, informants, or funeral directors, and all other persons having knowledge of the facts are hereby required to supply, upon a form provided by the State Registrar or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the State Registrar, in person, by mail, or through the local registrar.

(c) The State Registrar shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered. Adequate fireproof space in one of the State buildings for filing the birth and death records made and returned under this Article shall be provided by the General Services Division. No persons other than those authorized by the State Registrar shall have access to any original birth and death records.

G.S. 130-60. Amendment of birth and death certificate. (a) No certificate of birth or death, after its acceptance for registration by the State Registrar, and no other record made in pursuance of this Article, shall be altered or changed in any respect otherwise than by amendment requests properly dated, signed and witnessed: Provided, that the State Registrar may promulgate rules and regulations governing
the type and amount of proof of the correctness of the change or amendment which must accompany the request for a change or amendment in the certificate of birth or death, or other record made in pursuance of this Article: Provided, further, that a new certificate of birth shall be made by the State Registrar whenever:

(1) Proof is submitted to the State Registrar that the previously unwed parents of a person have intermarried subsequent to the birth of such

(2) When notification is received by the State Registrar from the clerk of a court of competent jurisdiction of a judgement, order, or decree disclosing different or additional information relating to the parentage of a person;

(3) Satisfactory proof is submitted to the State Registrar that there has been entered in a court of competent jurisdiction a judgement, order, or decree disclosing different or additional information relating to the parentage of a person.

(b) For the amendment of any certificate of birth or death after its acceptance for filing, or for the making of a new certificate of birth under this Article, the State Registrar shall be entitled to a fee not to exceed five dollars ($5.00) to be paid by the applicant. Such fees shall be deposited and accounted for in the same manner as all other fees provided for in this Article.

(c) When a new certificate of birth is made the State Registrar shall substitute such new certificate for the certificate of birth then on file, and shall forward a copy of the new certificate to the register of deeds of the county of birth, and the copy of the certificate of birth on file with the register of deeds, if any, shall be forwarded to the State Registrar within five days. The State Registrar shall place under seal the original certificate of birth, the copy forwarded by the register of deeds, and all papers relating in any way to the original certificate of birth. Such seal shall not be broken except by an order of a court of competent jurisdiction. Thereafter, when a certified copy of the certificate of birth of such person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

G.S. 130-61. Birth certificate as evidence. Certified copies of birth certificates shall be accepted by public school authorities in this State as prima facie evidence of the age of children registering for school attendance, and no other proof need be required. In addition, certified copies of birth certificates shall be required by all factory inspectors, and employers of youthful labor, as prima facie proof of age, and no other proof need be required. When, however, it is not possible to secure such certified copy of birth certificate for any child, the school authorities and factory inspectors may accept as secondary proof of age any competent evidence by which the age of persons is usually established.

G.S. 130-62. Clerk of court to furnish State Registrar with facts as to paternity of illegitimate children judicially determined. (a) Upon the entry of a judgement determining the paternity of an illegitimate child, the clerk of the court in which such judgement is entered shall notify in writing the State Registrar of the name of the person against whom such judgement has been entered, together with such other facts disclosed by the record as may assist in identifying the record of the birth of the child as the same may appear in the office of the State Registrar. If such judgement shall thereafter be modified or vacated, that fact shall be reported by the clerk to the State Registrar in the same manner.

(b) Upon receipt of said notification the State Registrar shall record the information upon the birth certificate of the illegitimate child: Provided, however, that
unless the judgment, order, or decree discloses that the child has been legitimated under the provisions of G.S. 49-10 or 49-12, the surname of said illegitimate child shall remain the same as the surname of its mother.

G.S. 130-63. Duties of local registrars as to birth and death certificates; reports; copies to be forwarded by State Registrar. (a) The local registrar with respect to his registration district, shall:

1. Administer and enforce the provisions of this Article and any instructions, rules and regulations issued by the State Registrar.
2. Furnish blank certificate forms, supplies, and instructions to persons who require them.
3. Examine each certificate when submitted for record to ascertain if it has been completed in accordance with the provisions of this Article and the instructions of the State Registrar. If a certificate is incomplete or unsatisfactory, he shall immediately notify the person responsible and require him to furnish the necessary information. All certificates, either of birth or death, shall be typed or written legibly in permanent black or blue-black ink.
4. Enter the date on which he received the certificate and sign his name as local registrar.
5. Within seven (7) days of the date of his receipt of a certificate of birth or death, transmit to the Register of Deeds of the county or his agent a copy of each certificate registered by him. Such copies may be on blanks furnished by the State Registrar; or, in lieu thereof, he may cause photocopies to be made in such manner and form and on paper of such standard grade and quality as the register of deeds may approve. He may also make a copy of each certificate for his own records.
6. On the fifth day of each month, or more often if requested, send to the State Registrar all original certificates registered by him during the preceding month.
7. Maintain such records, make such reports, and perform such other duties as may be required by the State Registrar.

(b) Upon receipt of the original certificates of birth, death, and fetal death from the local registrars of vital statistics, the State Registrar shall prepare a copy of each certificate except in the case of a child born out of wedlock that was filed in a county other than the county of residence. Such copies shall be forwarded within ninety days, through the local health department, to the register of deeds of the county of residence.

G. S. 130-64. Register of deeds to preserve copies of birth and death records. The register of deeds of each county shall file and preserve the copies of birth and death certificates furnished to him by the local registrar under the provisions of G. S. 130-63, and shall make and keep a proper index of such certificates. These records shall be open to public inspection. Upon request, the register of deeds may make duplicates, copies, or abstracts of such records for which he shall be entitled to such fees as may be provided in G. S. 161-10.

G. S. 130-65. Pay of local registrars. Each local registrar shall be paid the sum of fifty cents (50¢) for each birth, death, and fetal death certificate properly and completely made out and registered with him, correctly recorded and promptly returned by him to the State Registrar, as required by this Article. In case no births, deaths, or fetal deaths were registered during any month, the local registrar shall be entitled to be paid the sum of fifty cents (50¢) for each report to that effect.
but only if such report be made promptly as required by this Article. The compensation of local registrars for services required of them by this Article shall be paid by the county treasurers. The State Registrar shall certify every six months to the treasurers of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed herein.

G. S. 130-66. Certificated copies of records; fee. (a) The State Registrar shall, upon request, issue to any authorized applicant a certified copy of the record of any birth or death registered under provisions of this Article. Such certified copy of the birth record shall show the date of registration, and such other items as may be determined by the State Registrar.

(b) The State Registrar is authorized to prepare typewritten, photographic, or other reproductions of original records and files in his office. Such reproductions, when certified by him, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts therein stated.

The State Registrar shall have the power and authority to appoint employees or agents, and upon such appointment by the State Registrar, said employees or agents shall have the power and authority to issue a certified copy of the record of any birth or death registered under the provisions of this Article and to sign the name of or affix a facsimile of the signature of the State Registrar to the certification of said copy; and any copy of a record of a birth or a death, with the certification of same, so signed or with the facsimile of the State Registrar affixed thereto shall have the same evidentiary value as those issued by the State Registrar.

(c) The State Registrar shall be entitled to a fee not to exceed two dollars ($2.00) for the making and certification of any record registered under the provisions of this Article, or for conducting a search of the files for such record when no copy is made.

The State Registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the Treasurer of the State of North Carolina for use by the State Board of Health for health purposes.

(d) Federal, State, Local, and other public or private agencies may, upon request, be furnished copies or data for statistical purposes upon such terms or conditions as may be prescribed by the State Registrar.

(e) No person shall prepare or issue any certificate which purports to be an official certified copy of a certificate of birth, death, or fetal death, except as authorized in this Act or regulations adopted hereunder.

G. S. 130-67. Information furnished to officers of any veterans' organization. Upon application to the Office of Vital Statistics by any officer of the local post of any veterans' organization chartered by Congress or organized and operating on a Statewide or nationwide basis, it shall be the duty of the Office of Vital Statistics to furnish immediately to such applicant the vital statistical records and necessary copies thereof, made up in the necessary forms for the use of such applicant, without charge. This Section shall apply only to records of persons who are members or former members of the armed forces of the United States and members of their families and/or beneficiaries under government insurance or adjusted compensation certificate issued to such member or former member of armed forces of the United States: Provided, that the State Registrar shall furnish to any veterans' organization.
in this State, upon application therefor in connection with junior or youth baseball, certification of dates of birth, without the payment of the fees prescribed in this Article.

G. S. 130-68. Registers of deeds to issue birth certificates without cost to persons entering military forces. The several registers of deeds of the State of North Carolina are authorized and directed to issue, free of cost, birth certificates to persons about to enter the United States military forces.

G. S. 130-69. Violations of Article; penalty. (a) Grounds for Suspension or Revocation of Embalmer's or Funeral Director's License. A violation of any of the provisions of this Article by any licensed embalmer or licensed funeral director shall constitute grounds for suspension or revocation of such license or licenses by the State Board of Embalmers and Funeral Directors.

(b) Misdemeanors. Any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, shall do or omit any of the following acts:

(1) Shall remove the dead body of a human being, or permit the same to be done, without such authorization as is provided in this Article;

(2) Refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this Article;

(3) Wilfully alter, otherwise than as provided by G. S. 130-59, or falsify any certificate or record required by this Article; or wilfully alter, falsify, or change any photocopy, certified copy, extract copy, or any document containing information obtained from an original, or copy, of any certificate or record required by this Article, or wilfully make, create or use any altered, falsified, or changed record, reproduction, copy or document, for the purpose of attempting to prove or establish for any purpose whatsoever any matter purported to be shown thereon;

(4) With the intention to deceive wilfully uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person;

(5) Wilfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by an unauthorized person or for an unauthorized purpose;

(6) Fail, neglect, or refuse to perform any act or duty as required by this Article or by the instructions of the State Registrar prepared under authority of this Article;

(7) Inter, cremate, remove from the State, or otherwise finally dispose of the dead body of a human being, or permit the same to be done without authority of a burial-transit permit issued by the local registrar of the district in which the death occurred or in which the body was found;

shall upon conviction thereof, be guilty of a general misdemeanor and punished in the discretion of the court.

G. S. 130-70. Duties of registrars and others in enforcing this Article. (a) Each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this Article in his registration district, under the supervision and direc-
tion of the State Registrar. He shall make an immediate report to the State Registr
tor of any violation of this Article coming to his knowledge, by observation or
upon complaint of any person or otherwise.

(b) The State Registrar is hereby charged with the thorough and efficient execu-
tion of the provisions of this Article in every part of the State, and is hereby granted
supervisory power over local registrars, deputy local registrars, and sub-registrars.
He shall see that all of the requirements of this Article are uniformly complied
with. The State Registrar, either personally or through an accredited representative,
shall have authority to investigate cases of irregularity or violation of this Article,
and all registrars shall aid him, upon request, in such investigations. When he
deems it necessary, he shall report violations of the provisions of this Article to
the prosecuting attorney of the county, or to the solicitor of the district, with a
statement of the facts and circumstances; and when any such violation is reported
to him by the State Registrar, the prosecuting attorney or solicitor of the district,
as the case may be, shall forthwith initiate and promptly follow up the necessary
court proceedings against the person or corporation responsible for the alleged viola-
tion of law. Upon request of the State Registrar, the Attorney General shall also
assist in the enforcement of the provisions of this Article.

G. S. 130-71. Local systems abrogated. No systems for the registration of births
and deaths shall be continued or maintained in any of the several municipalities
of this State other than the one provided for and established by this Article.

G. S. 130-72. Establishing fact of birth by person without certificate. (a) Any
person born in the State of North Carolina not having a duly recorded certificate
of his or her birth, may file a duly verified petition with the clerk of the superior
court in the county of his legal residence or place of birth, setting forth the date,
place, and parentage of his birth, and petitioning the said clerk to hear evidence,
and find, and adjudge the date, place and parentage of the birth of said petitioner.
Upon the filing of such a petition, the clerk shall set a date for hearing evidence
upon the same, and shall conduct said proceeding in the same manner as other
special proceedings. At the time set for said hearing the petitioner shall present
such evidence as may be required by the court to establish the fact of his birth
to the satisfaction of said court. At said hearing, if the evidence offered shall satisfy
said court of the date, place, and parentage of said petitioner's birth, the court shall
thereupon find the facts and enter a judgment duly establishing the date and place
of birth and parentage of said petitioner, and record the same in the record of special
proceedings in his office. The clerk shall certify the same to the Office of Vital Statis-
tics and the same shall thereupon be recorded in the Office of Vital Statistics upon
forms which it may adopt and a copy thereof certified to the register of deeds of
the county in which said petitioner was born. The clerk may charge a fee not to
exceed two dollars ($2.00) for his services under this Section.

(b) The record of birth established by a person under this Section, when recorded,
shall be accepted by the courts and other agencies of this State in the same manner
as other records covered by this Article.

(c) The provisions provided hereunder shall be cumulative, and not in disparage-
ment of any other acts or provisions for obtaining a delayed birth certificate.

G. S. 130-73. Establishing facts relating to birth of abandoned children. (a) In
the event a person who was abandoned, deserted, or forsaken as a child by his
or her parent(s) in North Carolina and the name and address of the abandoning
parent(s) are unknown, and the place and date of birth are unknown, such person may file a duly verified petition with the clerk of the superior court in the county where he was abandoned, deserted or forsaken, setting forth the facts and petitioning the clerk to hear evidence and find the facts concerning the abandonment, the name or assumed name, date and place of birth of the person, and the names of the person or persons acting in loco parentis to the individual.

(b) The clerk shall find such facts as the evidence may warrant and, if there is insufficient evidence to establish the place of birth, it shall be conclusively presumed that such person was born in the county where he was abandoned. The clerk shall enter a judgment as to his findings and record the same in the record of special proceedings in his office. The clerk shall certify the same to the State Office of Vital Statistics and the same shall thereupon be recorded in the State Office of Vital Statistics upon forms which it may adopt and a copy thereof certified to the register of deeds of the county in which said petitioner was abandoned. The clerk may charge a fee not to exceed two dollars ($2.00) for his services under this Section.

(c) The record of birth established by a person under this Section, when recorded, and shall be accepted by the courts and other agencies of this State in the same manner as other records covered by this Article.

(d) The provisions provided hereunder shall be cumulative, and not in disparagement of any other acts or provisions for obtaining a delayed birth certificate.

Sec. 2. G.S. 160-200(22) is hereby rewritten to read as follows: "To acquire, establish, and maintain cemeteries and to regulate the burial of the dead."
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective on October 1, 1969.
In the General Assembly read three times and ratified, this the 26th day of June, 1969. # 613,8.8.

H. B. 1132

CHAPTER 1032

AN ACT TO PREVENT LENDING INSTITUTIONS FROM USING COERCIVE MEASURES AGAINST THE BORROWER IN THE SELECTION OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. No person, firm, or corporation engaged in lending money on the security of real or personal property, and no trustee, director, officer, agent, employee, affiliate, or associate, of any such person, firm, or corporation, shall either directly or indirectly require or impose as a condition precedent:

(a) to financing the purchase of such property, or
(b) to lending money upon the security of a mortgage, deed of trust, or other security instrument, or
(c) for the renewal or extension of any such loan, mortgage, or deed of trust or
(d) for the performance of any other act in connection therewith; that such person, firm, or corporation,
(i) for whom such purchase is to be financed, or
(ii) to whom the money is to be loaned, or

1185
for whom such extension, renewal, or other act is to be granted, negotiate, procure, or otherwise obtain any policy of insurance or renewal, or extension thereof, covering such property, or a security interest therein, by or through a particular insurance company, agent, broker, or other person so specified or otherwise designated in any manner by the lenders, or their agents or employees or affiliated or related companies.

Sec. 2. Although the lender and other persons aforementioned in Section 1 may not specify or designate as a condition precedent a particular insurance company or agent, those persons, firms, or corporations engaged in lending money may approve the insurer selected by the borrower on a reasonable, nondiscriminatory basis, related to the solvency of the company and the type and provisions of policy coverage.

Sec. 3. The Superior Court, on complaint by any person that this Act is being violated, may issue an injunction against such violation and may fine all persons, firms, corporations, and officers, directors, trustees, agents, employees, or affiliates of such up to two thousand dollars ($2,000.00) per person for such violation. In event of a disregard of such injunction or other court order, the Superior Court shall hold such parties in contempt and prescribe such further penalties as the court in its discretion shall so determine.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act will be effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 1310

CHAPTER 1033

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The following-named persons are hereby appointed justices of the peace for their respective townships and counties in North Carolina for a term beginning July 1, 1969, and expiring December 7, 1970.

<table>
<thead>
<tr>
<th>Alleghany</th>
<th>Sparta, N. C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Glenn Nichols</td>
<td></td>
</tr>
<tr>
<td>R. D. Gentry</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ashe</th>
<th>West Jefferson, N. C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoyle Stringer</td>
<td></td>
</tr>
<tr>
<td>T. G. Duncan</td>
<td>Jefferson, N. C.</td>
</tr>
<tr>
<td>C. Brantley Coward</td>
<td>Jefferson, N. C.</td>
</tr>
<tr>
<td>Q. A. Duncan</td>
<td>West Jefferson, N. C.</td>
</tr>
<tr>
<td>B. H. Duncan</td>
<td>R.F.D., Trade, Tennessee</td>
</tr>
<tr>
<td>Buncombe</td>
<td>Candler, N. C.</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Mrs. Helen McElyea</td>
<td></td>
</tr>
<tr>
<td>Caroll Fowler</td>
<td></td>
</tr>
<tr>
<td>Rea Poore</td>
<td></td>
</tr>
<tr>
<td>Horace E. Medford</td>
<td></td>
</tr>
<tr>
<td>Helen Lance</td>
<td></td>
</tr>
<tr>
<td>Cabarrus</td>
<td># 4 Township</td>
</tr>
<tr>
<td>Lewis Faggart</td>
<td></td>
</tr>
<tr>
<td>Charles E. Pratt</td>
<td></td>
</tr>
<tr>
<td>H. H. Watts</td>
<td></td>
</tr>
<tr>
<td>A. R. Erwin</td>
<td></td>
</tr>
<tr>
<td>Robert L. Trout</td>
<td></td>
</tr>
</tbody>
</table>

| Caswell           |                      |                  |             |                  |                  |
| James Duke Foster |                      |                  |             |                  |                  |
| Arthur Morefield, Jr. |                  |                  |             |                  |                  |

| Iredell           | Statesville, N. C.  | Mooresville, N. C. | Love Valley, N. C. |
| Sam Laws          |                      |                  |             |                  |                  |
| Caroll Neel       |                      |                  |             |                  |                  |
| Mrs. Andy Barker  |                      |                  |             |                  |                  |

| Randolph         | High Point, N. C.   | Randleman, N. C.  |             |                  |                  |
| R. J. Auman       |                      |                  |             |                  |                  |
| James Coble       |                      |                  |             |                  |                  |

| Stephen C. Foster|                      |                  |             |                  |                  |
| Isabell T. Barrier|                      |                  |             |                  |                  |
| Homer F. Lucas   |                      |                  |             |                  |                  |
| W. F. Bailey     |                      |                  |             |                  |                  |

| Wilkes           | Wilkesboro          | Wilkesboro        | Rock Creek    | Elk              | Wilkesboro       |
| W. B. Warner     |                      |                  |             |                  |                  |
| C. G. Glass      |                      |                  |             |                  |                  |
| H. M. Wiles      |                      |                  |             |                  |                  |
| Bobbie Hawkins   |                      |                  |             |                  |                  |
| Frances B. Somers|                      |                  |             |                  |                  |
| Dallas Newman    |                      |                  |             |                  |                  |
| J. H. White      |                      |                  |             |                  |                  |
| C. W. Hanes      |                      |                  |             |                  |                  |
| Irvin E. Key     |                      |                  |             |                  |                  |
| C. J. Jones      |                      |                  |             |                  |                  |

| Yadkin          | Route # 1. Jonesville, N. C. | Jonesville, N. C. |                  |                  |                  |
| Jessie P. Adams  |                      |                  |             |                  |                  |
| Evan Martin      |                      |                  |             |                  |                  |
| Hubert Evans     |                      |                  |             |                  |                  |

1187
June, 1969.

CHAPTER 1033

AN

B. striking

General

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect July 1, 1969.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 1312

CHAPTER 1034

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA TO EXTEND ITS CORPORATE LIMITS AND TO INCREASE THE NUMBER OF ALDERMEN COMPOSING ITS BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact.

Section 1. Section 3 of Chapter 746 of the 1915 Session Laws is hereby amended by striking out all of Section 3 and substituting therefor the following:

"Sec. 3. Corporate Limits. The Corporate Limits of the Town shall be as follows:

Beginning at a stake located at a point 1 mile due North from the center of the Southern Railway depot in the Town of Black Mountain, and runs thence South 67 deg. 30 min. East 4,041.1 feet; thence South 22 deg. 30 min. East 4,041.1 feet; thence South 22 deg. 30 min. West 4,041.1 feet; thence South 67 deg. 30 min. West 4,041.1 feet; thence North 67 deg. 30 min. West 4,041.1 feet; thence North 22 deg. 30 min. West 4,041.1 feet; thence North 22 deg. 30 min. East 4,041.1 feet to a stake at the intersection of North Fork Road and Hiawassee Avenue, which said Hiawassee Avenue is shown on a plat recorded in Plat Book 10, Page 27, Buncombe County Registry, to which reference is hereby made; and runs thence along and with the North Fork Road the following courses and distances: North 55 deg. West 152 feet to a stake; North 18 deg. West 500 feet to a stake; thence North 31 deg. 30 min. West 1,080 feet to a stake, said stake being at the intersection of the road known as Walkertown Road; and runs thence along and with said North Fork Road 38 deg. West 133.5 feet to a stake in the southern margin of an opened fifty foot street; thence along and with said margin of said street South 46 deg. 30 min. West 617 feet to a stake; thence North 83 deg. 30 min. West 406 feet to a stake; thence continuing along the Northwestern margin of said street North 6 deg. 30 min. East 139 feet to a stake; thence North 48 deg. 30 min. West 410 feet to a stake in the Goodson Line; thence South 47 deg. 20 min. West 444 feet to a stake in the Goodson Line; thence South 50 deg. East 300 feet to a stake along the ridge; thence continuing along the said ridge South 7 deg. East 230 feet to a stake; then South 76 deg. East 230 feet to an 18 inch oak; thence South 425 feet to a stake; thence South 52 deg. 55 min. East 360 feet to a stake; thence South 63 deg. East 495 feet to a stake; thence South 71 deg. East 220 feet to a stake; thence South 40 deg. West 400 feet to a stake; thence following the Southwestern margin of Chapel Road 680 feet to a stake; thence South 20 deg. West 172 feet to a stake; thence North 56 deg. 30 min. West 400 feet to a stake; thence South 35 deg. 30 min. West 170 feet to a stake; thence South 2 deg. 30 min. West 120 feet
to a stake; thence South 15 deg. 30 min. West 205 feet to a stake; thence South 27 deg. 30 min. West 190 feet to a stake; thence South 11 deg. 15 min. West 205 feet to a stake; thence South 48 deg. 45 min. East 120 feet to a stake; thence South 24 deg. West 160 feet to a stake; thence South 50 deg. 55 min. East 250 feet to a stake; thence South 34 deg. 5 min. West 201 feet to a stake; thence North 30 min. West 124 feet to a stake; thence South 49 deg. West 80 feet to a stake in the northwestern margin of Fairway Drive; thence following the northwestern margin of Fairway Drive 601 feet to the intersection of Hill Top Road; thence following the Northern margin of Hill Top Road 540 feet to the intersection of Allen Mountain Road; thence following the northeastern margin of Allen Mountain Road 367 feet to a stake; thence North 11 deg. East 120 feet to a stake; thence South 50 deg. 42 min. West 360 feet to a stake; thence South 39 deg. 18 min. East 130 feet to a stake; thence South 28 deg. West 200 feet to a stake; thence south 36 deg. East 325 feet to a stake; thence South 60 deg. 30 min. East 728 feet to a stake; thence North 69 deg. 45 min. East 300 feet to a stake; thence North 2 deg. East 358 feet to a stake; thence South 88 deg. East 1,500 feet to the western margin of Hiawassee Avenue; thence following the western margin of Hiawassee Avenue approximately 2,250 feet to a stake; thence North 67 deg. 30 min. East 4,041.1 feet to the point of Beginning.

Also the following property:

Beginning at a stake on the western margin of North Fork Road, said stake being located in the City limits line, and runs thence North 57 deg. 30 min. East across North Fork Road 133 feet to an iron pin; thence South 81 deg. East 38 feet to a stake; thence North 85 deg. East 38 ft. to a stake; thence South 85 deg. East 94 feet to a stake; thence South 80 deg. 30 min. East 55 feet to a stake; thence South 82 deg. East 100 feet to a stake; thence South 83 deg. East 50 feet to a stake; thence North 85 deg. 15 min. East 50 feet to a stake; thence North 61 deg. 45 min. East 100 feet to a stake; thence North 51 deg. 15 min. East 60 feet to a stake; thence North 42 deg. 30 min. East 50 feet to a stake; thence North 18 deg. 30 min. East 45 feet to a stake; thence North 13 deg. 30 min. East 180 feet to a stake; thence North 9 deg. 30 min. East 165 feet to a stake; thence North 3 deg. East 108 feet to a stake; thence North 8 deg. East 121 feet to an iron pin; thence North 84 deg. West 377 feet to an iron pin; thence South 46 deg. 30 min. West 475 feet to an iron pin; thence South 43 deg. 30 min. East 100 feet to an iron pin; thence South 61 deg. 15 min. East 189 feet to an iron pin and being in the northwestern margin of Mountain Laurel Acres Road; thence following said road South 32 deg. 45 min. West 185 feet to a stake; thence South 43 deg. 32 min. West 65 feet to a stake; thence South 57 deg. 30 min. West 181 feet to a stake located on the western margin of North Fork Road and the City limit line; thence South 41 deg. East 30 feet to the point of Beginning;

Sec. 2. Sec. 4 of Chapter 747 of the Session Laws of 1951 is hereby amended by striking out the number "3" appearing in the third line thereof and substituting in lieu thereof the number "5".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 629, Session Laws of 1969.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.
H. B. 1330

CHAPTER 1035

AN ACT AUTHORIZING CONTINUATION OF A SPECIAL TAX LEVY FOR SUPPORT OF THE ONSLOW TECHNICAL INSTITUTE BY WHATEVER NAME HEREAFTER ADOPTED FOR SAID INSTITUTION.

The General Assembly of North Carolina do enact:

Section 1. All local taxes heretofore authorized by the voters of Onslow County to be levied annually for the local financial support of the Onslow Technical Institute may continue to be levied by the Board of Commissioners of Onslow County for the purpose of providing local financial support of the institution notwithstanding any change hereafter made in the name of the institution.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from the date of ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 1338

CHAPTER 1036

AN ACT CLARIFYING AND CORRECTING AN ERROR IN THE NOTICE PROVISIONS OF CHAPTER 349, SESSION LAWS OF 1969, RELATING TO MEETINGS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The third sentence of G.S. 153-8(a), as revised by Chapter 349, Session Laws of 1969, is rewritten to read as follows: "At least 10 days before the first meeting to which it is to apply, any resolution adopted hereunder shall be posted on the courthouse bulletin board, and a summary thereof shall be published at least once in a newspaper published in the county and qualified to publish legal advertisements, or if no such newspaper is available, in a newspaper having a general circulation in the county."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. B. 1353

CHAPTER 1037

AN ACT TO AMEND CHAPTER 120 OF THE GENERAL STATUTES RELATING TO VACANCIES ON THE LEGISLATIVE RESEARCH COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 120-30.12, as the same appears in 1967 Cumulative Supplement to the 1964 Replacement Volume 3B of the General Statutes, is hereby amended by adding a new paragraph at the end thereof to read as follows:

"If for any reason the office of President pro tempore of the Senate becomes vacant, the five Senate members of the Legislative Research Commission shall elect one of their own number to perform and exercise the duties imposed and powers granted pursuant to this Article, and such Senator so elected shall serve until the Senate shall elect a President pro tempore. If for any reason the office of Speaker of the House of Representatives becomes vacant, the five members

1190
of the House of Representatives of the Legislative Research Commission shall
elect one of their own number to perform and exercise the duties imposed and
powers granted pursuant to this Article, and such member of the House of Repre-
sentatives so elected shall serve until the House of Representatives shall elect
a Speaker.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 25th day of
June, 1969.

H. B. 1355

CHAPTER 1038
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BUN-
COMBE COUNTY TO APPROPRIATE FOR THE USE OF ELIADA HOME FOR
CHILDREN IN BUNCOMBE COUNTY A SUM NOT IN EXCESS OF TEN
THOUSAND DOLLARS PER YEAR.
The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Buncombe County be and
it is hereby authorized and empowered to appropriate and pay to the Eliada Home
for Children in Buncombe County a sum which shall not be in excess of ten thousand
dollars ($10,000.00) per year during each fiscal year of the biennium 1969-1971 said
appropriation shall be from non ad valorem tax funds.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 25th day of
June, 1969.

S. B. 13

CHAPTER 1039
AN ACT TO AMEND G. S. 163-147 SO AS TO REGULATE ELECTIONEERING
NEAR VOTING PLACES.
The General Assembly of North Carolina do enact:

Section 1. G. S. 163-147, as it appears in the 1967 Cumulative Supplement
to Volume 3D of the General Statutes, is hereby rewritten to read as follows:
"G. S. 163-147. Electioneering, placards, near voting place. No political banner,
poster, placard, or campaign worker shall be allowed in or upon the voting place
or within 500 feet thereof during the day of a primary or election, except for the
purpose of voting. No person, while the polls are open at the voting place on the
day of a primary or election, shall do any electioneering within the voting place
or within 500 feet thereof: Provided, that a candidate may personally electioneer
not closer than 50 feet of the voting place."
Sec. 2. This Act shall apply only to Cumberland, Durham, Franklin, Guilford,
Warren and Vance Counties.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 25th day of
June, 1969.
CHAPTER 1040

S. B. 806

CHAPTER 1040

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES, AS IT APPEARS IN CHAPTER 546 OF THE SESSION LAWS OF 1969, TO PROVIDE FOR AN ADVISORY COMMITTEE FOR MEDICAL ASSISTANCE.

The General Assembly of North Carolina do enact:

Section 1. Part 5 of Article 2 of Chapter 108 of the General Statutes, as it appears in Chapter 546 of the Session Laws of 1969, is hereby amended by adding G.S. 108-61.1 as follows:

G.S. 108-61.1. Advisory Committee for Medical Assistance. (a) There shall be established an advisory committee for medical assistance, appointed by the Governor.

(b) The purpose of the Committee shall be to advise the State Board of Social Services concerning the purchase of health and medical services as named in this part or that may be approved by the Board pursuant to G.S. 108-24, Subsection 3.

(c) The director of each of the following departments of State Government, or his designee, shall be members of the Committee: State Commission for the Blind, State Board of Health, Department of Public Instruction, Department of Administration, Department of Mental Health. The terms of these members shall be at the pleasure of the Governor.

(d) One member shall be appointed from each health service provider association or society named in this Article whose members are authorized to provide health services for the medical services program created under this part. Each association or society will submit nominees to the Governor.

(e) Five citizens at large, knowledgeable about the health problems of the poor, or about the purchase of health care, shall be appointed to the committee.

(f) Three additional members may be appointed by the Governor if deemed desirable.

(g) From among the provider and citizen members, one-third shall be appointed for one year terms, one-third for two year terms and one-third for three year terms. Subsequent appointments shall be for three-year terms. A chairman and vice-chairman shall be appointed by the Governor.

(h) The committee shall meet at least semi-annually and at such other times as may be called by the chairman.

(i) Staff services shall be provided to the committee by the State Department of Social Services. Members who are citizens at large and members who are providers of service shall be paid travel expenses as provided members of State Boards and Commissions under G.S. 138-5, from funds appropriated to the State Board of Social Services.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
H. B. 1159

CHAPTER 1041

AN ACT AMENDING ARTICLE 24 OF CHAPTER 58, RELATING TO MUTUAL BURIAL ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-237.1 is rewritten in its entirety to read as follows:

"Each burial association shall have at all times a surplus of at least three dollars ($3.00) per member. For the purpose of determining such surplus, advanced assessments, unpaid death benefits and other unpaid expenses shall be included as liabilities at time of determining such surplus.

"The Burial Commission shall order any burial association that has a surplus of less than three dollars ($3.00) per member, as determined by the last audit made by the Commissioner's office of a burial association's books or by the annual statement filed by an association, to immediately increase its assessments of its members, the number of such increase in assessments to be in the Commission discretion, provided that no association, unless its death loss requires, shall be ordered to make more than 12 single assessments per year. When the surplus of any association so ordered shall reach three dollars ($3.00) per member, the Burial Commission may, in its discretion, decrease the number of assessments of such association so as to, as near as possible, maintain a surplus of three dollars ($3.00) per member.

"Any burial association, with the prior approval of the Burial Commission, may maintain a surplus of over three dollars ($3.00) per member."

Sec. 2. Article 4 of G. S. 58-226 is amended by striking all of said Article after the period in line 37 thereof and substituting in lieu thereof the following:

"Upon the failure of any secretary or secretary-treasurer to comply with this provision, it shall be the duty of the Burial Association Commissioner to take charge of the books of the association and do whatever work is necessary to bring the books up-to-date. The actual costs of said work may be charged the burial association and shall be paid from the thirty per cent (30%) allowed by law for the operation of the burial association.

"Whenever in the opinion of the Burial Association Commissioner, it is necessary to audit the books of any burial association more than three times in any calendar year, the Burial Association Commission shall have authority to assess such burial association the actual cost of any audit in excess of three per calendar year, provided that no more than three audits may be deemed necessary unless a discrepancy exists at the last regular audit. Such cost shall be paid from the thirty per cent (30%) allowed by law for the operation of the burial association.

"Every burial association shall file with the Burial Commission an annual report of its financial condition on a form furnished to it by the Burial Commissioner. Such report shall be filed on or before February 15 of each calendar year and shall cover the complete financial condition of the burial association for the immediate preceding calendar year. The Burial Association Commission may levy and collect a penalty of twenty-five dollars ($25.00) for each day after February 15 that the report called for herein is not filed. The Commission may, in its discretion, grant any reasonable extension of the above filing date without the penalty provided in this Section. Such penalty shall be paid from the thirty per cent (30%) allowed by law for the operation of the burial association. Any secretary or secretary-trea-
CHAPTER 1041    SESSION LAWS—1969

surer who fails to file such financial report on or before February 15 of each calendar year shall be guilty of a misdemeanor and shall be punished by a fine of not in excess of one hundred dollars ($100.00) and imprisoned for not in excess of 30 days, or both fined and imprisoned. Each day after February 15 that said report is not filed by the secretary or secretary-treasurer of a burial association, shall constitute a separate offense."

Sec. 3. Article 11 of G. S. 58-226 is rewritten in its entirety to read as follows:

"Article 11. Assessments shall be made as provided in G. S. 58-237.1. Whenever possible, assessments will be made at definitely stated intervals so as to reduce the cost of collection and to prevent lapse."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in effect upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

S. B. 613    CHAPTER 1042

AN ACT TO AMEND THE GENERAL STATUTES RELATING TO HUNTING, TRAPPING, AND FISHING LICENSE FEES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 113-95, as the same appears in the 1966 Replacement Volume 3A, is hereby amended by rewriting the schedule of license fees appearing at the end of the first paragraph to read as follows:

"Nonresident hunting license ................................................................. $22.00
Nonresident six-day hunting license ..................................................... 17.75
Resident state hunting license ............................................................. 5.50
Resident combination hunting and fishing license ................................... 7.50
Resident county hunting license ........................................................... 2.50"

Sec. 2. G.S. 113-95 is further amended by deleting from the second paragraph the second sentence as the same appears in lines 20 through 27 of the section and by inserting in lieu thereof the following:

"The issuing agent is authorized to retain, as his fee for issuing each license, the sum of twenty-five cents (25¢) for each license costing less than five dollars and the sum of fifty cents (50¢) for each license costing five dollars or more."

Sec. 3. G.S. 113-95 is further amended by deleting from the second paragraph the fifth, sixth and seventh sentences as the same appear in lines 34 through 50 of the section and by inserting in lieu thereof the following:

"A nonresident of this State shall obtain a nonresident hunting license which shall entitle him to hunt during the entire season, or such nonresident may obtain a nonresident six-day hunting license which shall entitle him to hunt during six consecutive days during the open season. The combination hunting and fishing license may be obtained only by a resident of this State and shall authorize him to hunt and fish in any county of the State at large according to the law."

Sec. 4. G.S. 113-95 is further amended by adding to the third paragraph the words "and in the county where the deed to such lands is registered" between the words "lands" and "by" on line 77 thereof, and by deleting from the third paragraph the words and figures "twenty-five cents (25¢)" which appear in lines 77 and 78 of the section and by inserting in lieu thereof the words and figures "fifty cents (50¢)".
Sec. 5. G.S. 113-95 is further amended by deleting from the last paragraph the words and figures "five dollars ($5.00) as a license fee, and the sum of twenty-five cents (25¢)" as they appear in line 94 of the section and by inserting in lieu thereof the words and figures "six dollars ($6.00) as a license fee, and the sum of fifty cents (50¢)".

Sec. 6. G.S. 113-96, as the same appears in the 1966 Replacement Volume 3A, is hereby amended (1) by deleting the words and figures "two dollars ($2.00)" from line 3 and by inserting in lieu thereof the words and figures "three dollars ($3.00)"; (2) by deleting the words and figures "three dollars ($3.00)" from line 7 and by inserting in lieu thereof the words and figures "four dollars ($4.00)"; and by deleting the words and figures "twenty-five cents (25¢)" from line 13 and by inserting in lieu thereof the words and figures "fifty cents (50¢)".

Sec. 7. Chapter 113 of the General Statutes is hereby amended by adding a new section to be designated as G.S. 113-95.2 and to read as follows:

"G.S. 113-95.2. Special big game hunting license. In addition to such hunting licenses as are required by G.S. 113-95, no one may hunt any species of big game without first having procured a special big game hunting license which shall be issued only upon payment of a license fee in the sum of one dollar and fifty cents ($1.50) plus twenty-five cents (25¢) for the issuing agent. For the purpose of this section "big game" is defined as deer, bear, wild boar and wild turkey.

Sec. 8. Chapter 113 of the General Statutes is hereby amended by inserting a new section to be designated as G.S. 113-96.1 and to read as follows:

"Sec. 113-96.1. Schedule of licenses. The several hunting and trapping licenses required by the preceding G.S.113-95, G.S. 113-95.2, and G.S. 113-96 are summarized and tabulated as follows:

- Nonresident hunting license ........................................ $22.00
- Nonresident six-day hunting license ............................. 17.75
- Nonresident landowners county hunting license ............... 5.50
- Resident State hunting license ................................... 5.50
- Resident combination hunting and fishing license ............. 7.50
- Resident county hunting license .................................. 2.50
- Controlled shooting preserve license ............................ 6.50
- Special big game hunting license ................................. 1.75
- Nonresident trapping license ..................................... 25.50
- Resident State trapping license ................................. 4.25
- Resident county trapping license ................................. 3.25

Sec. 9. Paragraph (c) of G.S. 113-271 is hereby amended as follows:

(1) By deleting the figures "$4.25 ($0.25)" from subparagraph (1) and inserting in lieu thereof the figures "$5.50 ($0.50)";

(2) By deleting the figures "$6.25 ($0.25)" from subparagraph (2) and inserting in lieu thereof the figures "$7.50 ($0.50)";

(3) By deleting the figures "$1.65 ($0.15)" from subparagraph (3) and inserting in lieu thereof the figures "$2.50 ($0.25)";

(4) By deleting the figures "$0.85 ($0.10)" from subparagraph (4) and inserting in lieu thereof the figures "$1.25 ($0.25)";
(5) By deleting the figures "$8.25 ($0.25)" from subparagraph (5) and inserting in lieu thereof the figures "$9.50 ($0.50)";

(6) By deleting the figures "$3.75" from subparagraph (6) and inserting in lieu thereof the figures "$4.25"; and

(7) By deleting the figures "$1.65 ($0.15)" from subparagraph (7) and inserting in lieu thereof the figures "$2.25 ($0.25)".

Sec. 10. Paragraph (d) of G.S. 113-272 is hereby amended as follows:

(1) By deleting the figures "$1.25" from subparagraph (1) and inserting in lieu thereof the figures "$2.25"; and

(2) By deleting the figures "$3.25" from subparagraph (2) and inserting in lieu thereof the figures "$4.25".

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. All provisions of this Act relating to hunting and trapping licenses and to the combination hunting and fishing license shall become effective on August 1, 1969; all provisions of this Act relating to fishing licenses, other than the combination hunting and fishing license, shall become effective on January 1, 1970.

Sec. 13. All 100% disabled War Veterans as determined by the Veterans Administration shall be issued a lifetime license for hunting, fishing and trapping as provided in this Act, upon payment of one annual license fee.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

H. B. 1184

CHAPTER 1043

AN ACT TO TRANSFER ALL OF THE SCHOOL PROPERTY, BOTH REAL AND PERSONAL, OF THE GLEN ALPINE CITY SCHOOL UNIT TO THE BURKE COUNTY SCHOOL SYSTEM SINCE THESE UNITS HAVE BEEN MERGED.

The General Assembly of North Carolina do enact:

Section 1. That all of the property, both real and personal, heretofore owned and held by the Glen Alpine Graded School District, the Morganton Graded School District, and the Burke County Board of Education, and all books, records, equipment and supplies, all moneys, funds on hand, or funds heretofore budgeted and allocated to the above school administrative units and their governing authorities, as well as all debts, liabilities and obligations, be, and the same are hereby, transferred from the Glen Alpine Graded School District, from Morganton Graded School District, and from the Burke County Board of Education, and title to all such property, both real and personal, choses in action, and property of any nature and description whatsoever, is hereby transferred to and vested in the Burke County Public Schools Board of Education.

Sec. 2. It shall be the duty of the State Superintendent of Public Instruction to prepare a certificate of merger or consolidation which shall show the transfer of property authorized by this Act and to certify said certificate of merger or consolidation to the Register of Deeds of Burke County, and the same shall be registered by the Register of Deeds in the same manner as deeds, and for the same fees, but no formalities as to acknowledgement, probate, or approval by any other officer shall be required. The name of the school units set forth in this Act which formerly owned the school property covered by this Act shall appear in the "Grantor" index, and the name of the school unit or school board now owning said school property
by virtue of the merger or consolidation, the same being Burke County Public Schools Board of Education, shall appear in the "Grantee" index.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1208

CHAPTER 1044

AN ACT TO ALLOW THE STATE TO MOVE FOR CERTIFICATION FOR REVIEW BY THE SUPREME COURT OF CRIMINAL AND POST-CONVICTTION CAUSES AFTER DETERMINATION BY THE COURT OF APPEALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-31(a), as the same appears in the 1967 Cumulative Supplement to the General Statutes, is amended to add the following paragraph at the end of the section: "The State may move for the certification for review of any criminal cause or any cause involving review of a post-conviction proceeding, but only after determination of the cause by the Court of Appeals."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1259

CHAPTER 1045

AN ACT TO REDUCE THE PUNISHMENT FOR EACH OFFENSE OF NON-SUPPORT OF WIFE, CHILD, AND PARENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-322 is hereby amended by deleting the semicolon following the word "misdemeanor" in line 5 thereof, and inserting the following: "and upon conviction for the first offense shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six months, or both, in the discretion of the court; upon conviction of a second or subsequent offense he or she shall be punished by fine or by imprisonment not exceeding two years, or both, in the discretion of the court;"

Sec. 2. G. S. 14-325 is hereby amended by deleting the period following the word "misdemeanor" in line 3 thereof and adding the following: "and upon conviction for the first offense shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six months, or both, in the discretion of the court; upon a conviction of a second or subsequent offense he shall be punished by fine or by imprisonment not exceeding two years, or both, in the discretion of the court."

Sec. 3. G. S. 14-326.1 is hereby amended by striking from line 7 thereof the following: "fined or imprisoned in the discretion of the court", and adding in lieu
CHAPTER 1045

SESSION LAWS—1969

thereof: "punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six months, or both, in the discretion of the court; upon conviction of a second or subsequent offense he or she shall be punished by fine or by imprisonment not exceeding two years, or both, in the discretion of the court."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1278

CHAPTER 1046

AN ACT AMENDING G.S. 153-26 RELATING TO THE DRAINAGE OF SWAMP-LANDS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 156-26, as the same appears in Volume 3C of the General Statutes, is amended by inserting after the word "lowlands" and before the word "then" in line 6 thereof the following: "or shall, by written agreement, contract with any person, firm or corporation to cut or dig any main drainway through such swamp or lowlands."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1296

CHAPTER 1047

AN ACT TO PROVIDE FOR THE EXTENSION OF THE TERMS OF OFFICE FOR CERTAIN MEMBERS OF THE BOARD OF EDUCATION OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Lee County shall continue to be constituted of five (5) members as its membership, and the present members of the Board of Education of Lee County shall continue to hold their offices for the terms of office heretofore established and until the term of office of each member has expired except as provided in Section 2 of this Act.

Sec. 2. The terms of office of J. Glenn Edwards and C. M. Wicker, initially appointed to the Board of Education of Lee County for terms of four (4) years each by Chapter 248 of the 1969 Session Laws, are each hereby extended for a period of two (2) years, or until the first Monday in April, 1975, and until their successors are elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
H. B. 1307

CHAPTER 1048

AN ACT TO CREATE A STATE CONSTRUCTION FINANCE AUTHORITY AUTHORIZED TO ISSUE REVENUE BONDS TO FINANCE CERTAIN STATE GOVERNMENT BUILDING PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. Creation of Authority. There is hereby created a body corporate and politic and constituting an agency of the State government to be known as the North Carolina State Construction Finance Authority. It shall consist of five members, all of whom shall serve ex officio: The Governor, the Director of the Department of Administration, the State Treasurer, the State Auditor, and the Lieutenant Governor. The Governor shall serve as Chairman unless he elects to designate some other member as Chairman. The members of the Authority shall receive no compensation for their services in that capacity, but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in connection with performance of their duties and functions as such members.

Three members of the Authority shall constitute a quorum for the transaction of business, and in the absence of a quorum one or more members may adjourn from time to time. The Authority shall elect a secretary and a treasurer who need not be members of the Authority, each of whom shall serve at the pleasure of the Authority and, if not members of the Authority, receive such compensation as the Governor and the Advisory Budget Commission shall determine. The treasurer shall give such bond as the Authority shall prescribe.

Sec. 2. Purpose of Act. The purpose of this Act is to provide a method of financing, through the Authority, the acquisition or construction of buildings and other facilities authorized by the General Assembly for the operation of the State Government and its departments, institutions and agencies, without a pledge of the faith and credit or the taxing power of the State.

Sec. 3. Definitions. As used in this Act, the following words shall have the following meanings, unless another or different meaning or intent shall be clearly indicated by the context:

1. The word "Authority" shall mean the North Carolina State Construction Finance Authority.

2. The word "bonds" shall mean bonds or revenue refunding bonds of the Authority issued under the provisions of this Act.

3. The word "project" shall mean any building, structure or other facility authorized by the General Assembly to be acquired, constructed, enlarged, extended, remodelled or improved by the Authority for the operation of the State Government or any department, agency or institution thereof, and such authorization shall state the maximum authorized cost thereof, and any such project may include any necessary land, furnishings and equipment and parking facilities, utilities and landscaping.

4. The word "cost" as applied to a project shall include the cost of acquisition or construction, the cost of acquisition of all property, both real and personal, or interests therein, the cost of demolishing, removing or relocating any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated, the cost of all labor, materials, equipment and furnishings, financing charges, interest prior to and during con-
struction and, if deemed advisable by the Authority, for a period not exceeding one year after completion of such construction, cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost, administrative expenses, and such other expenses as may be necessary or incident to the acquisition or construction of the project and the financing of such acquisition or construction. Any obligation or expense incurred by the State or the Authority prior to the issuance of bonds under the provisions of this Act in connection with any of the foregoing items of cost may be regarded as a part of such cost.

Sec. 4. Revenue bonds not debits. Revenue bonds issued pursuant to this Act shall not be deemed to constitute a debt or liability of the State or any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the State nor the Authority shall be obligated to pay the same or the interest thereon except from revenues as herein defined and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds hereunder shall not directly or indirectly or contingently obligate the State or any political subdivision thereof to levy or to pledge any taxes whatsoever therefor.

Sec. 5. General powers of Authority. The Authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but without limiting the generality of the foregoing, the following powers:

(1) To sue and be sued;

(2) To make contracts;

(3) To adopt and use a common seal and to alter the same as may be deemed expedient;

(4) to acquire by purchase or otherwise (including the power of condemnation by the exercise of the right of eminent domain under the eminent domain laws of the State), construct, complete, remodel, enlarge, extend, improve and equip any project;

(5) to acquire property of any and every kind and description, real, personal, or mixed, by gift, purchase or otherwise, including property of the State or of any department, board, commission, or other agency of the State transferred to the Authority as herein authorized;

(6) to lease any project to, and to charge and collect rents from, any officer, department, board, commission or other agency of the State for the use of any such project;

(7) in the event of non-payment of rents under any such lease, to maintain and operate any such project or lease such project to others for any suitable purpose or dispose of any such project, all as hereinafter provided;

(8) to borrow money and to issue bonds or notes or other obligations as hereinafter provided to pay all or any part of the cost of any project or projects, and to fund or refund the same;

(9) to fix and revise and charge and collect rents and other charges for the use of any project;
(10) to employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in the judgment of the Authority, and to fix their compensation;

(11) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;

(12) to receive and accept from any federal, State or other public agency or from any private agency, person or other entity donations, loans, grants, aid or contributions of any money, property, labor or other things of value for any project or projects, and to agree to apply and use the same in accordance with the terms and conditions under which the same are provided; and

(13) to do all acts and things necessary or convenient to carry out the powers granted by this Act.

Sec. 6. Issuance of revenue bonds and bond anticipation notes. The Authority is hereby authorized to issue, at one time or from time to time, revenue bonds of the Authority for the purpose of paying all or any part of the cost of any project or projects. The bonds of each issue shall be dated and shall mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. Any such bonds shall bear interest at such rate or rates as may be determined by the Local Government Commission of North Carolina with the approval of the Authority. The Authority shall determine the form and manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this Act or any recitals in any bonds issued under the provisions of this Act, all such bonds shall be deemed to be negotiable instruments under the laws of this State, subject only to the provisions for registration in any resolution authorizing the issuance of such bonds or any trust agreement securing the same. The bonds may be issued in coupon or registered form or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. Unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, if the proceeds of such bonds, by error of estimates or otherwise, shall be less than the cost of a project or projects
for which such bonds shall have been issued, additional bonds may in like manner be issued to provide the amount of such deficit and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

Any resolution providing for the issuance of revenue bonds, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional revenue bonds thereunder as the Authority may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

Except as herein otherwise provided, bonds may be issued by the Authority under this Act and other powers vested in the Authority under this Act may be exercised by the Authority without obtaining the consent of any department, division, commission, board, bureau or agency of the State and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

In anticipation of the issuance of bonds for any project the Authority may borrow money at the lowest rate of interest obtainable and execute and issue notes of the Authority for the payment of any of the costs of such project. The provisions of this Act relating to bonds of the Authority and the proceeds thereof shall govern as to any bond anticipation notes issued hereunder and the proceeds thereof in so far as such provisions may be made applicable thereto. To the extent that any such notes shall not have been retired from revenues received by the Authority on account of the project for which they were issued or from other sources, such notes shall be paid from the proceeds of the bonds of the Authority issued for such project.

Sec. 7. Leases of projects. The Authority and the department, board, commission or other agency of the State or the State Treasurer on behalf of the State Government are authorized and empowered to enter into a lease or leases with respect to any project or projects financed by the Authority hereunder for such department, board, commission or other agency of the State or the State Government, as the case may be, any such lease to be payable solely from appropriations to be made by the General Assembly for the payment of the rent therein provided to be paid. Any such lease may be entered into contemporaneously with or at any time after the financing by the Authority of the project described in such lease, and payments under the lease may begin at any time after execution of such lease. Any such lease shall extend only for the biennium in which it is executed, and shall be automatically renewed for the succeeding biennium, effective on the first day thereof, unless the General Assembly shall fail to make an appropriation or appropriations for the payment of the rent therein provided to be paid during such succeeding biennium.

The rents provided for in the lease with respect to any project shall be sufficient at all times to pay the principal of and the interest on the bonds issued therefor and a proportion of the administrative expenses of the Authority as provided for
by such lease and such reserves as may be required by the resolution authorizing the issuance of such bonds.

In the event any such lease is not renewed the Authority may maintain and operate the project described therein, or lease all or any part of such project to any other person, firm or corporation for any purpose deemed by the Authority to be suitable, or sell or otherwise dispose of such project in any manner and on such terms and conditions as the Authority shall determine to be for the best interest of the State, the Authority and the holders of bonds or other obligations of the Authority issued to finance such project or payable in whole or in part from the revenues thereof. Any fees, rents or charges on the part of the Authority or any such lessee shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State.

Sec. 8. Trust agreement; money received deemed trust funds; insurance; remedies. In the discretion of the Authority, any revenue bonds issued under this Act may be secured by a trust agreement by and between the Authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign all or any part of the revenues to be received, but shall not convey or mortgage any project or projects or any part thereof. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights and remedies of the holders of such bonds as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition, construction or provision of any project or projects; the maintenance, repair, operation and insurance of any project or projects; rents, charges or fees to be fixed and collected, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds, revenues or other money hereunder to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement or resolution may set forth the rights and remedies of the holders of the bonds and the rights, remedies and immunities of the trustee or trustees, if any, and may restrict the individual right of action by such holders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of such holders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as an administrative expense of the Authority or as a part of the cost of the project or projects for which such bonds are issued or as an expense of operation of such project or projects, as the case may be.

All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The Authority may provide for the payment of the proceeds of the sale of the bonds and the revenues, or part thereof, to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine, and may provide for the temporary investment thereof pending such disbursement. Any officer with whom or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such
requirements as are provided in this Act and in the resolution or trust agreement authorizing or securing such bonds.

Notwithstanding the provisions of any other law the Authority may carry insurance on any project or projects in such amounts and covering such risks as it may deem advisable.

Any holder of bonds issued under this Act or of any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or resolution, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the Authority or by any officer thereof.

Sec. 9. Sinking fund; pledge of revenues. Any resolution or trust agreement providing for the issuance of and securing bonds hereunder shall provide that all revenues derived from or on account of the leasing of any project, except such part thereof as may be necessary to pay administrative costs of the Authority and the cost of maintenance, repair and operation of any project during any operation thereof by the Authority and reserves for the payment of such cost, shall be set aside in a sinking fund or funds which shall be and are hereby pledged to and charged with the payment of the principal of and the interest on such bonds as the same shall become due and the redemption or purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the fees, rents and charges and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of the trust agreement securing the same.

Sec. 10. Refunding bonds. The Authority is hereby authorized to issue from time to time revenue refunding bonds for the purpose of refunding any revenue bonds or revenue refunding bonds issued by the Authority under this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The Authority is further authorized to issue from time to time revenue refunding bonds for the combined purpose of (i) refunding any such revenue bonds or revenue refunding bonds issued by the Authority under this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (ii) paying all or any part of the cost of acquiring or constructing any additional project or projects.

The issuance of such refunding bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the Authority with respect to the same, shall be governed by the foregoing provisions of this Act insofar as the same may be applicable.
Sec. 11. Sale of bonds; sale or exchange of refunding bonds. Upon the filing with the Local Government Commission of North Carolina of a resolution of the Authority so requesting, bonds authorized to be issued hereunder shall be sold on behalf of the Authority by the Local Government Commission in such manner, at public or private sale, and for such price as the Local Government Commission may determine to be for the best interests of the Authority and the State, provided that such sale shall be approved by the Authority.

Refunding bonds may be sold or exchanged by the Local Government Commission on behalf and with the approval of the Authority for outstanding bonds of the Authority issued under this Act and, if sold, the proceeds thereof may be applied to the purchase, redemption or payment of such outstanding bonds. Pending the application of the proceeds of any such refunding bonds, with any other available funds, to the payment of the principal, accrued interest and any redemption premium on the obligations being refunded, and, if so provided or permitted in the resolution authorizing the issuance of such refunding bonds or in the trust agreement securing the same, to the payment of any interest on such refunding bonds and any expenses in connection with such refunding, such proceeds may be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America which shall mature or which shall be subject to redemption by the holders thereof, at the option of such holders, not later than the respective dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended.

Sec. 12. Exemption from taxation; bonds eligible for investment or deposit. Any bonds issued under this Act, including any of such bonds constituting a part of the surplus of any bank, trust company or other corporation, and the transfer of and the income from any such bonds (including any profit made on the sale thereof and all principal, interest and redemption premiums, if any), and all property of the Authority, shall at all times be exempt from all taxes or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, which are levied or assessed by the State or by any county, political subdivision, agency or other instrumentality of the State.

Bonds issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is now or may hereafter be authorized by law.

Sec. 13. Transfer of State property. Any department, board, commission, agency or officer of the State may transfer jurisdiction of or title to any property under its or his control to the Authority when such transfer is approved in writing by the Governor as being advantageous to the State.

Sec. 14. Conveyance of property by the Authority to the State. Upon the final payment of all obligations of the Authority on account of any project financed hereunder the Authority shall convey such project, without charge, to the State or to the appropriate agency thereof.
Sec. 15. **Authorization to accept appropriated moneys.** The Authority is authorized to accept such moneys as may be appropriated from time to time by the General Assembly for effectuating the purposes of this Act, including, without limitation, the payment of expenses of administration and operation of the Authority or of any project, lease payments, and the establishment of a reserve or contingency fund to be available for the payment of the principal of and the interest on any bonds or notes of the Authority.

Sec. 16. **Annual reports.** The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, the Advisory Budget Commission and the Local Government Commission. Each such report shall set forth a complete operating and financial statement of the Authority during such year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by an independent certified public accountant and the cost thereof may be paid from any available moneys of the Authority.

Sec. 17. **Officers not liable.** No member or other officer of the Authority shall be subject to any personal liability or accountability by reason of his execution of any obligations or the issuance thereof.

Sec. 18. **Additional method.** The foregoing Sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or notes under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds or notes.

Sec. 19. **Act liberally construed.** This Act, being necessary for the prosperity of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Sec. 20. **Constitutional construction.** The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 21. **Inconsistent laws inapplicable.** Insofar as the provisions of this Act are inconsistent with the provisions of any general or special laws, or parts thereof, the provisions of this Act shall be controlling.

Sec. 22. **Effective upon ratification.** This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax of not more than three cents (3¢) on each one hundred dollars ($100.00) valuation of property in said counties, the same when collected to be applied to the upkeep, support and maintenance of the Public Libraries, which said libraries are operated for the benefit of the public. The appropriations and taxes for the purpose hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters of Ashe, Watauga, and Wilkes Counties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1329

CHAPTER 1050

AN ACT TO REQUIRE EYE SAFETY DEVICES FOR CERTAIN STUDENTS AND TEACHERS IN THE PUBLIC AND PRIVATE SCHOOLS AND EDUCATIONAL INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. The governing board or authority of any public or private school or educational institution within the State, wherein shops or laboratories are conducted providing instructional or experimental programs involving:

a. Hot solids, liquids or molten metals; or
b. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials; or

c. Heat treatment, tempering, or kiln firing of any metal or other materials; or

d. Gas or electric arc welding; or

e. Repair or servicing of any vehicle; or

f. Caustic or explosive chemicals or materials, shall provide for and require that every student and teacher wear industrial quality eye protective devices at all times while participating in any such program. These industrial quality eye protective devices shall be furnished free of charge to the student and teacher.

Sec. 2. Visitors to such shops and laboratories shall be furnished with and required to wear such eye safety devices while such programs are in progress.

Sec. 3. "Industrial quality eye protective devices," as used in Section 1, means devices meeting the standards of the U.S.A. Standard Practice for Occupational and Educational Eye and Face Protection, Z 87.1-1968 approved by the U. S. A. Standards Institute, Inc.

Sec. 4. In those cases where 'corrective-protective' devices that require prescription ophthalmic lenses are necessary, such devices shall only be supplied by those persons licensed by the State to prescribe or supply 'corrective-protective' devices.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
H. B. 1331

CHAPTER 1051

AN ACT PERTAINING TO THE REGISTRATION OF VOTERS RESIDING WITHIN THE CITY LIMITS OF THE CITY OF ROCKY MOUNT.

WHEREAS, the City of Rocky Mount is located in both Nash and Edgecombe Counties; and

WHEREAS, registration and voting for county and State elections in the City of Rocky Mount are held under the supervision and authority of the Nash and Edgecombe County Boards of Election respectively, and voting for municipal elections in the City of Rocky Mount is held under the supervision and authority of the Rocky Mount Municipal Board of Elections; and

WHEREAS, it is also deemed desirable for all registration in the City of Rocky Mount to be held under the supervision of the Nash and Edgecombe Boards of Election; and

WHEREAS, all three Boards of Election have adopted a full-time and permanent loose-leaf registration system; and

WHEREAS, for the convenience of the voters in both counties residing within the City of Rocky Mount, it is desirable for there to be a single place of registration, and for the county voting precincts to be the same as the City voting precincts within the City of Rocky Mount;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. A permanent, full-time registration office shall be established at a convenient place within the City of Rocky Mount, either in Nash or Edgecombe County, which shall be a branch of the full-time and permanent registration office of both counties. The location shall be determined by the three Boards of Election. Such office shall be deemed to be located in both counties for the purpose of complying with all provisions of Chapter 163 of the General Statutes of North Carolina respecting elections and election laws. Special Registration Commissioners appointed either by the Nash County Board of Elections or by the Edgecombe County Board of Elections shall be in charge of said office, and shall have the power and authority to register any Rocky Mount citizen irrespective of whether such citizen resides in Nash or Edgecombe County, provided said registrant is otherwise qualified by law to register. The position of permanent, full-time Registrar provided for the City of Rocky Mount in Section 431 of Chapter 938 of the 1963 Session Laws is hereby abolished; and the duties and authority assigned by said Chapter to said Registrar are hereby assigned to said Special Registration Commissioners.

Sec. 2. The Nash County Board of Elections and the Rocky Mount Municipal Board of Elections shall from time to time divide that portion of the City of Rocky Mount lying in Nash County into precincts which shall be the same for all elections; and the Edgecombe County Board of Elections and the Rocky Mount Municipal Board of Elections shall do the same for that portion of the City of Rocky Mount in Edgecombe County. In the event the City Limits of Rocky Mount are extended, the annexed areas shall become parts of those voting precincts within the City of Rocky Mount as the Nash County Board of Elections and the Rocky Mount Municipal Board of Elections shall determine for those portions of Nash County annexed to the City of Rocky Mount, and as the Edgecombe County Board of Elections and
the Rocky Mount Municipal Board of Elections shall determine for those portions of Edgecombe County annexed to the City of Rocky Mount. Prior to the effective date of such annexation, the City Clerk of the City of Rocky Mount shall provide the affected county Boards of Election with a map showing the exact areas of such annexation. As soon thereafter as the annexed areas are assigned to voting precincts within the City of Rocky Mount, as provided above, the respective county Board of Elections shall transfer the registration cards of each voter residing in the newly annexed areas from the registration books of the old precinct in which the newly annexed area was previously located to the registration books of the appropriate voting precinct within the City of Rocky Mount. Each registered voter of the newly annexed area shall be notified by letter of the change in his voting precinct and polling place.

Sec. 3. The cost of maintaining and operating the permanent voter registration office, and of the salaries of the Special Registration Commissioners shall be according to a budget approved by the three Boards of Election and the governing boards of the City and the two counties.

Sec. 4. Whenever any action or matter herein is to be determined by any two or more of the three Boards of Election, the same shall be determined by the unanimous decision of the affected Boards of Election, the decision of each separate Board of Election on the matter to be determined in the manner provided by law.

Sec. 5. (a) Chapter 542 of the 1965 Session Laws is hereby repealed.

(b) Subsection 10(a) of Section 431 of Chapter 938 of the 1963 Session Laws is hereby repealed.

(c) All laws and clauses of law in conflict herewith are hereby repealed.

(d) The Act shall be effective from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1339

CHAPTER 1052

AN ACT TO INCREASE THE PER DIEM AND MILEAGE ALLOWANCE OF MEMBERS OF THE BRUNSWICK COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The per diem allowance of members of the Board of Education of Brunswick County shall be twenty-five dollars ($25.00) and travel allowance shall be ten cents (10¢) per mile.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
H. B. 1340  CHAPTER 1053
AN ACT TO INCREASE THE PER DIEM AND MILEAGE ALLOWANCE OF MEMBERS OF THE COLUMBUS COUNTY BOARD OF EDUCATION AND APPOINTING A NEW MEMBER TO FILL A VACANCY ON THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. The per diem allowance of members of the Board of Education of Columbus County shall be twenty-five dollars ($25.00) and travel allowance shall be ten cents (10¢) per mile.

Sec. 2. John Frank Carter is hereby appointed to the Board of Education of Columbus County to fill the unexpired term created by the resignation of Guy Freeman.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1346  CHAPTER 1054
AN ACT TO PROVIDE FOR NUMBERED SEATS IN THE 5TH HOUSE OF REPRESENTATIVE DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1063 Session Laws of 1967 is hereby amended by deleting from line two (2) of Section 4 thereof the figure "5".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1348  CHAPTER 1055
AN ACT CREATING THE NORTH CAROLINA FORESTRY ADVISORY COMMITTEE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the North Carolina Forestry Advisory Committee, hereinafter called "Committee", to be composed of eleven members, all appointed by and to serve at the pleasure of the Governor. Three members shall represent wood-using industries; two members shall represent forest landowners; two members shall represent non-timber forest resource interests; two members shall represent the public; one member shall represent forestry organizations and one member shall represent banking and financial interests. All persons appointed to the Committee shall be persons of practical knowledge in the field they are to represent. Members of the Committee shall serve without compensation.

Sec. 2. The Governor shall designate one member of the initial Committee as Chairman who shall serve as Chairman for one year. Thereafter, yearly, the Committee shall elect its own Chairman. The Committee shall select its own Vice-Chairman who shall serve for a term of one year and who shall preside in the absence of the Chairman and perform such other duties as the Chairman shall direct. Both the Chairman and Vice-Chairman shall be eligible to serve successive terms. A quo-
rum for any meeting of the Committee shall be seven members. The Chairman and Vice Chairman may vote on all matters coming before the Committee. The Committee shall select a Secretary who need not be a member of the Committee. It shall be the duty of the Secretary to keep a permanent written record of the meetings of the Committee.

The Committee shall meet at least twice each year and more often if directed by the Board of Conservation and Development or if at least eight members of the Committee request in writing that the Chairman call a meeting. The Committee shall hold all its meetings within the State.

Sec. 3. It shall be the duty of the Committee to advise the Board of Conservation and Development with respect to all matters concerning the conservation and development of both State-owned and privately owned forests in the State. The Committee shall undertake such studies and make such reports to the Board of Conservation and Development and the Governor as the Board or Governor may direct. In addition, the Committee may make such studies, reports and recommendations to the Board of Conservation and Development and Governor as it shall deem in the interests of the conservation and developments of the forests within the State.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1360

CHAPTER 1056

AN ACT TO AMEND CHAPTER 600 OF THE 1969 SESSION LAWS, RELATING TO HIGHWAY FUND REVENUES, TO CLARIFY THE RATE SCHEDULE SET FORTH THEREIN AND THE EFFECTIVE DATE AS TO CERTAIN SECTIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Section 12 of Chapter 600 of the 1969 Session Laws (the same being House Bill 297 ratified the 27th day of May, 1969), is hereby amended as follows:

(1) By inserting a new line immediately following line 5 of Section 12 as the same appears on page 5 of House Bill 297 (ratified the 27th day of May, 1969), and preceding line 1 on page 6 of the same, said new line to read as follows: "Rates per Hundred Pound Gross Weight"; and

(2) By deleting the word "Common" at the beginning of line 13 as the same appears on page 6 of House Bill 297 (ratified the 27th day of May, 1969), immediately preceding the word "Carriers" and inserting in lieu thereof the word "Contract".

Sec. 2. Section 25 of Chapter 600 of the 1969 Session Laws (the same being House Bill 297 ratified the 27th of May, 1969), is hereby amended by rewriting the section to read as follows:

"Section 25. This Act shall become effective upon its ratification, provided, however, Sections 20, 21, 22, and 23 of this Act shall be effective only on and after July 1, 1969, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of this Act shall be effective only on and after January 1, 1970."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.
CHAPTER 1056    SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

H. B. 1373    CHAPTER 1057
AN ACT TO AMEND G. S. 18-67 TO CLARIFY THE STATUS OF TRANSSHIPMENTS MADE BY RESIDENT BREWERIES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 18-67 by striking out the phrase "for transshipment to dealers in other States" and substituting therefor the words "for transshipment to dealers in this or other States".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

S. B. 740    CHAPTER 1058
AN ACT TO MAKE PARTS 1, 2 AND 3 OF ARTICLE 36 OF CHAPTER 160 OF THE GENERAL STATUTES APPLICABLE IN CUMBERLAND COUNTY AND TO AMEND G. S. 160-453.2 AND G. S. 160-453.14 TO PROHIBIT ANNEXATION IN CUMBERLAND COUNTY WHEN A MAJORITY OF THE REGISTERED VOTERS OBJECT BY PETITION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-453.12 and G. S. 160-453.24 are each hereby amended by striking out of each Section the following: "Cumberland."

Section 2. G. S. 160-453.2 and G. S. 160-453.14 are hereby amended by adding at the end of each section, respectively, the following: "Provided, that the municipality shall not annex an area if, within 30 days after publication of the notice of intent has been completed, a petition signed by a majority of the registered voters residing in the area to be annexed is filed with the governing body stating that the signers are opposed to annexation. If a petition opposing the intended annexation is not filed within the 30-day period, then the municipality may proceed with the annexation procedure."

Sec. 3. G. S. 160-453.11 and G. S. 160-453.24 are each hereby amended by adding at the end thereof the following: "Notwithstanding the other provisions of this Section, all the provisions of Part 1 of this Article shall remain in full force and effect as alternative annexation procedures for municipalities in Cumberland County."

Sec. 4. The City Council of the City of Fayetteville, by resolution duly adopted, is hereby authorized to call a special election in Cumberland County on the question whether the provisos to G. S. 160-453.2 and G. S. 160-453.14, as enacted by Section 2 of this Act, shall be repealed. The election may be called at any time within the discretion of the City Council of the City of Fayetteville. If the election is held at the same time as any other county-wide election, the expense of the election shall be paid by the County of Cumberland. If the election is not held at the same time as any other county-wide election, then the City of Fayetteville shall pay the expense of the election.
The resolution shall request the County Board of Elections to hold the special election, and the County Board shall hold and conduct a county-wide election in all voting precincts in Cumberland County on the date set in the resolution. The election shall be conducted in accordance with the laws, rules and regulations governing elections for county officers insofar as practical. No absentee ballots shall be permitted. No new or special registration shall be required and all persons eligible to vote in the county shall be eligible to vote in the special election.

The question presented on the ballot shall be "FOR Repeal of Annexation Objection Law" and "AGAINST Repeal of Annexation Objection Law".

If a majority of those voting vote "FOR Repeal of Annexation Objection Law," then the provisos to G. S. 160-453.2 and G. S. 160-453.14, as enacted by Section 2 of this Act, shall be repealed. If a majority of those voting vote "AGAINST Repeal of Annexation Objection Law," then the provisos to G. S. 160-453.2 and G. S. 160-453.14, as enacted by Section 2 of this Act, shall remain in full force and effect.

Any election called under this Act must be held within three years from the ratification date hereof.

Sec. 5. This Act shall apply only to Cumberland County.
Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

S. B. 766

CHAPTER 1059

AN ACT TO ESTABLISH ARRANGEMENTS FOR THE EXAMINATION AND CERTIFICATION OF WATER AND WASTEWATER TREATMENT FACILITY OPERATORS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90A of the General Statutes of North Carolina is hereby amended by rewriting the Chapter title to read "Sanitarians and Water and Wastewater Treatment Facility Operators", and by designating G. S. 90A-1 through G. S. 90A-13 as "Article 1, Sanitarians."

Sec. 2. Chapter 90A of the General Statutes of North Carolina is hereby amended by adding immediately after G. S. 90A-13 a new Article 2 to read as follows:

"Article 2

*Certification of Water Treatment Facility Operators

"Sec. 90A-25. Purpose. It is the purpose of this Article to protect the public health and to conserve and protect the water resources of the State; to protect the public investment in water treatment facilities; to provide for the classifying of public water treatment facilities; to require the examination of water treatment facility operators and the certification of their competency to supervise the operation of water treatment facilities; and to establish the procedures for such classification and certification.

"Sec. 90A-26. Water Treatment Facility Operators Board of Certification. (a) Board Membership. There is hereby established within the State Board of Health a Water Treatment Facility Operators Board of Certification (hereinafter termed the 'Board of Certification') composed of seven (7) members to be appointed by the State Health Director as follows:

1213
(1) One member who is currently employed as a water treatment facility operator;

(2) One member who is manager of a North Carolina municipality using a surface water supply;

(3) One member who is manager of a North Carolina municipality using a treated ground water supply;

(4) One member who is employed as a director of utilities, water superintendent, or equivalent position with a North Carolina municipality.

(5) One member employed by a private water utility or private industry and who is responsible for the operation or supervision of a water supply and treatment facility;

(6) One member who is a faculty member of a four-year college or university whose major field is related to water supply; and

(7) One member employed by the State Board of Health and working in the field of water supply who shall serve as chairman of the Board of Certification.

(b) Terms of Office. The chairman of the Board of Certification shall serve at the pleasure of the State Health Director. All other members shall serve terms of three years, except that the State Health Director shall make initial appointments for terms of one year for two members, two years for two members, and three years for two members in order that terms of the members will be staggered. Appointments to fill a vacancy during the term of a member shall be for the unexpired term only. Any member may be appointed for more than one term in the discretion of the State Health Director.

(c) Powers and responsibilities. The Board of Certification shall establish all rules, regulations and procedures with respect to the certification program and advise and assist the State Health Director in its administration.

(d) Compensation. Members of the Board of Certification shall receive ten dollars ($10.00) per day for each day actually spent in the performance of their duties, plus actual travel expenses incurred in connection with the performance of their duties as provided by law for members of state boards and commissions generally.

"Sec. 90A-27. Classification of water treatment facilities. The Board of Certification, with the advice and assistance of the State Health Director, shall classify all surface water treatment facilities and all facilities for treating ground water supplies that are used, or intended for use, as part of a public water supply system with due regard for the size of the facility, its type, character of water to be treated, other physical conditions affecting the treatment of the water, and with respect to the degree of skill, knowledge, and experience that the operator responsible for the water treatment facility must have to supervise successfully the operation of the facilities so as to adequately protect the public health.

"Sec. 90A-28. Grades of certificates. The Board of Certification, with the advice and assistance of the State Health Director, shall establish grades of certification for water treatment facility operators corresponding to the classification of water treatment facilities. The grades of certification shall be ranked so that a person holding a certification in the highest grade is thereby affirmed competent to operate water treatment facilities in the highest classification and any water treatment facility in a lower classification; a person holding a certification in the next highest
grade is affirmed as competent to operate water treatment facilities in the next highest classification and any lower classification; and in a like manner through the range of grades of certification and classification of water treatment facilities.

"Sec. 90A-29. Operator qualifications and examination. The Board of Certification, with the advice and assistance of the State Health Director, shall establish minimum requirements of education, experience and knowledge for each grade of certification for water treatment facility operators, and shall establish procedures for receiving applications for certification, conducting examinations and making investigations of applicants as may be necessary and appropriate to the end that prompt and fair consideration be given every application and the water treatment facilities of the State may be adequately supervised by certified operators.

"Sec. 90A-30. Issuance of certificates. (a) An applicant, upon meeting satisfactorily the appropriate requirements shall be issued a suitable certificate by the Board of Certification designating the level of his competency. Certificates shall be permanent unless revoked for cause or replaced by one of a higher grade.

(b) Certificates may be issued, without examination, in a comparable grade to any person who holds a certificate in any state, territory or possession of the United States, if in the judgment of the Board of Certification the requirements for operators under which the person's certificate was issued do not conflict with the provisions of this Article, and are of a standard not lower than that specified under rules and regulations adopted under this Article.

(c) Certificates in an appropriate grade will be issued to operators who, on July 1, 1969, hold certificates of competency issued under the voluntary certification program now being administered through the Division of Sanitary Engineering of the State Board of Health with the cooperation of the North Carolina Water Works Operators Association, the North Carolina Section of the American Water Works Association, and the North Carolina League of Municipalities.

(d) Certificates in an appropriate grade will be issued without examination to any person or persons certified by the governing board in the case of a city, town, county, sanitary district, or other political subdivision, or by the owner in the case of a private utility or industry, to have been in responsible charge of its water treatment facilities on the date the Board of Certification notifies the governing board, or owner, of the classification of its water treatment facility, and if the application for such certification is made within one year of the date of notification. A certificate so issued will be valid for use by the holder only in the water treatment facility in which he was employed at the time of his certification.

(e) Temporary certificates in any grade may be issued without examination to any person employed as a water treatment facility operator when the Board of Certification finds that the supply of certified operators, or persons with training necessary to certification, is inadequate. Temporary certificates shall be valid for only one year but may be renewed. Temporary certificates may be issued with such special conditions or requirements relating to the place of employment of the person holding the certificate, his supervision on a consulting or advisory basis, or other matters as the Board of Certification may deem necessary to protect the public health.

"Sec. 90A-31. Revocation of certificate. The Board of Certification, in accordance with the procedure set forth in Chapter 150 of the General Statutes of North Caroli-
na, may revoke the certificate of an operator when it is found that the operator has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable to properly perform his duties.

"Sec. 90A-32. Application fee. The Board of Certification, in establishing procedures for receiving applications for certification, shall impose fees, or schedules of fees, adequate to meet the anticipated costs of administering the classification and certification programs.

"Sec. 90A-33. Promotion of training and other powers. The Board of Certification and the State Health Director are authorized to take all necessary and appropriate steps in order to effectively and fairly achieve the purposes of this Article, including, but not limited to, the providing of training for operators and cooperating with educational institutions and private and public associations, persons, or corporations in the promotion of training for water treatment facility personnel.

"Sec. 90A-34. Certified Operators Required. On and after July 1, 1971, every person, firm, or corporation, municipal or private, owning or having control of a water treatment facility shall have the obligation of assuring that the operator in responsible charge of such facility is duly certified by the Board of Certification under the provisions of this Article. No person, after July 1, 1971, shall perform the duties of an operator, in responsible charge of a water treatment facility, without being duly certified under the provisions of this Article."

Sec. 3. Chapter 90A of the General Statutes of North Carolina is hereby amended further by adding thereto a new Article 3 to read as follows:

"Article 3

"Certification of Wastewater Treatment Plant Operators

"Sec. 90A-50. Purpose. It is the purpose of this Article to protect the public health and to conserve and protect the quality of the water resources of the State and maintain the quality of receiving streams as assigned by the North Carolina Board of Water and Air Resources; to protect the public investment in wastewater treatment facilities; to provide for the classifying of wastewater treatment plants; to require the examination of wastewater treatment plant operators and the certification of their competency to supervise the operation of such facilities; and to establish procedures for such classification and certification.

"Sec. 90A-51. Wastewater Treatment Plant Operators Board of Certification. (a) Board membership. There is hereby established within the Department of Water and Air Resources a Wastewater Treatment Plant Operators Board of Certification (hereinafter termed the 'Board of Certification') composed of seven members to be appointed by the Assistant Director of the Department of Water and Air Resources, with the approval of the Board of Water and Air Resources, as follows:

(1) Two persons who are currently employed as wastewater treatment plant operators, wastewater plant superintendents, water and sewer superintendents, or equivalent positions with a North Carolina municipality;

(2) One member who is manager of a North Carolina municipality having a population of more than 10,000 as of the most recent federal census;

(3) One member who is manager of a North Carolina municipality having a population of less than 10,000 as of the most recent federal census;
(4) One member employed by a private industry and who is responsible for supervising the treatment or pre-treatment of industrial wastewater;

(5) One member who is a faculty member of a four-year college or university, whose major field is related to wastewater treatment; and

(6) One member who is employed by the Department of Water and Air Resources and works in the field of water pollution control, who shall serve as chairman of the Board of Certification.

(b) Terms of office. The Chairman of the Board of Certification shall serve at the pleasure of the Assistant Director of the Department of Water and Air Resources. All other members shall serve terms of three years, except that the Assistant Director of the Department of Water and Air Resources shall make initial appointments for terms of one year for two members, two years for two members, and three years for two members in order that terms of the members will be staggered. Appointments to fill a vacancy during the term of a member shall be for the unexpired term only. Any member may be appointed for more than one term in the discretion of the Assistant Director.

(c) Powers and responsibilities. The Board of Certification shall establish all rules, regulations, and procedures necessary with respect to the certification program and advise and assist the Assistant Director of the Department of Water and Air Resources in its administration.

(d) Compensation. Members of the Board of Certification shall receive ten dollars ($10.00) per day for each day actually spent in the performance of their duties, plus actual travel expenses incurred in connection with the performance of their duties as provided by law for members of state boards and commissions generally.

*Sec. 90A-52. Classification of wastewater treatment facilities.* The Board of Certification, with the advice and assistance of the Assistant Director of the Department of Water and Air Resources, shall classify all wastewater treatment facilities under the jurisdiction of the North Carolina Board of Water and Air Resources, as provided in G. S. 130-161, and those operated by institutions and agencies of the State of North Carolina. In making the classification, the Board of Certification shall give due regard, among other factors, to the size of the facility, the nature of the wastes to be treated or removed from the wastewater, the treatment process to be employed, and the degrees of skill, knowledge and experience that the operator of the wastewater treatment facility must have to supervise the operation of the facility so as to adequately protect the public health and maintain the water quality standards in the receiving waters as assigned by the North Carolina Board of Water and Air Resources.

*Sec. 90A-53. Grades of certificates.* The Board of Certification, with the advice and assistance of the Assistant Director of the Department of Water and Air Resources, shall establish grades of certification for wastewater treatment plant operators corresponding to the classification of wastewater treatment facilities. The grades of certification shall be ranked so that a person holding a certification in the highest grade is thereby affirmed competent to operate wastewater treatment facilities in the highest classification and any treatment facility in a lower classification; a person holding a certification in the next highest grade is affirmed as competent to operate wastewater treatment facilities in the next-to-the-highest classification and any lower classification; and in a like manner through the range of grades of certification and classification of wastewater treatment facilities.

1217
"Sec. 90A-54. Operator qualifications and examination. The Board of Certification, with the advice and assistance of the Assistant Director of the Department of Water and Air Resources, shall establish minimum requirements of education, experience and knowledge for each grade of certification for wastewater treatment plant operators, and shall establish procedures for receiving applications for certification, conducting examinations, and making investigations of applicants as may be necessary and appropriate to the end that prompt and fair consideration be given every application and the wastewater treatment facilities within the State may be adequately supervised by certified operators.

"Sec. 90A-55. Issuance of certificates. (a) An applicant, upon meeting satisfactorily the appropriate requirements, shall be issued a suitable certificate by the Board of Certification designating the level of his competency. Certificates shall be permanent unless revoked for cause or replaced by one of a higher grade.

(b) Certificates may be issued, without examination, in a comparable grade to any person who holds a certificate in any state, territory or possession of the United States, if in the judgment of the Board of Certification the requirements for operators under which the person's certificate was issued do not conflict with the provisions of this Article, and are of a standard not lower than that specified under rules and regulations adopted under this Article.

(c) Certificates in the appropriate grade will be issued, without examination, to operators who, on July 1, 1969, hold certificates of competency issued under the voluntary certification program now being administered through the Department of Water and Air Resources, with the cooperation of the Sanitary Engineering Division of the State Board of Health, the North Carolina League of Municipalities, and the North Carolina Water Pollution Control Association.

(d) Certificates in an appropriate grade will be issued without examination to any person or persons certified by the governing board in the case of a city, town, county, sanitary district, or other political subdivision, or by the owner in the case of a private utility or industry, to have been in responsible charge of its wastewater treatment facilities on the date the Board of Certification notifies the governing board, or owner, of the classification of its treatment facility, and if the application for such certification is made within one year of the date of notification. A certificate so issued will be valid for use by the holder only in the treatment facility for which he had responsible charge at the time of his certification.

(e) Temporary certificates, in any grade and without examination, may be issued to any person employed as a wastewater treatment plant operator when the Board of Certification finds that the supply of certified operators, or persons with training and experience necessary to certification, is inadequate. Temporary certificates shall be valid for only one year, but may be renewed. Temporary certificates may be issued with such special conditions or requirements relating to the place of employment of the person holding the certificate, his supervision on a consulting or advisory basis, or other matters as the Board of Certification may deem necessary to protect the public health and maintain the water quality standards in the receiving waters as assigned by the North Carolina Board of Water and Air Resources.

"Sec. 90A-56. Revocation of certificate. The Board of Certification, in accordance with the procedure set forth in Chapter 150 of the General Statutes of North Caroli-
na, may revoke the certificate of an operator when it is found that the operator has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable to properly perform his duties.

"Sec. 90A-57. Application fees. The Board of Certification, in establishing procedures for receiving applications for certification, shall impose fees, or schedules of fees, adequate to meet the anticipated costs of administering the classification and certification programs.

"Sec 90A-58. Promotion of training and other powers. The Board of Certification and the Assistant Director of the Department of Water and Air Resources are authorized to take all necessary and appropriate steps in order to effectively and fairly achieve the purposes of this Article, including, but not limited to, the providing of training for operators and cooperating with educational institutions and private and public associations, persons, or corporations in the promotion of training for wastewater treatment personnel.

"Sec. 90A-59. Certified Operators Required. On and after July 1, 1971, every person, firm, or corporation, municipal or private, owning or having control of a wastewater treatment works shall have the obligation of assuring that the operator in responsible charge of such plant is duly certified by the Board of Certification under the provisions of this Article. No person, after July 1, 1971, shall perform the duties of an operator, in responsible charge of a wastewater treatment works, without being duly certified under the provisions of this Article."

Sec. 4. G. S. 150-9 as the same appears in the 1967 Supplement to Replacement Volume 3C is hereby amended by adding to the last line thereof the words: "the Water Treatment Facility Operators Board of Certification and the Wastewater Treatment Plant Operators Board of Certification".

Sec. 5. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

S. B. 839

CHAPTER 1060

AN ACT TO AMEND CHAPTER 696 OF THE SESSION LAWS OF 1969 RELATING TO INITIATIVE AND REFERENDUM IN THE CITY OF GREENSBORO.

Section 1. Section 5 of Chapter 696 of the Session Laws of 1969 is hereby amended by inserting at the end thereof a new paragraph to read as follows:

"No initiative petition shall be valid, nor shall any be registered, within the period of one year and six months following the date of any election on a proposed form of government submitted to a vote pursuant to a previous initiative petition."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
CHAPTER 1061

S. B. 845

CHAPTER 1061

AN ACT TO FIX THE COMPENSATION OF THE COUNCILMEN AND MAYOR OF THE CITY OF CLINTON.

The General Assembly of North Carolina do enact:

Section 1. The compensation of the Councilmen of the City of Clinton is hereby fixed at seventy-five dollars ($75.00) per month.

Sec. 2. The compensation of the Mayor of the City of Clinton is hereby fixed at two hundred fifty dollars ($250.00) per month.

Sec. 3. Nothing in this Act shall impair the authority of the City Council of the City of Clinton to fix their own compensation and the compensation of the Mayor, in accordance with G. S. Sec. 160-9.1, as amended by Chapter 180, Session Laws of 1969.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall take effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

S. B. 337

CHAPTER 1062

AN ACT TO PROVIDE FOR UNIFORM STANDARDS ON BAIL, SUMMONS, AND RELEASE ON RECOGNIZANCE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 15-20 is amended by adding at the end of the first sentence of the second paragraph thereof as follows:

"The Chief Judge of the District Court Division of the General Court of Justice of each district shall devise and issue a recommended policy which may be followed on the use of a summons instead of a warrant of arrest."

Sec. 2. Article 10 of G.S. Chapter 15 is amended by adding a new Section G.S. 15-103 1/2 as follows:

"Sec. 15-103 1/2. Chief Judges to issue policies. The Chief Judge of the District Court Division of the General Court of Justice of each district shall devise and issue recommended policies which may be followed on the use of bail and the amounts thereof; the use of release on a person's own recognizance, and the use of unsecured appearance bonds and the amounts thereof."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
S. B. 690

CHAPTER 1063

AN ACT CLARIFYING AND BRINGING UP TO DATE THE STATUTES GOV-
ERNING THE FUNCTIONS OF THE COMMISSIONER OF THE N. C.
DEPARTMENT OF INSURANCE WITH REFERENCE TO LOCAL BUILDING
INSPECTORS.

The General Assembly of North Carolina do enact:

Section 1. Section 14-68 of the General Statutes is amended by inserting the
words "duly authorized" between the word "the" and the word "orders" in line 3;
by inserting the words "or of any municipal or county inspector of buildings or
of particular features, facilities, or installations of buildings," between the word
"Commission," and the word "he" in line 4; and by changing the period at the end
to a comma and thereafter inserting the words "failure, or refusal to obey such
orders." in line 5 of said section.

Sec. 2. Section 58-10 of the General Statutes is hereby rewritten to appear as
follows:

"Section 58-10. Commissioner to Supervise Local Inspectors. The Commissioner
shall exercise general supervision over local investigators of fires and fire prevention
inspectors. Whenever the Commissioner has reason to believe that the local inspec-
tors are not doing their duty, he or his deputy shall make special trips of inspection
and take proper steps to have all the provisions of the law relative to the investiga-
tion of fires and the prevention of fire waste enforced."

Sec. 3. Section 69-4 of the General Statutes is amended by deleting the words
"local inspector of buildings in municipalities where such officer is elected or
appointed" in lines 3 and 4 and substituting in their place the words "the city or
county building inspector, electrical inspector, heating inspector, or fire prevention
inspector"; by deleting the second sentence of such section from lines 6 through 10;
by deleting the words "fire committee" in line 20 and substituting in their place
the words "building inspector, electrical inspector, heating inspector, or fire prevention
inspector"; by inserting the words "or county" between the word "municipality"
and the word "and" in line 24; and by deleting the final sentence of said Section.

Sec. 4. Section 69-13 of the General Statutes, as same appears in the 1967 Cumu-
lative Supplement to Volume 2C, is amended by inserting the words "or the city
or county building inspector, electrical inspector, heating inspector, or fire prevention
inspector" between the word "department" and the word "is" in line 3 of said
Section.

Sec. 5. Section 69-29 of the General Statutes is amended by deleting the words
"B, C, D, or E" in line 2 and substituting in their place the words "Type III, IV,
V, or VI"; and by deleting the words "A or A1" in line 12 and substituting in their
place the words "Type I or II".

Sec. 6. Section 87-14 of the General Statutes, as the same appears in the 1967 Cumu-
lative Supplement to Volume 2C, is amended by deleting the word "village" in
line 3 and substituting in its place the word "county".

Sec. 7. All laws and clauses of laws in conflict herewith are hereby repealed
to the extent of such conflict.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of
June, 1969.
S. B. 691

CHAPTER 1064

AN ACT REDEFINING THE JURISDICTION OF COUNTY BUILDING INSPECTORS AND RECODIFYING THE PROVISIONS CONCERNING COUNTY ELECTRICAL INSPECTORS.

The General Assembly of North Carolina do enact:

Section 1. Section 160-122 of the General Statutes is repealed and the following new Subsection 153-9(47a) is enacted in substitution therefor:

"G. S. 153-9(47a). County Electrical Inspectors. The county commissioners of each county may, in their discretion, designate and appoint one or more electrical inspectors, who shall qualify as hereinafter prescribed, whose duty it shall be to enforce all State and local laws governing electrical installations and materials and to make inspections of all new electrical installations and such re-inspections as may be prescribed by the county commissioners, in buildings located in all unincorporated areas of the county, and to issue a certificate of approval where such installations fully meet the requirements set forth in State and local laws. In lieu of appointing a separate electrical inspector, the county commissioners may designate as county electrical inspectors:

a. An electrical inspector of any other county or counties, with the approval of the board of county commissioners of such other county or counties;

b. A municipal electrical inspector of any municipality or municipalities within the county, with the approval of the municipal governing body;

c. The county fire marshal; or

d. A county building inspector appointed under the provisions of G. S. 153-9(52).

The county commissioners shall fix the fees to be charged by such county electrical inspector, which fees shall be paid by the owner of the property inspected. The county commissioners may pay the electrical inspector a fixed salary or may in lieu thereof reimburse him for his services by paying over any inspection fees which he collects or parts of such fees. The board of county commissioners may make necessary appropriations for the special purpose of paying the salary or salaries of county electrical inspectors and any expenses pertaining to electrical inspection.

It shall be unlawful for the county electrical inspector or any of his authorized agents to engage in the business of installing electrical wiring, devices, appliances, or equipment, and he shall have no financial interest in any concern engaged in such business in the county, at any time while he fills this position.

Before confirmation of his appointment, the electrical inspector shall take and pass a qualifying examination based on the electrical regulations included in the latest edition of the State Building Code, as filed with the Secretary of State. This examination shall be in writing and shall be conducted according to the rules and regulations prescribed by and under the supervision of the Chief State Electrical Inspector or Engineer of the State Department of Insurance and the Board of Examiners of Electrical Contractors. The prescribed rules and regulations may provide for the appointment of class I, class II, and class III inspectors in accordance with the qualifications revealed by the examination. Examinations shall be given quarterly in Raleigh, or in such other places as may be designated by the Chief State Electrical Inspector or Engineer, at his discretion. Examinations shall be based on the type and character of electrical installations being made in the territory in
which the applicant wishes to serve as electrical inspector. An electrical inspector having qualified for a class I appointment shall be eligible without further examination to serve as electrical inspector anywhere in the State, but an inspector having qualified for a class II or class III appointment shall be limited to the territory for which he has qualified.

Upon passing the required examination, the applicant shall be issued a certificate by the N. C. Commissioner of Insurance approving him as inspector for a designated territory. Such certificate shall be renewed annually between January 1 and January 31 and shall be subject to cancellation at any time if the inspector is removed from office for cause by the board of county commissioners, which removal is hereby authorized. The fee for examination shall be five dollars ($5.00). The annual renewal fee for a certificate of appointment shall be one dollar ($1.00).

If the person appointed as electrical inspector by the county commissioners fails to take the examination or to make the necessary passing grade, the county commissioners shall continue to make appointments until one or more applicants has passed the examination. In the interim, a temporary inspector may act with the approval of the Commissioner of Insurance.

The inspector appointed shall give a bond approved by the county commissioners for the faithful performance of his duties.

Sec. 2. Subsection 153-9(39a) is amended by striking out the words "G. S. 160-122" and substituting therefor the words "subsection (47a) hereof" in line 16 of said subsection.

Sec. 3. Subsection 153-9(39b), as the same appears in the 1967 Cumulative Supplement to Volume 3C, is amended by striking out the words "G. S. 160-122" and substituting therefor the words "subsection (47a) hereof" in line 25 of said subsection. Said subsection is further amended by striking out the words "outside the corporate limits of any incorporated city or town in the county" in lines 7 and 8 and substituting therefor the words "in all unincorporated areas of the county."

Sec. 4. Subsection 153-9(47), as the same appears in the 1967 Cumulative Supplement to Volume 3C, is amended by inserting the word "all" before the word "unincorporated" in line 4.

Sec. 5. Subsection 153-9(52), as the same appears in the 1967 Cumulative Supplement to Volume 3C, is amended by inserting the following sentence at the end of the first paragraph of said subsection: "The territorial jurisdiction of such inspectors shall be all unincorporated areas of the county." Said subsection is further amended by striking out the words "G. S. 160-122" and substituting therefor the words "subsection (47a) hereof" in line 25. Said subsection is further amended by adding the words "part or all of" between the word "over" and the word "any" in line 31.

Sec. 6. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.
CHAPTER 1065

AN ACT REPEALING OBSOLETE MUNICIPAL BUILDING LAWS AND AUTHORIZING THE CREATION OF MUNICIPAL INSPECTION DEPARTMENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 11 of Chapter 160 of the General Statutes is hereby rewritten as follows:

"Article 11

Regulation of Buildings.

G. S. 160-115. Inspection Department. The governing board of every city and town in the State is hereby authorized to create an Inspection Department, and shall appoint one or more inspectors who may be given the titles of Building Inspector, Electrical Inspector, Plumbing Inspector, Housing Inspector, Zoning Inspector, Heating and Air Conditioning Inspector, Fire Prevention Inspector, or Deputy or Assistant Inspector, or such other titles as may be generally descriptive of the duties assigned. Such Department may be headed by a Superintendent or Director of Inspections.

G. S. 160-116. Duties and Responsibilities. The duties and responsibilities of any such Inspection Department and of the inspectors therein shall be to enforce within their territorial jurisdiction such state and local laws relating to (a) the construction of buildings and other structures; (b) the installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air conditioning systems; (c) the maintenance of buildings and other structures in a safe, sanitary, and healthful condition; and (d) other matters, as may be specified by the local governing board. Such duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and such other actions as may be required in order adequately to enforce those laws. The municipal governing body shall have the authority to enact such reasonable and appropriate provisions governing the enforcement of such laws, not inconsistent with law, as it may deem necessary.

G. S. 160-117. Territorial Jurisdiction. Unless otherwise specified by law, the territorial jurisdiction within which a municipal Inspection Department may enforce the State Building Code (including plumbing, heating, refrigeration, and electrical regulations), a fire prevention code, and any minimum housing standards ordinance adopted pursuant to Article 15 of this Chapter shall be the area within the municipal limits.

G. S. 160-118. Joint Inspection Department; Other Arrangements. A municipal governing board may enter into and carry out contracts with (a) any other municipality or municipalities, (b) any county or counties, or (c) any combination of municipalities and counties, under which the parties agree to create and support a joint Inspection Department for the enforcement of such state and local laws as may be specified in the agreement. The governing boards of the units which are parties to the agreement shall be authorized to make any necessary appropriations for such a purpose.
In lieu of a joint Inspection Department, a municipal governing board may designate an inspector from any other municipality or county to serve as a member of its Inspection Department, with the approval of the governing body of said municipality or county. Such inspector shall, while exercising the duties of such position, be considered a municipal employee.

The governing board of any municipality may request that the board of county commissioners of the county in which the municipality is located direct one or more county building inspectors to exercise their powers within part or all of the municipality's jurisdiction, and they shall thereupon be empowered to do so until such time as the municipal governing board officially withdraws its request.

Where a county is not exercising its authority to enforce building, electrical, and plumbing regulations within an area which is regulated by a municipality's validly-enacted zoning ordinance, the governing board of the municipality may request in writing prior to April 1 of any fiscal year that the county initiate such enforcement no later than the beginning of the next fiscal year. If the county declines in writing to exercise such powers or if it fails to initiate enforcement by the beginning of the next fiscal year, the municipality shall thereupon be empowered to enforce all such regulations within said area.

"G. S. 160-119. Financial Support. The governing board of the municipality may appropriate for the support of the Inspection Department such funds as it deems necessary. It may provide for paying inspectors fixed salaries or it may in lieu thereof reimburse them for their services by paying over part or all of any fees collected. It shall have power to fix such reasonable fees for issuance of permits, inspections, and other services of the Inspection Department as it deems necessary.

"G. S. 160-120. Conflicts of Interest. No member of an Inspection Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of such building. No member of an Inspection Department shall engage in any work which is inconsistent with his duties or with the interests of the municipality.

"G. S. 160-121. Failure to Perform Duties. If any member of an Inspection Department shall willfully fail to perform the duties required of him by law, or willfully shall improperly issue a permit, or shall give a certificate of compliance without first making the inspections required by law, or willfully shall improperly give a certificate of compliance, he shall be guilty of a misdemeanor.

"G. S. 160-122. Permits. No person shall commence or proceed with (a) the construction, reconstruction, alteration, repair, removal, or demolition of any building or structure, (b) the installation, extension, or general repair of any plumbing system, (c) the installation, extension, alteration, or general repair of any heating or cooling equipment system, or (d) the installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to such work. Any permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable state and local laws. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof.
and where the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless such plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. Where any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such a duly licensed contractor.

"G. S. 160-123. Time Limitations on Validity of Permits. Any permit issued pursuant to Sec. 160-122 shall expire by limitation six months, or such lesser time as may be fixed by ordinance of the local governing board, after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.

"G. S. 160-124. Changes in Work. After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where such changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of such changes or deviations has been obtained from the Inspection Department.

"G. S. 160-125. Inspections of Work in Progress. As the work pursuant to a permit progresses, local inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable state and local laws and of the terms of the permit. In exercising this power members of the Inspection Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

"G. S. 160-126. Stop Orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any state or local building law, or in such manner as to endanger life or property, the appropriate inspector may order the specific part of such work which is in violation or presents such a hazard to be immediately stopped. Such order shall be in writing to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from such order to the North Carolina Commissioner of Insurance within a period of five days after such order is issued. Notice of such appeal shall be given in writing to the Insurance Commissioner, with a copy to the local inspector. The Insurance Commissioner shall promptly conduct a hearing at which the appellant and the inspector shall be permitted to submit relevant evidence, and he shall rule on such appeal as expeditiously as possible. Pending the ruling by the Insurance Commissioner on said appeal no further work shall take place in violation of said order. Violation of a stop order shall constitute a misdemeanor.

"G. S. 160-127. Revocation of Permits. The appropriate Inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for such revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with proper orders of the inspector; for refusal or failure to comply
with the requirements of any applicable state or local laws; or for false statements or misrepresentations made in securing such permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

"G. S. 160-128. Certificates of Compliance. At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, until the Inspection Department has issued such a certificate; provided, however, that a temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building which the inspector finds may safely be occupied prior to final completion of the entire building.

"G. S. 160-129. Periodic Inspections. The Inspection Department shall make such periodic inspections as the governing board shall direct, by ordinance or otherwise, for unsafe, insanitary, or otherwise hazardous and unlawful conditions in structures within their territorial jurisdiction. In addition, it shall make such other inspections as may be required when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

"G. S. 160-130. Defects in Buildings to be Corrected. Whenever a local inspector finds any defects in a building, or finds that said building has not been constructed in accordance with the applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or the owner of the contents shall immediately remedy such defects, hazardous conditions, or violations of law in the property he owns.

"G. S. 160-131. Unsafe Buildings Condemned. Every building which shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.

"G. S. 160-132. Removing Notice from Condemned Building. If any person shall remove any notice which has been affixed to any building or structure by a local inspector of any municipality, which notice shall state the dangerous character of the building or structure, he shall be guilty of a misdemeanor.

"G. S. 160-133. Action in Event of Failure to Take Corrective Action. If the owner of a building or structure which has been condemned as unsafe pursuant to Sec. 160-131 shall fail promptly to take corrective action, the local inspector shall give such owner written notice, by certified or registered mail to the last known address of the owner or by personal service, (a) that said building or structure is in such a condition as appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property; (b) that a hearing will be held before the inspector

1227
at a designated place and time, which time shall be not less than ten days after the date of such notice, at which hearing the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and (c) that following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate. If the name or whereabouts of the owner cannot after due diligence be discovered, such notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing published in a newspaper having general circulation in the municipality at least once and at least one week prior to the hearing.

"G. S. 160-134. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed in Sec. 160-133, the inspector shall find that the building or structure is in such a condition as to constitute a fire or safety hazard or to be dangerous to life, health, or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy such conditions by repairing, closing, vacating, or demolishing the building or structure or taking such other steps as may be necessary, within such period, not less than sixty days, as the inspector may prescribe.

"G. S. 160-135. Appeal; Finality of Order if not Appealed. Any owner who has received an order under Sec. 160-134 shall have a right of appeal from such order to the municipal governing board, provided notice of such appeal is given in writing to the inspector and to the municipal clerk, as agent of the governing board, within ten days following issuance of the order. In the absence of such an appeal, the order of the inspector shall be final. The governing board shall, on receipt of an appeal, hear the same within a reasonable time and take such action to affirm, modify and affirm, or revoke the order as it deems reasonable and proper.

"G. S. 160-136. Failure to comply with Order. If the owner of a building or structure fails to comply with an order issued pursuant to Sec. 160-134 from which no appeal has been taken, or fails to comply with an order of the municipal governing board following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

"G. S. 160-137. Equitable Enforcement. Whenever any violation is denominated a misdemeanor under the provisions of this Article, the proper local authorities of the municipality, either in addition to or in lieu of other remedies may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate such action or violation or to prevent the occupancy of the building or structure involved.

"G. S. 160-138. Records and Reports. The Inspection Department shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of said department. Periodic reports shall be submitted to the local governing body and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require.

"G. S. 160-139. Appeals in General. Unless otherwise specified by law, appeals from any order, decision, or determination by a member of a local Inspection Department pertaining to the State Building Code or other state building laws shall be taken to the Commissioner of Insurance or other official specified in Sec. 143-139, by filing a written notice with him and with the Inspection Department within
a period of ten days after such order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

"G. S. 160-140. Establishment of Fire Limits. The governing body of every incorporated city or town shall pass one or more ordinances establishing and defining fire limits, which shall include the principal business portions of said city or town and which shall be known as primary fire limits. In addition, such governing body may, in its discretion, establish and define one or more separate areas within the municipality as secondary fire limits.

"G. S. 160-141. Restrictions within Primary Fire Limits. Within the primary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved (either into such limits or from one place to another within the limits), except upon the permit of the local Inspection Department approved by the Insurance Commissioner. The local governing body may make such additional regulations as it shall deem necessary for the prevention, extinguishment, or mitigation of fires within such limits.

"G. S. 160-142. Restrictions within Secondary Fire Limits. Within any secondary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved except in accordance with such rules and regulations as the local governing body shall establish by ordinance for such areas.

"G. S. 160-143. Failure to Establish Primary Fire Limits. If the aldermen or commissioners of any city or town shall fail or refuse to establish and define the primary fire limits of such city or town as required by law, after having such failure or refusal called to their attention in writing by the State Commissioner of Insurance, the Commissioner shall have power to establish such limits upon making a determination that they are necessary and in the public interest."

Sec. 2. Section 160-184 is amended by inserting the words "and enforce" between the word "adopt" and the word "ordinances" in line 4, and by inserting immediately after the words "such municipality" in line 5 of said Section the words "and any extraterritorial areas regulated by the municipality's zoning ordinance pursuant to Article 14 of this Chapter or any special or local Act enacted by the General Assembly."

Sec. 3. Sections 160-236 and 160-237 are repealed, and the following new Sections are substituted therefor:

"G. S. 160-236. Fire Chief. The governing body may elect a chief of the fire department, fix his term of office, prescribe his duties and obligations, and fix his compensation.

"G. S. 160-237. Duties of Fire Chief. Where not otherwise prescribed, the duties of the fire chief shall be to preserve and care for fire apparatus, have charge of the fighting and extinguishing of fires, have charge of the training of the fire department, seek out and have corrected all places and conditions dangerous to the safety of the municipality and its citizens from fire, and to make annual reports to the governing body concerning such duties."

Sec. 4. Should any Section, clause, or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect
the validity of the Act as a whole nor any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 5. The powers granted by this Act are intended to supplement and be in addition to any existing powers of municipalities. Subject to this overriding intention, all laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Sec. 6. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 27th day of June, 1969.

S. B. 694

CHAPTER 1066
AN ACT AUTHORIZING THE CREATION OF COUNTY INSPECTION DEPARTMENTS.

The General Assembly of North Carolina do enact:

Section 1. A new Article 27 is added to Chapter 153 of the General Statutes, which shall provide as follows:

"Article 27

"County Inspection Department.

"G.S. 153-341. Inspection Department. The board of commissioners of every county in the State is hereby authorized to create an Inspection Department, which shall consist of one or more inspectors who may be given the titles of Building Inspector, Electrical Inspector, Plumbing Inspector, Housing Inspector, Zoning Inspector, Heating and Air-Conditioning Inspector, Fire Prevention Inspector, or Deputy or Assistant Inspector, or such other titles as may be generally descriptive of the duties assigned. Such Department may be headed by a Superintendent or Director of Inspections.

"G.S. 153-342. Duties and Responsibilities. The duties and responsibilities of any such Inspection Department and of the inspectors therein shall be to enforce within their territorial jurisdiction such state and local laws relating to (a) the construction of buildings and other structures; (b) the installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air conditioning systems; (c) the maintenance of buildings and other structures in a safe, sanitary, and healthful condition; and (d) other matters, as may be specified by the local governing board. Such duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and such other actions as may be required in order adequately to enforce those laws. The governing board shall have the authority to enact such reasonable and appropriate provisions governing the enforcement of such laws, not inconsistent with law, as it may deem necessary.

"G.S. 153-343. Territorial Jurisdiction. Unless otherwise specified by law, the territorial jurisdiction within which a county Inspection Department may enforce the State Building Code (including plumbing, heating, refrigeration, and electrical regulations), any local building regulations, and any local fire prevention code shall be all unincorporated areas of the county.
G.S. 153-344. Joint Inspection Department; Other Arrangements. A county governing board may enter into and carry out contracts with (a) any municipality or municipalities, (b) any county or counties, or (c) any combination of municipalities and counties, under which the parties agree to create and support a joint Inspection Department for the enforcement of such state and local laws as may be specified in the agreement. The governing boards of the units which are parties to the agreement shall be authorized to make any necessary appropriations for such a purpose.

In lieu of a joint Inspection Department, a county governing board may designate an inspector from any other municipality or county to serve as a member of its Inspection Department, with the approval of the governing body of said municipality or county. Such inspector shall, while exercising the duties of such position, be considered a county employee.

The governing board of any municipality may request that the board of county commissioners of the county in which the municipality is located direct one or more county building inspectors to exercise their powers within part or all of the municipality's jurisdiction, and they shall thereupon be empowered to do so until such time as the municipal governing board officially withdraws its request.

Where a county is not exercising its authority to enforce building, electrical, and plumbing regulations within an area which is regulated by a municipality's validly-enacted zoning ordinance, the governing board of the municipality may request in writing prior to April 1 of any fiscal year that the county initiate such enforcement no later than the beginning of the next fiscal year. If the county declines in writing to exercise such powers or if it fails to initiate enforcement by the beginning of the next fiscal year, the municipality shall thereupon be empowered to enforce all such regulations within said area.

G. S. 153-345. Financial Support. The county governing board may appropriate for the support of the Inspection Department such funds as it deems necessary. It may provide for paying inspectors fixed salaries or it may in lieu thereof reimburse them for their services by paying over part or all of any fees collected. It shall have power to fix such reasonable fees for issuance of permits, inspections, and other services of the Inspection Department as it deems necessary.

G.S. 153-346. Conflicts of Interest. No member of an Inspection Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of such building. No member of an Inspection Department shall engage in any work which is inconsistent with his duties or with the interests of the county.

G.S. 153-347. Failure to Perform Duties. If any member of any Inspection Department shall willfully fail to perform the duties required of him by law, or willfully fail to issue a permit, or shall give a certificate of compliance without first making the inspections required by law, or willfully fail to improperly give a certificate of compliance, he shall be guilty of a misdemeanor.

G.S. 153-348. Permits. No person shall commence or proceed with (a) the construction, reconstruction, alteration, repair, removal, or demolition of any building or structure, (b) the installation, extension, or general repair of any plumbing system, (c) the installation, extension, alteration, or general repair of any heating or cooling equipment system, or (d) the installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, without first secur-
CHAPTER 1066  SESSION LAWS—1969

ing from the Inspection Department with jurisdiction over the site of the work any
and all permits required by the State Building Code and any other state or local
laws applicable to such work. Any permit shall be in writing and shall contain
a provision that the work done shall comply with the State Building Code and all
other applicable state and local laws. No permits shall be issued unless the plans
and specifications are identified by the name and address of the author thereof,
and where the General Statutes of North Carolina require that plans for certain
types of work be prepared only by a registered architect or registered engineer,
no permit shall be issued unless such plans and specifications bear the North Caroli-
na seal of a registered architect or of a registered engineer. Where any provision
of the General Statutes of North Carolina or of any ordinance requires that work
be done by a licensed specialty contractor of any kind, no permit for such work
shall be issued unless it is to be performed by such a duly licensed contractor.

"G.S. 153-349. Time Limitations on Validity of Permits. Any permit issued pur-
suant to G.S. 160-122 shall expire by limitation six months after the date of issuance
if the work authorized by the permit has not been commenced. If after commence-
ment the work is discontinued for a period of 12 months, the permit therefor shall
immediately expire. No work authorized by any permit which has expired shall
thereafter be performed until a new permit therefor has been secured.

"G.S. 153-350. Changes in Work. After a permit has been issued, no changes
or deviations from the terms of the application, plans and specifications, or the
permit, except where such changes or deviations are clearly permissible under the
State Building Code, shall be made until specific written approval of such changes
or deviations has been obtained from the Inspection Department.

"G.S. 153-351. Inspections of Work in Progress. As the work pursuant to a permit
progresses, local inspectors shall make as many inspections thereof as may be neces-
sary to satisfy them that the work is being done according to the provisions of
any applicable state and local laws and of the terms of the permit. In exercising
this power members of the Inspection Department shall have a right to enter on
any premises within the jurisdiction of the Department at all reasonable hours for
the purposes of inspection or other enforcement action, upon presentation of proper
credentials.

"G.S. 153-352. Stop Orders. Whenever any building or structure or part thereof
is being demolished, constructed, reconstructed, altered, or repaired in a hazardous
manner, or in substantial violation of any state or local building law, or in such
manner as to endanger life or property, the appropriate Inspector may order the
specific part of such work which is in violation or presents such a hazard to be
immediately stopped. Such order shall be in writing to the person doing the work,
and shall state the specific work to be stopped, the specific reasons therefor, and
the conditions under which the work may be resumed. The owner or builder may
appeal from such order to the N. C. Commissioner of Insurance within a period
of five days after such order is issued. Notice of such appeal shall be given in writing
to the Insurance Commissioner, with a copy to the local Inspector. The Insurance
Commissioner shall promptly conduct a hearing at which the Appellant and the
Inspector shall be permitted to submit relevant evidence, and he shall rule on such
appeal as expeditiously as possible. Pending the ruling by the Insurance Commis-
sioner on said appeal no further work shall take place in violation of said order.
Violation of a stop order shall constitute a misdemeanor.
"G.S. 153-353. Revocation of Permits. The appropriate Inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for such revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with proper orders of the Inspector; for refusal or failure to comply with the requirements of any applicable state or local laws; or for false statements or misrepresentations made in securing such permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

"G.S. 153-354. Certificates of Compliance. At the conclusion of all work done under a permit, the appropriate Inspector shall make a final inspection, and if he finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, until the Inspection Department has issued such a certificate; provided, however, that a temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building which the Inspector finds may safely be occupied prior to final completion of the entire building.

"G.S. 153-355. Periodic Inspections. The Inspection Department shall make such periodic inspections as the governing board shall direct, by ordinance or otherwise, for unsafe, insanitary, or otherwise hazardous and unlawful conditions in structures within their territorial jurisdiction. In addition, it shall make such other inspections as may be required when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

"G.S. 153-356. Defects in Buildings to be Corrected. Whenever a local inspector finds any defects in a building, or finds that said building has not been constructed in accordance with the applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or the owner of the contents shall immediately remedy such defects, hazardous conditions, or violations of law in the property he owns.

"G.S. 153-357. Unsafe Buildings Condemned. Every building which shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.

"G.S. 153-358. Removing Notice from Condemned Building. If any person shall remove any notice which has been affixed to any building or structure by a local inspector of any county, which notice shall state the dangerous character of the building or structure, he shall be guilty of a misdemeanor.

"G.S. 153-359. Action in Event of Failure to Take Corrective Action. If the owner of a building or structure which has been condemned as unsafe pursuant to G.S.
153-357 shall fail promptly to take corrective action, the local inspector shall give such owner written notice, by certified or registered mail to the last known address of the owner or by personal service. (a) that said building or structure is in such a condition as appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property; (b) that a hearing will be held before the inspector at a designated place and time, which time shall be not less than ten days after the date of such notice, at which hearing the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and (c) that following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate. If the name or whereabouts of the owner cannot after due diligence be discovered, such notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing published in a newspaper having general circulation in the county at least once and at least one week prior to the hearing.

"G.S. 153-360. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed in G.S. 153-359, the inspector shall find that the building or structure is in such a condition as to constitute a fire or safety hazard or to be dangerous to life, health, or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy such conditions by repairing, closing, vacating, or demolishing the building or structure or taking such other steps as may be necessary, within such period, not less than sixty days, as the inspector may prescribe.

"G.S. 153-361. Appeal; Finality of Order if not Appealed. Any owner who has received an order under G.S. 153-360 shall have a right of appeal from such order to the county governing board, provided notice of such appeal is given in writing to the inspector and to the clerk, as agent of the governing board, within ten days following issuance of the order. In the absence of such an appeal, the order of the inspector shall be final. The governing board shall, on receipt of an appeal, hear the same within a reasonable time and take such action to affirm, modify and affirm, or revoke the order as it deems reasonable and proper.

"G.S. 153-362. Failure to Comply with Order. If the owner of a building or structure fails to comply with an order issued pursuant to G.S. 153-360 from which no appeal has been taken, or fails to comply with an order of the county governing board following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

"G.S. 153-363. Equitable Enforcement. Whenever any violation is denominated a misdemeanor under the provisions of this article, the proper local authorities of the county, either in addition to or in lieu of other remedies may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate such action or violation or to prevent the occupancy of the building or structure involved.

"G.S. 153-364. Records and Reports. The Inspection Department shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of said department. Periodic reports shall be submitted to the local governing body and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require.
"G.S. 153-365. Appeals in General. Unless otherwise specified by law, appeals from any order, decision, or determination by a member of a local Inspection Department pertaining to the State Building Code or other state building laws shall be taken to the Commissioner of Insurance or other official specified in G.S. 143-139, by filing a written notice with him and with the Inspection Department within a period of ten days after such order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

"G.S. 153-366. Establishment of Fire Limits. The board of Commissioners of every county may pass one or more ordinances establishing and defining fire limits, which may include business and industrial sections of the county lying in unincorporated areas not subject to a validly-adopted municipal zoning ordinance. Within such fire limits, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved (either into such fire limits or from one place to another within the limits), except upon the permit of the local Inspection Department approved by the Insurance Commissioner. The board of commissioners may make such additional regulations as it shall deem necessary for the prevention, extinguishment, or mitigation of fires within such limits."

Sec. 2. Should any section, clause, or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 3. The powers granted by this Act are intended to supplement and be in addition to any existing powers of counties. Subject to this overriding intention, all laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

S. B. 733

CHAPTER 1067

AN ACT TO AMEND G. S. 28-39.1 RELATING TO THE VALIDATION OF CERTAIN CONVEYANCES BY FOREIGN EXECUTORS AND ADMINISTRATORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-39.1, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting the words ",, or administrator c.t.a.," immediately following the word "executor" in lines 2, 5, and 9 of said Section.

Sec. 2. Said G. S. 28-39.1 is hereby further amended by striking out the words "January first, 1957" in lines 7 and 8 and inserting the words "May 1, 1969" in lieu thereof.

Sec. 3. This Act does not apply to or affect pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.
CHAPTER 1068
S. B. 791

CHAPTER 1068
AN ACT AMENDING G. S. 106-176, RELATING TO THE SANITATION REQUIREMENTS OF SOFT DRINK BOTTLING PLANTS, SO AS TO CLARIFY THE SANITATION REQUIRED FOR SOFT DRINK BOTTLES AND OTHER CONTAINERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-176 is amended by striking all of said Section after the word "daily" in line 5 thereof; by placing a period after the word "daily" in line 5 thereof; and by adding at the end of said Section the following:

"All returnable bottles and similar type returnable containers must be cleaned and sanitized in caustic soda or alkali solution in not less than three per cent alkali or to an equivalent cleansing and sanitizing effect as prescribed by the rules and regulations adopted by the Board of Agriculture. Single service containers must be cleaned and sanitized according to rules and regulations adopted by the North Carolina Board of Agriculture."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

S. B. 815

CHAPTER 1069
AN ACT RELATING TO INTEREST RATES WHICH MAY BE CHARGED BY THE NORTH CAROLINA MEDICAL CARE COMMISSION ON SCHOLARSHIP LOANS AND PROVIDING FOR CONTRACT CANCELLATIONS WITH THE APPROVAL OF THE STATE ATTORNEY GENERAL.

The General Assembly of North Carolina do enact:

Section 1. G.S. 131-121 as the same appears in the 1967 Cumulative Supplement to Volume 3B of the General Statutes of North Carolina is amended by deleting all of paragraph one following the period after the word "granted" in line sixteen and inserting in lieu thereof the following:

"The loans shall bear such interest rate as contracted for not to exceed the per annum interest rate allowed by law. The Commission shall have the authority to cancel any contract made between it and any applicant for assistance upon such cause deemed sufficient by the Commission; provided, the assent to cancellation be first obtained from the Attorney General of North Carolina. The Medical Care Commission is hereby granted full power and authority to make reasonable rules and regulations so as to implement and promote the student loan and scholarship program in the best interests of the State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.
CHAPTER 1070

AN ACT CLARIFYING THE POTENTIAL LIABILITY OF LOCAL BUILDING INSpectORS CARRYING OUT THEIR DUTIES IN A LAWFUL MANNER.

The General Assembly of North Carolina do enact:

Section 1. Section 128-1 of the General Statutes, as the same appears in the 1967 Cumulative Supplement to Volume 3B, is amended by changing the period at the end to a comma and inserting the following words thereafter: "or to city or county building inspectors, electrical inspectors, plumbing inspectors, fire prevention inspectors, or similar local governmental inspectors."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

CHAPTER 1071

AN ACT TO AMEND ARTICLE 9, CHAPTER 105 OF THE GENERAL STATUTES OF NORTH CAROLINA TO RESTRICT LIABILITY FOR PAYMENT OF SUMS REPRESENTED BY NEGOTIABLE INSTRUMENTS UNDER GARNISHMENT PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of Section 105-242, Article 9, Chapter 105 of the General Statutes of North Carolina is hereby amended by inserting a semicolon in lieu of the period at the end of the first sentence thereof immediately following the word "garnishee" and by adding thereafter the following:

"provided, however, the garnishee shall not become liable for any sums represented by or held pursuant to any negotiable instrument issued and delivered by the garnishee to the taxpayer and negotiated by the taxpayer to a bona fide holder in due course, and whenever any sums due by the taxpayer and subject to garnishment are so held or represented, the garnishee shall hold such sums for payment to the Commissioner of Revenue upon the garnishee's receipt of such negotiable instrument, unless such instrument is presented to the garnishee for payment by a bona fide holder in due course in which event such sums may be paid in accordance with such instrument to such holder in due course."

Sec. 2. This Act does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
S. B. 811

CHAPTER 1072

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROANOKE RAPIDS, CHAPTER 1054 OF THE SESSION LAWS OF 1967, TO AUTHORIZE A RETIREMENT SYSTEM FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Roanoke Rapids, as enacted by Section 3 of Chapter 1054 of the Session Laws of 1967, is hereby amended by inserting therein a new Article XVI to read as follows:

"Article XVI.

"Retirement System

"Sec. 16.1. Retirement System Authorized. The City Council is hereby authorized to establish by ordinance a retirement plan and fund for its employees which shall be known as the City of Roanoke Rapids Employees' Retirement System, hereinafter referred to as the Retirement System.

"Sec. 16.2. Benefits. The Retirement System may provide for the payment of benefits to employee members at retirement because of age, and may, in the discretion of the City Council, provide additional benefits to employee members, or to their beneficiaries, on account of the member's disability or death. The ordinance may provide benefits which are based upon personal services rendered prior to the establishment of the Retirement System to the City, or to any other governmental agency or unit, and the City shall contribute the entire cost of benefits based on any such prior service.

"Sec. 16.3. Membership; Contributions. Membership shall include such officers and employees of the City as the ordinance shall designate. Employee members shall contribute to the Retirement System in such amounts as shall be stated in the ordinance and any employee's contribution, upon his written election, may be deducted from the employee member's pay by payroll deduction. The City shall contribute to the Retirement System such amounts as shall be determined annually by qualified actuarial consultants in order to meet the liabilities accruing against the Retirement System because of personal service rendered to said City by employee members after the establishment of the Retirement System. The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than thirty years from the date of the establishment of the Retirement System.

"Sec. 16.4. Actuarial Basis of System; Administrative Expenses. The Retirement System shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the date of the inauguration of the Retirement System, excepting the present value of benefits based on prior service, and shall employ for this purpose qualified actuarial consultants. The expenses of administering the Retirement System shall be paid as designated in the ordinance, and the City Council shall appropriate each year sufficient funds to cover the expenses of administration.

"Sec. 16.5. Board of Trustees. The ordinance may provide for the creation and appointment of a Retirement System Board of Trustees, and for the delegation to such Board of such powers and duties as may be deemed necessary by the City Council to carry out the intent and purpose of the Retirement System. The Board of Trustees, if created, shall consist of a member of the City Council, an employee
member of the Retirement System, an attorney licensed to practice law in North Carolina, a certified public accountant, and the City Manager.

"Sec. 16.6. Contracting Authority. The City Council may provide for the payment of one or more of the benefits enumerated in Sec. 16.2 by contracting with any other municipality or municipalities within the State of North Carolina, with the United States Government, with departments or other agencies of the State of North Carolina, with any insurance company licensed to conduct business in North Carolina, with any national or state banking corporation or association providing corporate retirement plan trust services, or with any other person or corporation, for the performance of any service in connection with the establishment of the Retirement System, or for the investment, care, or administration of funds contributed to the Retirement System or for any other service relating thereto.

"Sec. 16.7. Investments. The City Council, or the Retirement System Board of Trustees, or any governing body, department, agency, insurance company, or national or state banking corporation or association contracting with the City for the investment, care, or administration of funds contributed to the Retirement System may invest and reinvest the funds constituting the Retirement System in accordance with the investment powers specifically granted in the ordinance establishing the Retirement System, such powers being limited, however, to those that are customarily granted to national or state banking corporations or associations serving as fiduciaries for private or public employee retirement funds.

"Sec. 16.8. Article Not to Limit Other Authority. Nothing in this Article shall be construed so as to prohibit the City from providing or continuing to provide Old Age and Survivors' Insurance coverage, or Social Security coverage, for its officers and employees as the same may be authorized by Federal and State laws, either separately or in addition to the Retirement System herein authorized, or from participating in or permitting its employees to participate in the North Carolina Local Governmental Employees' Retirement System or in any other retirement or pension system, plan, or fund authorized by general or local law."

Sec. 2. Section 1 of Chapter 481 of the Session Laws of 1969 is hereby amended by inserting therein after the word "System" appearing at the end of the first sentence thereof, and after the word "System" appearing in the second sentence thereof, in each instance the words "or any Retirement System authorized by the City Charter or any other general or local law".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 823

CHAPTER 1073

AN ACT TO REWRITE AND CLARIFY G. S. 116-174.1 CONCERNING CONTRACTS OF MINORS WHO ARE BORROWING FOR POST-SECONDARY EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Article 18A, Section 174.1 of Chapter 116 of the General Statutes as the same appears in the 1966 Replacement Volume 3A is hereby rewritten in its entirety to read as follows:

1239
CHAPTER 1073                      SESSION LAWS—1969

"All minors in North Carolina of the age of seventeen (17) years and upwards shall have full power and authority to enter into written contracts of indebtedness, at a rate of interest not exceeding the contract rate authorized in Chapter 24 of the General Statutes, with persons and educational institutions or with firms and corporations licensed to do business in North Carolina and to execute notes evidencing such indebtedness. Such loans shall be:

"(1) Unsecured by the conveyance of any property as security, whether real, personal or mixed;

"(2) For the sole purpose of borrowing money to obtain post-secondary education at an accredited college, university, junior college, community college, technical institute, industrial education center, business or trade school provided, however, that none of the proceeds of such loans shall be used to pay for any correspondence courses;

"(3) The proceeds of any loan shall be disbursed either directly to the educational institution for the benefit of the borrower or jointly to the borrower and the educational institution."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 5                      CHAPTER 1074

AN ACT TO AMEND G. S. 20-16.2, G. S. 20-139.1 AND G. S. 20-179 PERTAINING TO OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR -IMPLIED CONSENT FOR CHEMICAL TEST.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-16.2, as same appears in the 1965 Replacement Volume 1C of the General Statutes, is rewritten to read as follows:

"G. S. 20-16.2. Mandatory revocation of license in event of refusal to submit to chemical tests. (a) Any person who operates a motor vehicle upon the public highways of this State or any area enumerated in G.S. 20-139 shall be deemed to have given consent, subject to the provisions of G. S. 20-139.1, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways of this State or any area enumerated in G. S. 20-139 while under the influence of intoxicating liquor. The law enforcement officer shall designate which of the aforesaid tests shall be administered. Before any of the tests shall be administered, the accused person shall be permitted to call an attorney and to select a witness to view for him the testing procedures; providing, however, that the testing procedures shall not be delayed for these purposes for a period of time of over thirty (30) minutes from the time the accused person is notified of these rights.

1240
(b) Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection (a) of this Section and the test or tests may be administered, subject to the provisions of G.S. 20-139.1.

(c) If a person under arrest who wilfully refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement officer as provided in subsection (a) of this section, none shall be given, but the department, upon the receipt of a sworn report of the law enforcement officer or other witness that the arrested person had been driving a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor and that the person had wilfully refused to submit to the test upon the request of the law enforcement officer, shall revoke his driving privilege for a period of sixty days. Provided, if the person so arrested shall be acquitted of the charge of driving while under the influence of intoxicating liquor, the Clerk of the Court in which such person is tried shall immediately notify the department of such acquittal and the department upon receipt of notice of acquittal shall immediately order the revocation be rescinded.

(d) Upon receipt of the sworn report required by G.S. 20-16.2(c) the Department shall immediately notify the arrested person that his license to drive is revoked immediately unless said person requests in writing within three days of receipt of notice of revocation a hearing. If such person requests in writing a hearing, he shall retain his license until after the hearing. The hearing shall be conducted under the same conditions as hearings are conducted under the provisions of G.S. 20-16 except that the scope of such a hearing for the purpose of this Section shall cover the issues of whether the person had been driving a motor vehicle upon the public highways of this State or any area enumerated in G.S. 20-139 while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon the request of the officer. Whether the person was informed that his privilege to drive would be revoked if he refused to submit to the test shall be an issue. The department shall order that the revocation either be rescinded or sustained. If the revocation is sustained, the person shall surrender his license immediately upon notification unless said license shall have been returned to him under G.S. 20-16.2(c).

(e) If the revocation is sustained after such a hearing, the person whose driving privilege has been revoked, under the provisions of this Section, shall have the right to file a petition in the Superior Court to review the action of the department in the same manner and under the same conditions as is provided in G.S. 20-25.

(f) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this State has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

Sec. 2. G.S. 20-139.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is rewritten to read as follows:

"G. S. 20-139.1. Result of a chemical analysis admissible in evidence; presumption. (a) In any criminal action arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown
by chemical analysis of the person's breath or blood shall be admissible in evidence and shall give rise to the following presumptions:

1. If there was at that time 0.10 per cent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

2. Per cent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

3. The provisions of this Section shall not be construed as limiting the introduction of any other competent evidence, including other types of chemical analyses, bearing upon the question whether the person was under the influence of intoxicating liquor.

(b) Chemical analyses of the person's breath or blood, to be considered valid under the provisions of this Section, shall have been performed according to methods approved by the State Board of Health and by an individual possessing a valid permit issued by the State Board of Health for this purpose. The State Board of Health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the State Board of Health; Provided, that in no case shall the arresting officer or officers administer said test.

(c) When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of G. S. 20-16.2 only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. No such person shall be held to answer in any criminal or civil action for assault or battery by reason of withdrawing blood from another under this Section; provided, however, that no person shall be relieved of liability for negligent acts or omissions in withdrawing blood from another under the provisions of this Section.

(d) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability of the person tested to obtain an additional test shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. Any law enforcement officer having in his charge any person who has submitted to the chemical test under the provisions of G. S. 20-16.2 shall assist such person in contacting a qualified person as set forth above for the purpose of administering such additional test.

(e) The individual making such chemical analysis of a person's breath shall record in writing the time of arrest and the time and results of such analysis, a copy of which record shall be furnished to the person submitting to said test or to his attorney prior to any trial or proceeding where the results of the test may be used.

(f) If a person under arrest refuses to submit to a chemical test under the provisions of G. S. 20-16.2, evidence of refusal shall be admissible in any criminal action arising out of acts alleged to have been committed while the person was driving a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor.
(g) The State Board of Health is empowered to make regulations concerning the ingestion of controlled amounts of beverages containing ethyl alcohol by individuals submitting to chemical analyses as a part of scientific, experimental, educational, or demonstration programs. Such regulations shall prescribe procedures consistent with controlling federal law governing the acquisition, transportation, possession, storage, administration, and disposition of ethyl alcohol or of beverages containing ethyl alcohol intended for use in such programs. Any person acquiring ethyl alcohol or beverages containing ethyl alcohol under such regulations shall keep records accounting for the disposition of all ethyl alcohol and beverages containing ethyl alcohol so acquired, and such records shall at all reasonable times be available for inspection upon the request of any federal or State law enforcement officer with jurisdiction over the laws relating to alcohol or intoxicating liquor. All acts done pursuant to such regulations reasonably in furtherance of bona fide objectives of the chemical testing program within this State shall be lawful notwithstanding the provisions of any other general, special, or local statute or any ordinance or regulation of the State or of any agency or subdivision of the State. Regulations of the State Board of Health adopted pursuant to this Section shall be filed and published in accordance with the provisions of G. S. 143-195 to G. S. 143-198.1.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective September 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 296

CHAPTER 1075

AN ACT TO AMEND CHAPTERS 18 AND 105 OF THE GENERAL STATUTES TO PROVIDE ADDITIONAL REVENUE AND REVENUE SOURCES FOR THE GENERAL FUND OF THE STATE AND TO REDEFINE THE DEFINITION OF "HEAD OF HOUSEHOLD" FOR INCOME TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Beverage Control Act of 1939, being Article 4 of Chapter 18 of the General Statutes, is hereby amended as follows:

(a) Subsection (a1) of G. S. 18-81, as the same appears in the 1967 Supplement to Volume 1C of the General Statutes, is hereby amended by:

1. Striking out in line three (3) the words and figures "three dollars ($3.00)" immediately following the word "of" and inserting in lieu thereof the words and figures "seven dollars and fifty cents ($7.50)";

2. Striking out in lines five (5) and six (6) the words and figures "one half of one cent (1/2¢)" immediately following the word "of" and inserting in lieu thereof the words and figures "one and one-fourth cents (1 1/4¢)";

3. Striking out in line seven (7) the words and figures "one cent (1¢)" immediately following the word "of" and inserting in lieu thereof the words and figures "two and one-half cents (2 1/2¢)";

4. Striking out in line nine (9) the words and figures two and two-thirds cents (2 2/3¢) immediately following the word "of" and inserting in lieu thereof the words and figures "six and two-thirds cents (6 2/3¢)";
(5) Striking out in line twenty-four (24) the words and figures "nine one-hundredths of a cent (.09¢)" immediately following the word "of" and inserting in lieu thereof the words and figures "twenty-one one hundredths of a cent (.21¢)".

(b) Subsection (a2) of G. S. 18-81, as the same appears in the 1967 Supplement to Volume 1C of the General Statutes, is hereby amended by striking out in line eleven (11) the words and figures "six tenths of one cent (.6¢)" immediately following the word "be" and inserting in lieu thereof the words and figures "one and one-half cents (1 1/2¢)".

(c) By adding a new Section 18-85.2, immediately following G. S. 18-85.1, to read as follows:

"G. S. 18-85.2. Additional Tax on Spirituous Liquors. In addition to the taxes provided for in subsections (a) and (b) of G. S. 18-85, there is hereby levied an additional tax or surtax upon the retail sale of spirituous distilled liquors of every kind that is sold in this State, including liquors sold in county or municipal liquor stores, at the rate of five cents (5¢) for each five ounces or fractional part thereof until July 1, 1970, and on and after July 1, 1970, at the rate of five cents (5¢) for each three and one-third ounces or fractional part thereof. The proviso contained in subsection (a) of G. S. 18-85 shall not apply to the taxes levied under this Section.

The aforesaid additional tax or surtax shall be in addition to the 'total prices' of alcoholic beverages established by the State Board of Alcoholic Control pursuant to G. S. 18-39(3). The entire proceeds of the additional tax levied in this Section shall be payable monthly at the same time, in the same manner and subject to the same rules, regulations and penalties as apply to the taxes imposed under G. S. 18-85."

Sec. 2. Subchapter I of Chapter 105 of the General Statutes is hereby amended by adding a new Article thereto immediately following Article 2, to be designated as Article 2A and to read as follows:

"Article 2A.
Schedule B-A. Cigarette Tax.
G. S. 105-113.2. Short title. This Article may be cited as the 'Cigarette Tax Act' or 'Cigarette Tax Article'.

G. S. 105-113.3. Purpose. It is hereby declared to be the intent and purpose of this Article that the incidence of the tax herein provided for shall rest upon the ultimate consumer and not upon the grower or processor of leaf tobacco or upon the manufacturer of cigarettes. This tax shall be paid to the State only once, regardless of the number of times the cigarettes may be sold in this State, but it is the intent of this Article that such tax shall be added to the sales price and passed on from successive sellers to successive purchasers so that it may be included in the ultimate purchase price of the final or last purchaser. The amount of the tax may be stated separately from the price of the cigarettes on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price, but it is not required that it be stated in such manner or in any other manner. The provisions of this Section shall in no way affect the assessment, levy or collection of the taxes provided for by this Article, as the same may be more specifically provided herein with respect to activities hereinafter described, but merely states the general intent with respect to this Article.
G. S. 105-113.4. Definitions. The following words, terms, and phrases when used in this Article have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) 'Cigarette' means - (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (a)(1) above;

(b) 'Commissioner' means Commissioner of Revenue of the State of North Carolina;

(c) 'Distributor' means any person, wherever resident or located, who purchases unstamped cigarettes directly from the manufacturer thereof and stores, sells or otherwise disposes of the same; and also any person who manufactures or produces cigarettes or causes them to be manufactured or produced;

(d) 'In this State' or 'within this State' means within the exterior limits of the State of North Carolina, and includes all territory within such limits owned by, leased by or ceded to the United States of America;

(e) 'Manufacturer' means any person engaged in the manufacture or production of cigarettes.

(f) 'Package' means the individual packet, can, box or other container used to contain and to convey cigarettes to the consumer.

(g) 'Person' means and includes any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, the State or any of its political subdivisions, and the plural as well as the singular number.

(h) 'Selling' or 'sale' means any sale, transfer, exchange, barter, gift, or offer for sale and distribution, in any manner or by any means whatsoever.

(i) 'Stamp' means any impression, device, stamp, label or print manufactured, printed or made as prescribed by the Commissioner under this Article.

(j) 'Unstamped' means not bearing a North Carolina cigarette tax stamp prescribed by the Commissioner under this Article.

(k) 'Use' means the exercise of any right or power over cigarettes, incident to the ownership or possession thereof, other than the making of a sale thereof in the course of engaging in a business of selling cigarettes and shall include the keeping or retention of cigarettes for use.

(l) 'Licensed distributor' means any distributor, as defined in this Article, licensed under the provisions of this Article.

(m) 'Retail dealer' means any person other than a distributor engaged in this State in the business of selling cigarettes at retail.

G. S. 105-113.5. Privilege tax levied. In addition to all other taxes and fees, a tax is hereby levied upon the sale or possession for sale within this State, by distributors, of all cigarettes at the rate of one mill per individual cigarette.

G. S. 105-113.6. Use Tax levied. In addition to all other taxes and fees, a tax is hereby levied upon the sale or possession for sale by all persons other than distrib-
utors, and upon the use, consumption, and possession for use or consumption of cigarettes within this State at the rate set forth in G. S. 105-113.5; Provided, that the tax levied by this Section shall not be applicable to the sale or possession for sale by persons other than distributors, or to the use, consumption or possession for use or consumption of cigarettes with respect to which the tax levied by the provisions of G. S. 105-113.5 has been computed and paid.

G. S. 105-113.7. Tax with respect to inventory on effective date of Act. Every person subject to the taxes levied in G. S. 105-113.5 and G. S. 105-113.6 who, on the effective date of this Act, has on hand any cigarettes shall file a complete inventory thereof within twenty (20) days thereafter, and shall pay to the Commissioner at the time of filing such inventory a tax with respect thereto computed at the rate set forth in G. S. 105-113.5 and G. S. 105-113.6. All provisions of this Article relative to the collection, verification and administration of the tax herein imposed shall, insofar as pertinent, be applicable to the tax imposed by this Section, but the affixing of stamps as evidence of the payment of such tax by persons subject to the taxes levied in G. S. 105-113.6 shall not be necessary except as the Commissioner by regulation or administrative rule may require.

G. S. 105-113.8. Federal Constitution and statutes. Any activities which this Article may purport to tax in violation of the Constitution of the United States or any Federal statute are hereby expressly exempted from taxation under this Article.

G. S. 105-113.9. Out-of-State shipments. Any distributor engaged in interstate business shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without paying the tax or affixing the stamps otherwise required by this Article, but only if such distributor complies with the regulations and administrative rules concerning keeping of records, making of reports, posting of bond and such other rules and regulations as may be promulgated by the Commissioner for the administration of this Article.

G. S. 105-113.10. Manufacturers shipping to distributors exempt. Any manufacturer shipping cigarettes to other distributors who are licensed to affix stamps as provided in this Article may, upon application to the Commissioner and upon compliance with such regulations and administrative rules in regard thereto as may be promulgated by the Commissioner, be relieved of the requirement of paying the taxes and affixing the stamps required by this Article, but no manufacturer may be relieved of the requirement to be licensed as a distributor in order to make shipments, including drop shipments, to a retail dealer or ultimate user. However, the Commissioner may permit monthly reports from the manufacturer instead of requiring stamps to be affixed on free cigarettes given complimentary by the manufacturer when the package contains only five (5) or less cigarettes and has imprinted on said package the wording ‘State tax paid’.

G. S. 105-113.11. Licenses required. After the effective date of this Article, no person shall engage in business as a distributor in this State, without having first obtained from the Commissioner the appropriate license for that purpose as prescribed herein. Any license required by this Article shall be in addition to any and all other licenses which may be required by law.

G. S. 105-113.12. Distributors’ License. (a) Distributors shall obtain, for each place of business, a continuing license, for which a fee of twenty-five dollars ($25.00) shall be paid.

1246
(b) For the purposes of this Section, 'place of business' means any place where unstamped packages of cigarettes are received or stored by a distributor for the purposes of affixing stamps thereto, and any place where a distributor actually affixes stamps to unstamped packages of cigarettes.

(c) Out-of-State distributors may obtain appropriate distributors' licenses upon compliance with the provisions of G. S. 105-113.24, for which a fee of twenty-five dollars ($25.00) shall be paid for each such license.

G. S. 105-113.13. Issuance of licenses. (a) All licenses shall be issued by the Commissioner.

(b) No license shall be issued to a distributor except upon payment of the full fee therefor.

(c) Prior to the issuance of any license under this Article, the Commissioner may cause to be made such investigation as he deems necessary respecting the eligibility of the applicant to receive such license and the accuracy of the information contained in the application therefor. The Commissioner may refrain from the issuance of a license where he has reasonable cause to believe that the applicant has wilfully withheld information requested by him for the purpose of determining the eligibility of the applicant to receive a license or where he has reasonable cause to believe that the information submitted in the application is false or misleading and is not made in good faith.

(d) When the Commissioner deems it necessary to the proper administration of this Article, he may require any distributor upon application for a license to file with him a bond payable to the State of North Carolina in such amount and upon such conditions as in the opinion of the Commissioner will guarantee the performance of the duties and the discharge of the liabilities of said distributor under this Article. Such bond shall be executed by the distributor as principal and by an indemnity company licensed to do business under the Insurance Laws of this State as surety.

(e) No license shall be assignable or transferable.

G. S. 105-113.14. Refund of license fee. No refund of a license fee shall be paid to any person upon the surrender, suspension or revocation of any license except a license fee paid or collected in error.

G. S. 105-113.15. Duplicate or amended license. Upon application to the Commissioner, a distributor may obtain without charge:

(a) A duplicate license, upon a satisfactory showing that the original has been lost, destroyed or defaced;

(b) An amended license, upon a satisfactory showing that the location of the place of business represented by the license has been changed.

Each duplicate or amended license shall bear the words 'duplicate license' or 'amended license' on its face, as appropriate.

G. S. 105-113.16. Revocation of license. (a) The Commissioner shall, without notice or hearing, revoke the license of every distributor who voluntarily surrenders the same.

(b) Whenever any distributor violates any provision of this Article or any regulation or administrative rule of the Commissioner made pursuant to the provisions
of this Article, or has ceased to act in the capacity for which the license was issued, the Commissioner, upon hearing, after giving the licensed distributor ten days notice in writing, specifying the time and place of hearing and requiring him to show cause why his license should not be revoked, may revoke or suspend the license held by such distributor. The notice may be served personally or by registered mail directed to the last known address of such person. All provisions with respect to review and appeals of the Commissioner's decisions as provided by G. S. 105-241.2, G. S. 105-241.3 and G. S. 105-241.4 shall be applicable to this subsection (b).

(c) No distributor whose license has been suspended or revoked shall sell cigarettes or permit the same to be sold during the period of such suspension or revocation on premises occupied by him or upon other premises controlled by him or others in any other manner or form whatever.

(d) No disciplinary, penal or regulatory proceeding or action shall be barred or abated by the expiration, transfer, surrender, continuance, renewal or extension of any license issued under the provisions of this Article.

(e) If any person licensed under the provisions of G. S. 105-65.1, G. S. 105-84, G. S. 105-164.4, G. S. 105-164.5, G. S. 105-164.6 and G. S. 105-164.29 shall be convicted by any court of competent jurisdiction in this State of any offense under this Article, the Commissioner is authorized to revoke any or all licenses issued to such person under the provisions of the aforesaid sections of Chapter 105 of the General Statutes. The provisions of subsection (b) above relative to notice, hearing, review and appeal shall apply to this subsection (e).

G. S. 105-113.17. Exhibit of license; identification of dispensers. (a) Each license, or certificate thereof, or such other evidence of license as the Commissioner may authorize, shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the Commissioner.

(b) Every vending machine which dispenses cigarettes shall be identified as to ownership in such manner as the Commissioner may prescribe.

G. S. 105-113.18. Reports. The following reports are required to be filed with the Commissioner:

(a) Every distributor required to affix stamps as prescribed herein shall file a report on or before the twentieth day of each month, in such form as the Commissioner shall prescribe, which report shall disclose the quantity of cigarettes on hand on the first and last days of the calendar month immediately preceding the month in which such report is required, the amount of stamps purchased, used and on hand during the report period, and such other information as the Commissioner shall prescribe.

(b) Every other person who has acquired unstamped cigarettes for sale, use or consumption subject to the tax imposed by this Article shall, within ninety-six hours after receipt of same, complete and file, in such form as the Commissioner shall prescribe, a report showing the amount of cigarettes so received and such other information as the Commissioner shall prescribe. Said report shall be accompanied by a remittance of the full amount of the tax.

(c) Any person, except a licensed distributor, who transports cigarettes upon the public highways, roads or streets of this State, upon notice from the Commissioner,
shall file a report in such form, on such dates, and containing such information as the Commissioner shall prescribe.

(d) Every distributor, as that term is defined in G. S. 105-250.1, shall include in the report required by G. S. 105-250.1 to be filed as of January first of each year, the location and serial number of each vending machine dispensing cigarettes owned and placed on location by said distributor.

G. S. 105-113.19. Commissioner to provide stamps. (a) The taxes levied by this Article shall be paid or payment shall be evidenced by the use of stamps, except as provided in G. S. 105-113.6. The Commissioner shall make arrangements with some manufacturer to manufacture taxpaid cigarette tax stamps provided for in this Article. The Commissioner shall prescribe the form, design, denominations and such other matters as may be necessary with respect to said stamps. The Commissioner may sell such stamps directly to taxpayers and he may also make arrangements for release of taxpaid stamps to taxpayers by the manufacturer of said stamps. Said manufacturer shall furnish such bond as the Commissioner may deem advisable, in such amount and upon such conditions as in the opinion of the Commissioner will adequately protect the State in the collection of the taxes levied by this Article.

(b) Payment in full shall accompany application for purchase of stamps; provided, however, a licensed distributor may purchase stamps on credit if such distributor has filed with the Commissioner a bond satisfactory to the Commissioner in an amount not less than the amount to be paid for said stamps and prior to the date any such credit purchases are made. Such licensed distributor shall pay for said credit purchases of stamps on or before the tenth day of the month next following the date of purchase, and the bond herein required shall be conditioned upon such payment. The bond shall be executed by the distributor as principal and by an indemnity company licensed to do business under the insurance laws of this State, as surety.

(c) A licensed distributor using a stamp metering machine as provided for in G. S. 105-113.23 may make payment upon the same terms and conditions as in the case of the purchase of stamps as set forth in subsection (b) of this Section.

G. S. 105-113.20. Distributors to affix stamps. Only licensed distributors shall affix stamps. A licensed distributor shall not sell, borrow, loan, buy or exchange stamps to, from or with any other person, except as provided in G. S. 105-113.19.

Unless stamps have been previously affixed, the stamps required by this Article shall be affixed to packages by the licensed distributor within forty-eight (48) hours of the receipt of all unstamped cigarettes, exclusive of Saturdays, Sundays and legal holidays of this State, and prior to any and all deliveries to other persons except deliveries to points outside the State, deliveries by manufacturers to licensed distributors and those deliveries which this State is prohibited from taxing under the Constitution or the statutes of the United States.

G. S. 105-113.21. Discount on sales of stamps. On sales of stamps, the Commissioner shall allow a discount of seven per cent (7%) of the entire amount of any sale of one hundred dollars ($100.00) or more of said stamps as compensation for the services and expenses of the licensed distributor in handling and affixing such stamps to packages. No discount shall be allowed or given on any sales of stamps in amounts less than one hundred dollars ($100.00).
G. S. 105-113.22. Manner of affixing and cancelling stamps. The Commissioner shall regulate and prescribe the manner of affixing and cancelling stamps, but no more than one stamp shall be affixed to any package and that stamp shall represent the proper tax paid.

G. S. 105-113.23. Stamp metering machines. The Commissioner, if he shall determine that it is practicable in any case to permit licensed distributors to impress on or attach to each package of cigarettes evidence of tax payment by means of a metering machine, in lieu of stamps, may authorize any licensed distributor to use any metering machine approved by the Commissioner, such machine to be sealed by the Commissioner before being used and used in accordance with rules and regulations prescribed by the Commissioner. All costs and expenses of procuring and using any metering machine shall be borne by the user.

G. S. 105-113.24. Sale of stamps to out-of-State Distributors. (a) In case the Commissioner shall find that the collection of any tax imposed by this Article would be facilitated thereby, he may authorize, under reasonable conditions, any distributor outside this State engaged in the business of selling and shipping cigarettes into the State, upon complying with the rules and regulations of the Commissioner, to purchase and affix or cause to be affixed on behalf of any purchaser of cigarettes, who would otherwise be taxable therefor, the stamps required by this Article, or may authorize the use of a machine by such person in the same manner and under the same conditions as set forth in G. S. 105-113.23.

(b) Any such nonresident distributor shall be required to agree to submit his books, accounts, and records to reasonable examination by the Commissioner or his duly authorized agents. Each such nonresident distributor shall file with the Commissioner a performance bond fulfilling the terms and conditions set forth with respect to bonds in subsection (d) of G. S. 105-113.13.

(c) Each such nonresident distributor, other than a foreign corporation which has qualified with the Secretary of State as doing business in this State shall, by a duly executed instrument filed in the office of the Secretary of State, constitute and appoint the Secretary of State his lawful attorney in fact upon whom any original process in any action or legal proceeding against such nonresident distributor arising out of any matter relating to this Article may be served, and therein agree that any original process against him so served shall be of the same force and effect as if served on him within this State, and that the authority thereof shall continue in force irrevocably so long as any such nonresident distributor shall remain liable for any taxes, interest and penalties under this Article.

(d) Any nonresident distributor who shall comply with the provisions of this Section may be licensed as a distributor.

G. S. 105-113.25. Redemption and refund. The Commissioner shall redeem any unused or mutilated, but identifiable, stamps that any distributor may present for redemption, and refund therefor the face value of said stamps, less the discount allowed at the time of the purchase of the stamps by said distributor. In the event any stamped cigarettes are shipped out of this State, or are sold to those agencies or instrumentalities which this State is prohibited from taxing under the Constitution or statutes of the United States, by any distributor, a refund of the face value of the said stamps less the discount allowed by the Commissioner at the time of the purchase of the stamps by said distributor, shall be made upon the application of the distributor on forms prescribed by the Commissioner together with such evidence and proof of sale as the Commissioner shall require.
G. S. 105-113.26. **Records to be kept.** Every person required to be licensed under this Article and every person required to make reports under this Article shall keep complete and accurate records of all sales and such other information as is required under this Article. The kind and form of such records may be prescribed by the Commissioner and all records shall be so kept as to be adequate to enable him to determine any tax liability.

All such records shall be safely preserved for a period of three (3) years in such a manner to insure their security and accessibility for inspection by the Commissioner or his duly authorized agents. The Commissioner may, in his discretion, consent to the destruction of any such records at any time within said period.

G. S. 105-113.27. **Unstamped cigarettes.** (a) Except as otherwise provided in this Article, licensed distributors shall not sell, borrow, loan or exchange unstamped cigarettes to, from or with other licensed distributors.

(b) No person shall sell or offer for sale unstamped cigarettes.

(c) The possession of more than six hundred (600) unstamped cigarettes by any person other than a licensed distributor, shall be prima facie evidence that such cigarettes are possessed in violation of the provisions of this Article.

G. S. 105-113.28. **Displaying unstamped cigarettes for sale.** It shall be unlawful for any person to display for sale or offer for sale unstamped cigarettes within this State.

G. S. 105-113.29. **Unlicensed place of business.** It shall be unlawful for any person to maintain a place of business within this State required by this Article to be licensed to engage in the business of selling or offering for sale cigarettes without first obtaining such licenses.

G. S. 105-113.30. **Records and reports.** It shall be unlawful for any person who is required under the provisions of this Article to keep records or make reports, to fail to keep such records, refuse to keep such reports, make false entries in such records, fail to produce such records for inspection by the Commissioner or his duly authorized agents, fail to file a report, or make a false or fraudulent report or statement.

G. S. 105-113.31. ** Possession and Transportation of unstamped cigarettes; seizure and confiscation of vehicle or vessel.** (a) It shall be unlawful for any person to transport unstamped cigarettes in violation of the provisions of this Article, or to fail or refuse to comply with regulations and administrative rules promulgated by the Commissioner in regard thereto. The Commissioner may make reasonable rules and regulations governing the quantities of untaxed cigarettes, not exceeding six hundred (600), which may be brought into this State by any transient, tourist, or person returning to this State after traveling outside this State, for the use of such transient, tourist or person; and the possession or transportation of such quantities shall not be subject to the penalties imposed by this Section.

(b) Every person who shall transport cigarettes not stamped as required by this Article upon the public highways, roads, streets or waterways of this State shall have in his actual possession invoices or delivery tickets for such cigarettes which shall show the true name and complete and exact address of the consignee or purchaser, the quantity and brands of the cigarettes transported and the true name and complete and exact address of the person who has paid or who shall
assume the payment of the tax imposed by this Article or the tax, if any, of the State or foreign country at the point of ultimate destination.

(2) Any common carrier which has issued a bill of lading for a shipment of cigarettes and is without notice to itself or to any of its agents or employees that said cigarettes are not stamped as required by this Article shall be deemed to have complied with this Article and the vehicle or vessel in which said cigarettes are being transported shall not be subject to confiscation hereunder. In the absence of such invoices, delivery tickets or bills of lading, as the case may be, the cigarettes so transported, the vehicle or vessel in which the cigarettes are being transported and any paraphernalia or devices used in connection with the unstamped cigarettes are declared to be contraband goods and may be seized by any officer of the law, who shall take possession of the vehicle or vessel and unstamped cigarettes therein, and shall arrest any person in charge thereof.

(3) Such officer shall at once proceed against the person arrested, under the provisions of this Article, in any court having competent jurisdiction; but the said vehicle or vessel shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. All unstamped cigarettes seized under this Section shall be held and shall, upon the acquittal of the person so charged, be returned to the established owner.

(4) Unless the claimant can show that the unstamped cigarettes seized were not transported in violation of this Article and that the property seized is his property, or that in the case of property other than cigarettes, such property was used in transporting unstamped cigarettes in violation of this Article without his knowledge or consent, with the right on the part of the claimant to have a jury pass upon his claim, the court shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the cost of stamps which he shall affix to said cigarettes upon sale, expenses of keeping the property, the fee for the seizure, and the costs of the sale, shall pay all liens according to their priorities, which are established, by intervention or otherwise, at said hearing or in other proceeding brought for said purpose as being bona fide and as having been created without the lienor having any notice that the vehicle or vessel was being used for the unlawful transportation of unstamped cigarettes, and shall pay the balance of the proceeds to the State Treasurer for the General Fund.

(5) All liens against property sold under the provisions of this Section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the cigarettes, or the vehicle or vessel, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken, or, if there be no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for two weeks and by notices posted in three public places near the place of seizure, and if no claimant shall appear within ten (10) days after the last publication of the advertisement, the property shall be sold, and the proceeds, after deducting the expenses and costs, shall be paid to the State Treasurer for the General Fund.

(6) Nothing in this Section shall be construed to authorize any officer to search any vehicle or vessel or baggage of any person without a search warrant duly issued,
except where the officer sees or has knowledge that there are unstamped cigarettes in such vehicle or vessel.

G. S. 105-113.32. Un stamped cigarettes subject to confiscation. All cigarettes subject to the tax imposed by this Act, to which stamps have not been affixed as required by this Act, together with any container in which they are stored, or displayed for sale (including but not limited to vending machines) are declared to be contraband goods and may be seized by any officer of the law, who shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested, under the provisions of this Article, in any court having competent jurisdiction and the disposition of said unstamped cigarettes and container shall be governed and controlled by the provisions of G. S. 105-113.31.

G. S. 105-113.33. Criminal penalties. Any person who violates any of the provisions of this Article for which no other punishment is specifically prescribed shall be guilty of a misdemeanor punishable by a fine or imprisonment or both in discretion of the Court.

G. S. 105-113.34. Forging or counterfeiting revenue stamps. Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be falsely or fraudulently made, forged, altered or counterfeited, any stamps prepared or prescribed by the Commissioner under the authority of this Article, or who knowingly and wilfully utters, publishes, passes or tenders as true, any such false, altered, forged or counterfeited stamps for the purpose of evading the tax levied by this Article, shall be guilty of a felony, and upon conviction thereof shall be fined not more than two thousand dollars ($2,000.00) or imprisoned in the State Prison for a term of not more than five (5) years, or both, in the discretion of the Court.

If any person secures, manufactures or causes to be secured or manufactured, or has in his possession any stamp or any counterfeit impression device not prescribed or authorized by the Commissioner, such person shall be guilty of a felony and subject to the punishment above provided for in the first paragraph of this Section.

G. S. 105-113.35. Interest and Penalty: If any person shall neglect, fail or refuse to pay any tax due under this Article, interest shall be added thereto at the rate of one-half of one per cent (1/2%) per month from the date due until paid and there shall also be added to said tax an amount equal to fifty per cent (50%) thereof.

G. S. 105-113.36. General administrative provisions of Revenue Act applicable. All provisions not inconsistent with this Article contained in Article 9 entitled 'General administration-penalties and remedies' of subchapter 1 of Chapter 105 of the General Statutes, including but not limited to administration, auditing, making returns, promulgation of administrative rules and regulations by the Commissioner, additional taxes, assessment procedure, imposition and collection of taxes of the lien thereof, assessments, refunds and penalties are hereby made a part of this Article and shall be applicable thereto.

G. S. 105-113.37. Commissioner to make rules and regulations. Subject to the provisions of G. S. 105-262, the Commissioner is hereby authorized and empowered to make all reasonable regulations and administrative rules necessary for the efficient administration and enforcement of this Article not inconsistent with the
provisions of this Article. Upon request, he shall furnish any taxpayer with a copy of such rules and regulations. All provisions with respect to reviews and appeals from the Commissioner's decisions as provided by G. S. 105-241.2, G. S. 105-241.3 and G. S. 105-241.4 of the General Statutes shall be applicable to this Article.

G. S. 105-113.38. Tax to be paid only once. Whenever the tax levied by this Article has been computed and paid to the State with respect to any cigarettes as provided by this Article, and appropriate stamps affixed, the same shall not be required to be paid again to the State regardless of how many times such cigarettes may thereafter be sold or resold, but the seller may add to his sales price thereafter the amount of such tax.

G. S. 105-113.39. Local units prohibited to tax. No city, town or county shall levy any privilege license tax with respect to the sale of cigarettes other than as permitted by Article 2 of subchapter 1 of Chapter 105 of the General Statutes.

G. S. 105-113.40. Effective date of this Article. This Article shall be in full force and effect on and after July 1, 1969, or on the first day of the month next after the ninetieth day from its ratification, whichever is the later date. However, the Commissioner is authorized, prior to that time, to do all things necessary to the implementation of the provisions of this Article, including making regulations and administrative rules, procuring the manufacture of stamps, and providing for sale of the same, in order to secure effective administration of this Article on and after its effective date."

Section 3. Chapter 105 of the General Statutes is hereby amended by adding immediately after the present Article 2, a new Article to be designated as Article 2B, and reading as follows:

"Article 2B

Schedule B-B.

G. S. 105-113.41. Short title. This Article shall be known and cited as the 'Soft Drink Tax Act'.

G. S. 105-113.42. Purpose of Article. It is the purpose of this Article to provide a source of additional revenue which shall be applied to the General Fund of the State.

G. S. 105-113.43. Liability for tax. Every person doing domestic or intrastate business within this State and engaging in the business of selling, manufacturing, purchasing, consigning, using, shipping or distributing, for the purpose of sale within this State, soft drinks of every kind whatsoever, including but not limited to the following articles or things, viz: soda water, ginger ale, coca-cola, lime-cola, Pepsi-cola, near beer, fruit juices, vegetable juices, and all fountain drinks and other beverages and things commonly designated as 'soft drinks' shall, for the privilege of carrying on such business, be subject to the payment of a license tax which shall be measured by and graduated in accordance with the sales of such person within the State, except as may be otherwise provided in this Article.

Every person within the State of North Carolina, importing, receiving or acquiring from without the State, or from any other source, beverages commonly designated as soft drinks as contemplated by this Article, for use or consumption within North Carolina, shall be subject to payment of the soft drink tax at the rates provided for the sale, offer for sale, or distribution of such soft drinks.
G. S. 105-113.44. Definitions. As used in this Article, unless the context otherwise requires:

(a) 'Base products' means hot chocolate flavored drink mix, flavored milkshake bases, concentrate products to which milk or other liquid is added to complete a soft drink, and all like items or products as herein defined which will be taxed as syrups.

(b) 'Bottled' means enclosed in any closed or sealed glass, metal, paper or other type of bottle, can, carton or container, regardless of the size of such container.

(c) 'Bottled soft drink' means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, such as soda water, ginger ale, nu-grape, coca-cola, lime-cola, pepsi-cola, bud-wine, near-beer, fruit juice, vegetable juice, milk drinks when any flavoring or syrup is added, cider, bottled carbonated water and all bottled preparations commonly referred to as soft drinks of whatever kind or description.

(d) 'Commissioneer' means the North Carolina Commissioner of Revenue.

(e) 'Crowsns' means crowns, caps and lids bearing any tax indicia other than stamps evidencing the payment of the excise tax levied under this Article. 'Crowns' shall also include waxed paper or plastic containers used by dairies upon which the tax indicia has been imprinted by the manufacturer thereof.

(f) 'Distributor' includes any person who manufactures, bottles, compounds, mixes or purchases for sale to retail dealers or wholesale dealers any bottled soft drink, soft drink syrup or powder, or base product for mixing, making or compounding soft drinks.

(g) 'Excise tax' means the soft drink tax levied under G. S. 105-113.5.

(h) 'In this State' or 'Within this State' means within the exterior limits of the State of North Carolina and includes all territory within such limits owned by, leased by or ceded to the United States of America.

(i) 'Natural fruit juice' means the natural liquid which results from the pressing of sound ripe fruit, and the liquid which results from the reconstitution of natural fruit juice concentrate by the restoration of water to dehydrated natural fruit juice.

(j) 'Natural liquid milk' means natural liquid milk regardless of butterfat content, and the liquid milk product which results from the reconstitution of natural milk concentrate, regardless of butterfat content, by the restoration of water to dehydrated or evaporated natural milk.

(k) 'Natural vegetable juice' means the natural liquid which results from the pressing of sound ripe vegetables or the liquid which results from the reconstitution of natural vegetable juice concentrate by the restoration of water to dehydrated natural vegetable juice.

(l) 'Person' includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate or any other group or combination acting as a unit, the State or any of its political subdivisions, and the plural as well as the singular number.

(m) 'Powders' means compressed powders, crystals, granules or tablets from which soft drinks can be made.
CHAPTER 1075  SESSION LAWS—1969

(n) 'Retail dealer' includes every person, other than a distributor or wholesale dealer, who makes, mixes, compounds or manufactures any drink from a soft drink syrup or powder or base product, and sells or otherwise dispenses the same to the ultimate consumer, and every person, other than a distributor or wholesale dealer, who sells or otherwise dispenses any bottled soft drink to the ultimate consumer.

(o) 'Selling' or 'sale' means any sale, transfer, exchange, barter, gift or offer for sale and distribution, in any manner or by any means whatsoever.

(p) 'Simple syrup' means the product resulting from the making, mixing, compounding or manufacturing by dissolving sugar and water or any other mixture that will create syrup to which may be added concentrates or extracts.

(q) 'Soda fountain' includes all places where soft drinks are compounded for sale, including automatic vending machines.

(r) 'Soft drink syrups and powders' includes the compound mixture or the basic ingredients, whether dry or liquid, practically and commercially usable in making, mixing or compounding soft drinks by the mixing thereof with carbonated or plain water, ice, fruit juice, milk or any other product suitable to make soft drinks, among such syrups being such products as coca-cola syrup, chero-cola syrup, pepsi-cola syrup, Dr. Pepper syrup, root beer syrup, nu-grape syrup, lemon syrup, vanilla syrup, chocolate syrup, cherry smash syrup, rock candy syrup, simple syrup, chocolate drink powder, malt drink powder, or any other prepared syrups or powders sold or used for the purpose of mixing soft drinks commercially at soda fountains, restaurants or similar places as well as those powders bases prepared for the purpose of domestically mixing soft drinks such as kool-aid, oh boy drink, tip-top, miracle aid and all other similar products. Concentrated natural frozen or unfrozen fruit juices or vegetable juices when used domestically are specifically excluded from this definition.

(s) 'Stamp' means the North carolina tax paid stamp evidencing the payment of the excise tax levied by this Article, and which may be used as permitted by the Commissioner in lieu of tax paid crowns.

(t) 'Wholesale dealer' includes any person who sells bottled soft drinks, soft drink syrups or powders, or base products for mixing, compounding or making soft drinks to retail dealers or other wholesale dealers for resale purposes.

G. S. 105-113.45. Taxation Rate. (a) A soft drink excise tax is hereby levied and imposed on and after midnight, September 30, 1969, upon the sale, use, handling and distribution of all soft drinks, soft drink syrups and powders, base products and other items referred to in this Section.

(b) The rate of tax on each bottled soft drink shall be one cent (1¢).

(c) The rate of tax on each gallon of soft drink syrup or simple syrup shall be one dollar ($1.00), and on a fraction of a gallon the rate shall be an amount which represents one dollar ($1.00) multiplied by the same fraction of a gallon. The rate of tax on each ounce or fraction of an ounce of soft drink syrup or simple syrup shall be four-fifths of a cent (4/5¢), and no exemption or refund shall be allowed on such syrup even though it may subsequently be diverted to some purpose other than the making of soft drinks.

(d) The rate of tax on dry soft drink powders and base products which are used to make soft drinks without being converted into syrup shall be one cent (1¢) per
ounce or fraction thereof of the dry powder or base product weight. However, the
tax on dry soft drink powder or base product which is to be converted into syrup
shall be the same as that which would be due upon the syrup produced, if the
syrup were being taxed according to the rates set out in subsection (c) above.

(e) The excise tax herein levied on syrups, powders and base products shall not
apply to syrups, powders and base products used by persons in the manufacture
of bottled soft drinks which are otherwise subject to tax under this Article. The
Commissioner may by administrative rules or regulation, provide for the storage
of such syrups, powders and base products when they are not for use in the manufac-
ture of bottled soft drinks.

G. S. 105-113.46. Exemption of certain milk drinks. All natural liquid milk drinks
produced by farmers or dairies shall be exempt from the payment of the soft drink
excise tax. Where a product other than the above is produced, such product is subject
to the tax unless otherwise exempt under this Article.

G. S. 105-113.47. Natural fruit or vegetable juice or natural liquid milk drinks
exempted from tax. (a) All bottled soft drinks containing thirty-five per cent (35%)
or more of natural fruit or vegetable juice and all bottled natural liquid milk drinks
containing thirty-five per cent (35%) or more of natural liquid milk, are exempt
from the excise tax imposed by this Article, except that this exemption shall not
apply to any fruit or vegetable juice drink to which has been added any coloring,
artificial flavoring or preservative. Sugar, salt or vitamins shall not be construed
to be an artificial flavor or preservative.

(b) Any bottled soft drink for which exemption is claimed under this Section
must be registered with the Commissioner. No bottled soft drink shall be entitled
to the exemption until registration has been accomplished by the filing of an applica-
tion for exemption on such form as may be prescribed by the Commissioner, which
form shall include an affidavit setting forth the complete and itemized formula by
volume of the drink therein referred to, and the failure to submit such affidavit
shall be prima facie evidence that such bottled soft drink is not exempt. All bottled
soft drinks which are not so registered and do not have affixed thereto the proper
stamps or crowns shall be subject to confiscation. The Commissioner or his duly
authorized representative may at any time check the formulas or the manufacturing
of such bottled soft drinks for which exemption is claimed under this Section and
in addition thereto, the Commissioner or his duly authorized representative may
at any time take samples of any product for which exemption has been claimed,
from any and all persons offering such product for sale for the purpose of ascertaining
by analysis the contents thereof. The sample shall be clearly marked for identifi-
cation and such sample may be turned over to any registered chemist designated
by the Commissioner for the purpose of analysis. If such investigation establishes
that such bottled soft drink contains less than thirty-five per cent (35%) by volume
of natural fruit juice, natural vegetable juice or natural liquid milk, or if any person
engaged in selling, manufacturing, purchasing, consigning, using, shipping or distrib-
uting for the purpose of sale within this State who has applied for an exemption
hereunder fails or refuses to allow the Commissioner or his duly authorized repre-
sentative to check the formulas or inspect the manufacturing of such bottled soft
drinks, the excise tax imposed by this Article shall apply to all sales of such products
and all such products offered for sale and not properly stamped shall be subject
to confiscation until such person permits the Commissioner to examine the formulas or inspect the manufacturing of such bottled soft drinks.

(c) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner or any deputy, agent, clerk or other officer or employee or any other person acting in a confidential relationship with the Commissioner to divulge or make known in any manner any formula or any particulars of any formula pertaining to any drink hereinabove referred to. However, such prohibition shall not be construed to prohibit the publication of whether or not such bottled soft drinks contain thirty-five per cent (35%) or more of natural fruit or vegetable juice or thirty-five per cent (35%) or more of natural liquid milk, nor shall it be construed to prohibit the inspection by the Attorney General or other legal representative of the State of the formula of any taxpayer who shall bring action to set aside or review the tax base thereon or against whom an action or proceeding has been instituted to recover any tax imposed by this Article.

(d) Where any product for which exemption is claimed under this Section is found to contain less than thirty-five percent (35%) by volume of natural fruit juice, natural vegetable juice, or natural liquid milk, the excise tax imposed by this Article shall apply to all sales of such product, and all such products offered for sale and not properly stamped shall be subject to confiscation.

G. S. 105-113.48. Exemption of goods intended for out-of-state sale. It shall not be necessary to pay any tax levied by this Article with respect to any bottled soft drinks, soft drink syrups and powders, base products and other items taxed under this Article manufactured or acquired for sale or distribution outside this State, or to affix taxpaid stamps or crowns thereto, provided the same are manufactured, acquired, stored, and distributed, and records are maintained, in accordance with the rules and regulations of the Commissioner. The Commissioner is hereby authorized to promulgate such rules and regulations with respect thereto as will exclude from the measure of excise tax levied pursuant to this Article the sales of such goods or articles of merchandise outside this State and at the same time protect the interests of this State in collecting all taxes lawfully due to the State.

G. S. 105-113.49. Exemption of coffee and tea. All coffee and tea, whether in liquid, powder or natural form shall be exempt from the tax imposed by this Article.

G. S. 105-113.50. Soft drink licenses required. (a) Distributors and wholesale dealers shall obtain for each place of business a continuing soft drink license for which a fee of twenty-five dollars ($25.00) shall be paid. For the purpose of this Section, 'place of business' means any place where soft drinks are manufactured by a distributor, or any place where unstamped bottled soft drinks, soft drink syrups and powders, base products and other items taxed under this Article are received or stored by a distributor or wholesale dealer.

(b) Out-of-state distributors and wholesale dealers may obtain appropriate distributors' or wholesale dealers' licenses upon compliance with the provisions of this Article and such regulations and administrative rules as may be issued by the Commissioner hereunder, for which a fee of twenty-five dollars ($25.00) shall be paid for each such soft drink license.

(c) Each retail dealer manufacturing or purchasing not previously taxed syrups, powders or base products shall secure a continuing soft drink license for which a fee of five dollars ($5.00) shall be paid for each place of business at which such
unstamped syrups, powders or base products are received or at which place such retail dealer manufactures them.

d) Distributors, wholesale dealers and retail dealers licensed under this Section shall file such reports with the Commissioner as he may require not later than the 15th day of each month showing transactions for the preceeding month.

G. S. 105-113.51. **Affixing of crowns and stamps to containers; crowns and stamps not transferable.** (a) Any bottled soft drink offered for sale shall within twenty-four hours of its manufacture or receipt in this State have affixed to it a North Carolina taxpaid stamp or a North Carolina taxpaid crown at the rate provided for in this Article.

(b) The distributor or dealer who first distributes, sells, uses, consumes or handles bottled soft drinks, syrups, powders, base products and other items subject to the soft drink excise tax is subject to the tax unless taxpaid stamps or crowns have previously been affixed. The distributor, wholesale dealer or retail dealer, or any person who is the original consignee of any bottled soft drink, soft drink syrup, powder, base product or other item subject to the soft drink excise tax manufactured or produced outside this State, or who brings such into this State, shall pay the excise tax.

(c) Taxpaid stamps shall be affixed to each individual container of soft drink syrups, powders, and base products by wholesale dealers or distributors within forty-eight hours after such syrups, powders, or base products are received or made by them and by retail dealers within twenty-four hours after such syrups, powders or base products are received by them, and in any event the containers must be stamped before such products are used in the preparation of soft drinks.

d) The payment of the excise tax provided for in this Article shall be evidenced by the affixing of taxpaid stamps or crowns to the original containers and the stamps and crowns provided for in this Act shall not be transferable to any person other than their original purchaser.

G. S. 105-113.52. **Taxpaid stamps; rules and regulations; cancellation; discount.** (a) The Commissioner shall make arrangements with some manufacturer to manufacture the taxpaid stamps provided for in this Article. The Commissioner shall prescribe the form, design, denominations and such other matters as may be necessary with respect to said stamps. The Commissioner may sell such stamps directly to taxpayers and may also make arrangements for release of taxpaid stamps to taxpayers by the manufacturer. Said manufacturer shall furnish such bond as the Commissioner may deem advisable, in such penalty and upon such conditions as in the opinion of the Commissioner will adequately protect the State in the collection of the excise tax imposed by this Article. Such bond shall be executed by the manufacturer as principal and by an indemnity company licensed to do business under the insurance laws of this State, as surety. The costs of manufacture, transportation and distribution of said stamps shall be computed in accordance with administrative rules or regulations of the Commissioner and payment thereof pursuant to such rules and regulations of the Commissioner may be required in addition to the amount of taxes which said stamps evidence regardless of whether said stamps are released or distributed by the Commissioner or by the manufacturer pursuant to authorization from the Commissioner.
(b) Upon the sale of taxpaid stamps, the Commissioner shall allow a discount of five per cent (5%) of the entire amount of any sale of fifty dollars ($50.00) or more of said stamps. On sales of stamps of less than fifty dollars ($50.00), no discount shall be allowed. Such discount shall apply only to the tax and not the manufacturer's price or transportation or distribution costs.

(c) When stamps are attached to bottled soft drinks, or to containers of soft drink powders or base products, no cancellation or obliteration of them shall be required, but stamps affixed to containers of syrup to be used at soda fountains shall be canceled by the person affixing them by writing or stamping with ink or indelible pencil across the stamps his initials or name and the date on which the stamps were affixed. When the container to which the stamp has been affixed has been emptied, the stamp must be obliterated by making at least three incisions crisscross through the stamp with a knife or other sharp instrument.

(d) Any person who makes use of any stamp to denote the payment of the tax imposed by this Article without canceling or obliterating such stamps if required to do so by this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars ($100.00) or be imprisoned for not more than thirty days for each offense.

G. S. 105-113.53. Stamps not required when crowns used. If a distributor of bottled soft drinks either within or without the State shall use taxpaid crowns as hereinafter provided, such distributor shall be relieved of the duty of affixing taxpaid stamps to each individual bottle. Whenever the Commissioner deems it to be advantageous for the effective and efficient enforcement of this Article, he may require that such crowns be used in lieu of stamps.

G. S. 105-113.54. Taxpaid crowns; rules and regulations; discount on sale of crowns. (a) The Commissioner shall prescribe the form, design, denominations and such other matters as may be necessary with respect to taxpaid crowns. The Commissioner shall make arrangements with one or more manufacturers to manufacture, sell and distribute such crowns and shall require of such persons manufacturing, selling and distributing such crowns a bond payable to the State of North Carolina in such penalty and upon such conditions as in the opinion of the Commissioner will adequately protect the State in the collection of the taxes levied by this Article. The bond shall be executed by the manufacturer as principal and by an indemnity company licensed to do business under the insurance laws of this State, as surety. The Commissioner shall promulgate administrative rules and regulations governing the purchase, sale and distribution of crowns and all purchasers of crowns shall be required to purchase crowns in accordance with administrative rules and regulations promulgated by the Commissioner.

(b) The price to be paid by purchasers of crowns shall be the manufacturer's price plus all transportation charges to the consignee at destination in addition to the tax represented by the crowns.

(c) The Commissioner shall allow to each purchaser of taxpaid crowns, whether for cash or credit, a discount of eight per cent (8%) of the excise tax represented by such crowns. No compensation or refund shall be made for taxpaid soft drinks given as free goods or as advertising, or for losses sustained by spoilage or breakage incident to the production, sale and distribution of such drinks, or to the loss or destruction of any taxpaid stamps or crowns.
G. S. 105-113.55. Payment for stamps and crowns. (a) Payment in full shall accompany application for purchase of stamps. However, a licensed distributor may purchase crowns on credit if such distributor has filed with the Commissioner a bond satisfactory to the Commissioner in an amount not less than one hundred twenty-five per cent (125%) of the amount of credit authorized and prior to the date any such credit purchases are made. Such licensed distributor shall pay for such credit purchases of crowns on or before the tenth day of the month next following the date of purchase, and the bond herein required shall be conditioned upon such payment. The bond shall be executed by the distributor as principal and by an indemnity company licensed to do business under the insurance laws of this State, as surety.

(b) Except where credit purchases of crowns are made, payment for stamps and crowns must be made by cash, cashier's check, certified check or money order. Personal checks may be accepted in payment of monthly amount due on credit sales, pursuant to such regulations or administrative rules as the Commissioner may adopt.

G. S. 105-113.56. Provisions for refund; discount. Whenever any person shall receive permission from the Commissioner to return any unused taxpaid crowns or stamps which have not been canceled and when such unused taxpaid crowns and stamps have been returned as the Commissioner shall direct, the Commissioner is authorized to make a refund for such crowns or stamps, less any discount which may have been allowed to the purchaser.

G. S. 105-113.57. Records required of ingredients received. Every person engaged in the business of making, mixing or compounding bottled soft drinks, soft drink syrups and powders, base products and other items taxed under this Article shall keep a distinct, legible and permanent record of all extracts, flavoring, sugar, syrup or other ingredients except water received by him that may be useful in making, mixing or compounding soft drinks, and he shall retain invoices on all such purchases for a period of not less than three years from the date thereof. Such records shall show the quantity of such commodities received, the date of receipt thereof and the name of the person from whom they were secured or received and shall be open at all times for inspection by the Commissioner or his duly authorized representative.

G. S. 105-113.58. Records of sale to be kept. Every distributor, wholesale dealer and retail dealer shall keep an accurate account of all daily sales, sales slips, bills, invoices, delivery slips, statements, bills of lading, freight bills, credit memoranda and similar documents for a period of not less than three years from the date shown thereon. All such records shall be open at all times for inspection by the Commissioner or his duly authorized representative.

G. S. 105-113.59. Theoretical calculation of tax. Upon the records required to be kept pursuant to this Article and upon such other information as may be obtained, the Commissioner shall calculate the number or amount of soft drinks that are ordinarily manufactured, mixed or compounded from such ingredients in accordance with the standard or average formula used therefor by bottlers, mixers and compounders of soft drinks and the result thus obtained shall be prima facie evidence of the sale thereof. However, nothing contained in this Section shall be construed to prevent any bottler, mixer or compounder of soft drinks from showing that he has actually not sold the whole or any part of the amount of soft drinks
as determined by the above method of calculation. The Commissioner shall, in making the above provided calculation, allow as a deduction the reasonable average loss for waste and breakage, but not exceeding discount allowed on sale of stamps.

G. S. 105-113.60. Manufacturer as well as dealer subject to penalties. When any item, taxable under the provisions of this Article and to which a stamp or crown is required to be affixed, is found in the possession of any retail dealer without having the stamps or crowns affixed, the distributor or wholesale dealer selling such articles within this State shall be subject to the penalties provided in this Article, as well as the retail dealer in whose possession the goods are located.

G. S. 105-113.61. Criminal acts. (a) It shall be unlawful for any person willfully to:

(1) Remove, wash, restore, alter or otherwise prepare any adhesive stamp or crown with intent to use it or cause it to be used after it has already been used;

(2) Knowingly or willfully buy, sell, offer for sale or give away any such washed, restored or altered stamp or crown to any person;

(3) Knowingly use or have in his possession any washed, restored or altered stamps or crowns which have been removed from the articles to which they have been previously affixed;

(4) For the purpose of indicating the payment of any tax under this Article, re-use any stamp or crown that has theretofore been used for the purpose of denoting payment of the tax provided in this Article.

(b) It shall be unlawful for any person to prepare, buy, sell, offer for sale or have in his possession any counterfeit, or false stamps or crowns, or any stamps or crowns printed, fabricated or manufactured contrary to the provisions of this Article. Violation of subsection (b) of this Section is hereby made a felony punishable by a fine of not more than five thousand dollars ($5,000.00) or imprisonment in the State prison for not more than five (5) years, or both, in the discretion of the court.

G. S. 105-113.62. Criminal law penalties. Violation of any provision of this Article, except as otherwise specifically provided in this Article, is hereby made a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

G. S. 105-113.63. Rules and regulations. The Commissioner is hereby authorized and directed to make all reasonable rules and regulations necessary for the efficient administration and enforcement of this Article, not inconsistent with the provisions of this Article.

G. S. 105-113.64. General administrative provisions of Revenue Act applicable. All provisions of Article 9 of subchapter 1 of Chapter 105 of the General Statutes, not inconsistent herewith, are hereby made applicable to this Article.

G. S. 105-113.65. Tax with respect to October 1, 1969 inventory: (a) Every person subject to the taxes levied by this Article who, on October 1, 1969, has bottled soft drinks on hand in this State shall file a complete inventory thereof as of the opening of business on October 1, 1969, within seventy-two hours thereafter. The Commissioner shall arrange with some manufacturer to manufacture "inventory stamps" in such appropriate form and design as he shall determine, which shall, upon application, be furnished to distributors and wholesale dealers at cost, including transpor-
tation, between September 20, 1969 and October 3, 1969. No order or application received after October 3, 1969, shall be filled by the Commissioner, and no distributor or wholesale dealer shall, after September 30, 1969, sell any bottled soft drink which does not bear either an "inventory stamp" as herein provided for or a stamp or crown evidencing payment of the excise tax levied in this Article. No distributor or wholesale dealer shall borrow, exchange, sell or give away any "inventory stamp". Every distributor and wholesale dealer shall affix one "inventory stamp" to each bottled soft drink which he has on hand in this State on October 1, 1969 within 48 hours after the effective date of this Act. Every "inventory stamp" not so affixed shall be returned to the Commissioner, without any refund being made therefor, at the time of filing the inventory herein required. No retail dealer shall be required to affix "inventory stamps" to bottled soft drinks on hand on October 1, 1969; provided, however, that no person shall sell any bottled soft drink after November 30, 1969 unless either a crown or a stamp evidencing payment of the excise tax levied in this Article, has been affixed thereto.

(b) Every person subject to the taxes levied by this Article who, on October 1, 1969, has on hand any article, goods or merchandise taxed by this Article or with respect to which a tax is computed under this Article, other than bottled soft drinks, shall file a complete inventory thereof as of the opening of business on October 1, 1969, within twenty (20) days thereafter, and shall pay to the Commissioner at the time of filing such inventory a tax with respect thereto computed at the rates set forth in this Article. All the provisions of this Article relative to the collection, verification and administration of the taxes imposed by this Article shall, insofar as pertinent, be applicable to the tax imposed by this subsection, but the affixing of taxpaid stamps or taxpaid crowns as evidence of the payment of such tax by retail dealers shall not be necessary except as the Commissioner by regulation may require. However, the sale of any articles for resale shall not be permitted under this subsection until the appropriate taxes have been paid and the appropriate taxpaid stamps or crowns affixed unless the Commissioner permits otherwise.

G. S. 105-113.66. Federal Constitution and statutes. Any activities which this Article may purport to tax in violation of the Constitution of the United States or any Federal statute are hereby expressly exempted from taxation under this Article.

G. S. 105-113.67. Effective date of this Article. This Article shall be in full force and effect on and after October 1, 1969. However, the Commissioner is authorized to do all things needful before October 1, 1969, including making rules and regulations, procuring the manufacture of stamps and crowns, and providing for sale of the same, in order to secure effective administration of this Article on and after October 1, 1969.

Sec. 4. The Individual Income Tax Act, being Article 4, Schedule D, Division II of Chapter 105 of the General Statutes, is hereby amended as follows:

(a) Subsection (8) of G. S. 105-135, as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes, is hereby amended by striking out the entire Section and inserting in lieu thereof the following:

"(8) A 'head of household' is a single individual, a widow, a widower, or a divorced individual who maintains a household, as hereinafter defined, which constitutes the principal place of abode during the major portion (183 days or more) of the taxable year of himself, herself, or his or her closely related dependent. An individual
shall be considered as maintaining a household for the purposes of this subsection only if over half the cost of maintaining the household during the taxable year is furnished by such individual. A 'closely related dependent' for purposes of this subsection shall be an individual for whom a six hundred dollar ($600.00) exemption is allowable under G. S. 105-149 (a) (5)a. A 'household' for purposes of this subsection shall be a place of abode which shall include those accommodations normally required for both eating and sleeping."

(b) Subdivision (2) of subsection (a) of G. S. 105-149, as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes, is hereby amended by striking out the entire second sentence beginning with "In the case of an individual" and ending with "of G. S. 105-149", and by adding a new subdivision to be designated as subdivision (2a) as follows:

"(2a) In the case of an individual who qualifies as 'head of household' as defined in subsection (8) of G. S. 105–135, two thousand dollars ($2,000.00), but the 'head of household' exemption shall not be allowable to a married woman living with her husband except as provided in subsection (c) (2)' of this Section. The 'head of household' exemption shall be in lieu of and not in addition to the exemptions established in subdivisions (1), (2), (4), (6) and (7) of subsection (a). Only one 'head of household' exemption shall be allowable with respect to any one household, as the term 'household' is defined in subsection (8) of G. S. 105-135, and no individual shall be entitled to more than one 'head of household' exemption."

Sec. 5. The North Carolina Sales and Use Tax Act, being Article 5 of Chapter 105 of the General Statutes, is hereby amended as follows:

(a) Subsection (1) of G. S. 105-164.4, as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes, is hereby amended by striking out in line eleven (11) and in lines thirty-one (31) and thirty-two (32) the words and figures "one and one-half per cent (1 1/2%)" and inserting in lieu thereof the words and figures "two per cent (2%)".

Sec. 6. Section 228.12 of Article 8C of Chapter 105 of the General Statutes (Section 105-228.12) is hereby amended by striking out on line 7 the words and figures "four and one-half per cent (4 1/2%)" and substituting in lieu thereof the words and figures "six per cent (6%)".

Sec. 7. Article 8D of Chapter 105 of the General Statutes is hereby amended by:

(1) Striking on line 3 of Section 105-228.23 the words and figures "six cents (6¢)" and by substituting in lieu thereof the words and figures "seven and one-half cents (7 1/2¢)";

(2) Striking on line 3 of Section 105-228.24 the words and figures "six per cent (6%)" and by substituting in lieu thereof the words and figures "seven and one-half per cent (7 1/2%)".

Sec. 8. This Act shall not affect the liability of any taxpayer arising prior to the effective date of the applicable Section hereof.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. Sections 1, 5, 6 and 7 of this Act shall be effective on and after July 1, 1969. Section 2 shall be effective on and after July 1, 1969, or on the first day of the month next after the ninetieth day from ratification of this Act. Section 3 shall be effective on and after October 1, 1969. Section 4 shall be effective and shall apply to all taxable years beginning on or after January 1, 1969.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.
H. B. 497

CHAPTER 1076

AN ACT PLACING RETIREMENT BENEFITS UNDER THE FORSYTH COUNTY EMPLOYEES' RETIREMENT PLAN, AND THE WINSTON-SALEM EMPLOYEES' RETIREMENT FUND, ON A PAR WITH THOSE RECEIVED UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT FUND IN SO-FAR AS STATE INCOME TAXABILITY THEREOF IS CONCERNED.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 105-141(13), as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes of North Carolina, is hereby amended by changing the period at the end thereof to a semicolon and by adding the following:

"provided, however, that the amounts received in lump sum or monthly payments of benefits under and pursuant to the provisions of the Forsyth County Employees' Retirement Plan and the Winston-Salem Employees' Retirement Fund shall be exempt from income tax to the extent that they would have been exempt under the provisions of G. S. 128-31 if Forsyth County and Winston-Salem had elected to provide such retirement benefits under the provisions of the North Carolina Local Governmental Employees' Retirement System."

Sec. 2. It is the intent of this Act to place the retirement benefits received under the Forsyth County Employees' Retirement Plan and the Winston-Salem Employees' Retirement Fund on the same basis for state income tax purposes as benefits received under the North Carolina Local Governmental Employees' Retirement Fund.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be applicable to all benefits received under the Forsyth County Employees' Retirement Fund and the Winston-Salem Employees' Retirement Fund from and after January 1, 1969.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

H. B. 634

CHAPTER 1077

AN ACT TO PROVIDE THAT INSURANCE COMPANIES SHALL SETTLE A LOSS PAYEE'S OR MORTGAGEE'S CLAIM WITHOUT WAITING TO LITIGATE THE INSURED'S CLAIM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-160 is hereby amended by adding at the end thereof the following sentence:

"Any payment due by the insuring company to mortgagees or loss payees under the terms of the policy shall be made within ninety (90) days of the loss or within sixty (60) days of the filing of proof of loss, whichever is the longer period; provided, the payment of or settlement of the claim of the mortgagee or loss payee under the policy shall in no way constitute an admission of liability as to the insured and the fact of such payment or settlement shall be inadmissible in any action at law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification, but shall apply only to fire and extended coverage policies written after the date of its ratification.

1265
CHAPTER 1077  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

H. B. 1372  CHAPTER 1078

AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSONVILLE AND G. S. 160-402, AS IT APPLIES TO HENDERSONVILLE, SO AS TO INCREASE THE LIMITATION ON THE LEVY OF TAXES FOR GENERAL PURPOSES TO ONE DOLLAR AND SEVENTY CENTS PER ONE HUNDRED DOLLARS VALUATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 868 of the Session Laws of 1959 is hereby amended by striking out the words "one dollar and sixty cents" in the last two lines and inserting in lieu thereof the words "one dollar and seventy cents", and Section 2 of said Chapter 868 of the Session Laws of 1959 is hereby amended by striking out in the fifth line the words and figures "one dollar and sixty cents ($1.60)" and inserting in lieu thereof the words and figures "one dollar and seventy cents ($1.70)".

Sec. 2. The increases in permissible rates of taxes authorized by this Act shall be effective at the beginning of the fiscal year commencing July 1, 1969.

Sec. 3. This Act shall apply only to the City of Hendersonville.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

S. B. 369  CHAPTER 1079

AN ACT TO PERMIT OPERATION OF TRAINING SCHOOLS FOR NURSES IN 75-BED HOSPITALS.

The General Assembly of North Carolina do enact:

Section 1. Amend G.S. 90-171.7(1) by adding the following sentence: "The general hospital shall not be required to have any specific number of beds for patients."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 788  CHAPTER 1080

AN ACT TO AUTHORIZE PARENTS TO SUPERVISE AND CONTROL THEIR CHILDREN UNDER EIGHTEEN YEARS OF AGE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provision of law, any child under 18 years of age, except as provided in Sections 2 and 3 hereof, shall be subject to the supervision and control of his parents.

Sec. 2. This Act shall not apply to any child under the age of 18 who is married or who is serving in the armed forces of the United States, or who has been emancipated.
Sec. 3. This Act shall not be interpreted to place any criminal liability on a parent for any act of his child 16 years of age or older.

Sec. 4. The provisions of this Act may be enforced by the parent, guardian, or person standing in loco parentis to the child by filing a civil action in the district court of the county where the child can be found. Upon the institution of such action by a verified complaint, alleging that the defendant child has left home or has left the place where he has been residing and refuses to return and comply with the direction and control of the plaintiff, the court may issue an order directing the child personally to appear before the court at a specified time to be heard in answer to the allegations of the plaintiff and to comply with further orders of the court. Such orders shall be served by the sheriff upon the child and upon any other person named as a party defendant in such action. At the time of the issuance of the order directing the child to appear the court may in the same order, or by separate order, order the sheriff to enter any house, building, structure or conveyance for the purpose of searching for said child and serving said order and for the purpose of taking custody of the person of said child in order to bring said child before the court. Any order issued at said hearing shall be treated as a mandatory injunction and shall remain in full force and effect until the child reaches the age of 18, or until further orders of the Court. Within 30 days after the hearing on the original order, the child, or anyone acting in his behalf, may file a verified answer to the complaint. Upon the filing of an answer by or on behalf of said child, any district court judge holding court in the county or judicial district where said action was instituted shall have jurisdiction to hear the matter, without a jury, and to make findings of fact, conclusions of law, and render judgment thereon. Any aggrieved party may within the time allowed for appeal of civil actions generally appeal to the superior court where trial shall be had without a jury. Appeals from the superior court to the Court of Appeals shall be allowed as in civil actions generally. The district judge issuing the original order or the district judge hearing the matter after answer has been filed, shall also have authority to order that any person named defendant in the order or judgment shall not harbor, keep, or allow the defendant child to remain on said person's premises or in said person's home. Failure of any defendant to comply with the terms of said order or judgment shall be punishable as for contempt.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 897

CHAPTER 1081

AN ACT TO AMEND SENATE BILL 726, RATIFIED AS CHAPTER 908 OF THE 1969 SESSION LAWS, TO CORRECT A TYPOGRAPHICAL ERROR.

The General Assembly of North Carolina do enact:

Section 1. Senate Bill 726, ratified as Chapter 908 of the 1969 Session Laws, is hereby corrected by deleting from Section 2 thereof the reference to "G. S. 108-73" and inserting in lieu thereof the words "G. S. 108-78".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after July 1, 1969.
In the General Assembly read three times and ratified, this the 27th day of June, 1969.

H. B. 827

CHAPTER 1082

AN ACT TO AMEND G.S. 105-147 TO PERMIT GIFTS TO NONPROFIT HOSPITALS TO BE DEDUCTED IN COMPUTING NET INCOME FOR INCOME TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (16) of G.S. 105-147, as the same appears on page 124 of the 1967 Cumulative Supplement to the 1965 Replacement Volume 2D of the General Statutes, is hereby amended by inserting the words "or nonprofit hospitals" immediately following the words "educational institutions" in line six thereof.

Sec. 2. This Act shall be applicable with respect to income tax years commencing on or after July 1, 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

H. B. 1157

CHAPTER 1083

AN ACT AUTHORIZING THE TRANSFER OF CERTAIN BURIAL ASSOCIATION FUNDS FOR THE OPERATION OF THE OFFICE OF THE STATE BURIAL COMMISSIONER.

The General Assembly of North Carolina do enact:

Section 1. Any funds on deposit in any bank or other financial institution in this State in the name of any burial association that is no longer in operation and has no members shall be transferred to the office of the State Burial Commissioner for the operation of such office and the purposes provided in G. S. 58-228.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

H. B. 1389

CHAPTER 1084

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ASHE COUNTY TO CONVEY CERTAIN PROPERTY TO THE ASHE COUNTY MEMORIAL HOSPITAL, INCORPORATED.

The General Assembly of North Carolina do enact:

Section 1. That whereas, certain real estate upon which Ashe County Memorial Hospital, Inc. is now located was conveyed to and title is now held by the County of Ashe, for which property the County of Ashe paid no consideration and took title in order that said hospital might be eligible for certain governmental aid; and whereas, the purpose for which title was taken in the name of the County of Ashe has ceased and that said county has made no investment in or upon said property; and whereas, it has become necessary for said Ashe County Memorial Hospital,
Inc. to own said property in connection with an expansion program and project in which said hospital is now engaged:

It is, therefore, by this Act provided that the Board of County Commissioners of Ashe County be, and it is hereby, authorized to convey and to execute an instrument of conveyance to the Ashe County Memorial Hospital, Inc. for said real property, the same being the property conveyed to the County of Ashe by the following instruments: (1) Deed from Mrs. Eula J. Neal for one acre, more or less, as described in Book Z-2, page 397, Ashe County Registry, (2) Deed from V. V. McConnell and wife, Sallie McConnell, for one acre, more or less, as described in Book Z-2, page 398, Ashe County Registry, and (3) Deed from R. R. Badger and wife, Bessie Badger, for one acre and 134 square poles, more or less, as described in Book Z-2, page 399, Ashe County Registry, to which recorded deeds reference is made for metes and bounds description of same.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 769

CHAPTER 1085

AN ACT AUTHORIZING THE COMMISSIONERS OF JONES COUNTY TO TRANSFER CERTAIN RECORDERS COURT FUNDS TO THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Commissioners of Jones County are hereby authorized to transfer to the General Fund of the County any funds which are now being kept in the fund known as the "Recorder's Court Fund", said funds having heretofore been collected pursuant to the provisions of G.S. 7-238.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 844

CHAPTER 1086

AN ACT PERMITTING THE ROWAN COUNTY BOARD OF EDUCATION TO SELL OR CONVEY CERTAIN SURPLUS REAL PROPERTY OWNED BY IT TO THE ROWAN COUNTY VOCATIONAL WORKSHOP, INC.

The General Assembly of North Carolina do enact:

Section 1. The Rowan County Board of Education is hereby authorized and empowered to convey any parcel or parcels of surplus real estate which it may now own to the Rowan County Vocational Workshop, Inc., provided, however, that the deed conveying said land to the Rowan County Vocational Workshop, Inc. shall contain a reversionary or condition subsequent clause which shall provide, in effect, that the fee to the land shall revert to the Rowan County Board of Education in the event the land is no longer used for the purposes for which the Rowan County Vocational Workshop, Inc. was established.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
CHAPTER 1086

SESSION LAWS—1969

Sec. 3. This Act shall be effective July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 864

CHAPTER 1087

AN ACT TO RATIFY AND CONFIRM THE MUNICIPAL ELECTION FOR THE TOWN OF EAST SPENCER, NORTH CAROLINA.

Whereas, no primary election was held on Saturday, April 26, 1969, before the regular municipal election on Tuesday, May 6, 1969; and

Whereas, Grover Lyerly received the highest number of votes cast for Mayor, and Clarence Carr, James Abernathy, Larry H. Folger, and J. R. Bivins received the highest number of votes for the Board of Aldermen;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. Grover Lyerly is hereby declared elected as Mayor of the Town of East Spencer and Clarence Carr, James Abernathy, Larry H. Folger and J. R. Bivins are hereby declared duly elected members of the Board of Aldermen for the Town of East Spencer, and the regular municipal election held on May 6, 1969, in the Town of East Spencer is hereby ratified and affirmed in all respects.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 714

CHAPTER 1088

AN ACT TO REDEFINE THE EXTRATERRITORIAL ZONING AND SUBDIVISION JURISDICTION OF THE TOWN OF CHAPEL HILL AND CARRBORO.

The General Assembly of North Carolina do enact:

Section 1. The Towns of Chapel Hill and Carrboro in Orange County, North Carolina, in addition to the extraterritorial zoning and subdivision jurisdiction heretofore granted to each by any local law or other general law are specifically authorized and empowered to exercise the jurisdiction as provided by G.S. 160-181.2 whenever the same is in excess of that otherwise conferred.

Sec. 2. Exercise of extraterritorial zoning and subdivision jurisdiction by either The Town of Chapel Hill or The Town of Carrboro pursuant to local laws or the General Statutes shall be subject to the following provisions:

(a) The division line between the extraterritorial jurisdiction of The Town of Chapel Hill and The Town of Carrboro may by mutual written agreement of said municipalities be relocated from time to time.

(b) When either The Town of Chapel Hill or The Town of Carrboro, by reason of annexation extends its territorial jurisdiction into any area subject to the extraterritorial jurisdiction of the other, and any such areas are at the time of said annexation, subject to the provisions of a duly enacted zoning ordinance, they shall remain subject to the provisions of such ordinance for a period of sixty (60) days thereafter, at the conclusion of which time zoning and subdivision jurisdiction shall pass to
the annexing municipality. During said sixty (60) day period, the annexing municipality may take any actions (including the holding of hearings) which may be required to adopt the necessary amendments to its ordinance which amendment may become effective at the expiration of the period.

(c) Whenever the extraterritorial jurisdiction of either municipality is extended pursuant to the provisions of this Act, by agreement or by application of G.S. 160-181.2, the governing body of each said municipality is hereby authorized to make effective and enforce within such territory lying outside their respective corporate limits and within one (1) mile thereof, all planning, zoning, and subdivision regulations, ordinances, and controls to the same extent as are effective within the corporate limits of said municipality, and all ordinances and codes of the Town regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G.S. 160-200(28) relating to unsafe buildings. In addition, the Board of Aldermen is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the Town, and the power to make a reasonable charge therefor; provided, that the governing body of said municipality may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property do so.

(d) The governing bodies of each said municipality in the exercise of extraterritorial zoning and subdivision jurisdiction pursuant to the provisions of G.S. 160-181.2 and this Act shall have full power and authority by resolution to decline to exercise any part of such jurisdiction (whether within or without Orange County) so as to conform to street lines, roads, property lines, branches, or other natural division, and any such area so declined, and those areas within which the municipality has not exercised its regulatory powers shall be and remain subject to the county zoning ordinance, if any, then in effect.

(e) Exercise by either Municipality of extraterritorial zoning and subdivision jurisdiction pursuant to the provisions of G.S. 160-181.2 and this Act in any area subject to a zoning ordinance enacted by the Orange or Durham County Board of Commissioners shall be subject to mutual agreement between the said Board of Commissioners and the governing body of said Municipality, and said agreement may limit the exercise of said jurisdiction so as to conform to street lines, roads, property lines, branches or other natural divisions, and in any area not agreed upon, the County Zoning Ordinance shall be and remain in effect.

Sec. 3. Assessment Ratios. (a) G.S. 105-294, as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes, is hereby amended as follows:

(1) by striking out of the ninth and tenth lines of the second paragraph the words "required by this Section to use the assessments determined by the board
of county commissioners and inserting in lieu thereof the words "within the county";

(2) by inserting in the first line of the third paragraph, between the word "shall" and the word "be", the words "for county tax purposes";

(3) by inserting between the second and third sentences of the third paragraph the following sentences: "The Board of Aldermen of the Town of Chapel Hill shall select for its tax purposes the percentage or assessment ratio selected by the Orange County Board of Commissioners and shall apply this to the appraised value of all property within its corporate limits without regard to the County in which such property lies."

(4) by inserting in the sixth line of the fourth paragraph, between the word "county" and the word "shall", the words "and the Town".

(b) G. S. 105-333 is hereby amended as follows:

(1) by adding at the end of the first paragraph the sentence: "County tax officials shall make available, upon request by the Town, a record of the property within the city or town, which record shall show for all property the appraised value and the assessed value."

(2) by inserting in the first line of the second paragraph, between the word "the" and the letters "valu.", the word "appraised".

(c) This Section shall apply only to the Town of Chapel Hill.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1324   CHAPTER 1089

AN ACT TO ESTABLISH THE LAKE NORMAN MARINE COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Definitions. Unless the context clearly requires otherwise, the following definitions apply in this Act:

(1) Board: The board of commissioners of one of the four counties.
(2) Commission: Lake Norman Marine Commission or its governing board, as the case may be.
(3) Commissioner: Member of the governing board of the Commission.
(4) Four counties: Catawba, Iredell, Lincoln, and Mecklenburg Counties.
(5) Joint resolution: A resolution substantially identical in content adopted separately by the board in each of the four counties.
(6) Lake Norman: The impounded body of water along the Catawba River in the four counties extending from the bridge crossing of Rural Road 1004 downstream to Cowans Ford Dam.
(7) Shoreline area: Except as modified by a joint resolution of the four counties, the area within the four counties lying within one mile of the mean high water line of Lake Norman. In addition, the shoreline area shall include all islands within Lake Norman and all peninsulas extending into the waters of Lake Norman.
Sec. 2. Creation of Commission authorized. The counties of Catawba, Iredell, Lincoln, and Mecklenburg are hereby authorized by joint resolution to create the Lake Norman Marine Commission. Upon its creation the Commission shall enjoy the powers and have the duties and responsibilities conferred upon it by joint resolution, subject to the provisions of this Act. The provisions of any joint resolution may be modified, amended, or rescinded by a subsequent joint resolution. A county may unilaterally withdraw from participation as required by any joint resolution or the provisions of this Act, once the Commission has been created, and any county may unilaterally withdraw from said commission at the end of any budget period. Upon the effectuation of such withdrawal, the Commission is dissolved until reestablished under the provisions of this Act or any successor act, and all property of the Commission shall be distributed to or divided among the four counties and any other public agency or agencies serving the Lake Norman area in a manner deemed equitable by the four counties.

Sec. 3. Terms of members. Upon its creation, the Commission shall have a governing board of five commissioners. Except as otherwise provided for the first five-year period, each commissioner shall serve a five-year term, with commissioners to serve overlapping terms so that one commissioner appointment is made each year. Upon creation of the Commission, the board of Catawba County shall appoint two commissioners and the boards of the other three counties shall appoint one each. These initial appointees shall serve until September 30 following their appointment. Thereafter, appointments shall be made each October 1 by the respective boards of the four counties as follows:

1. First year: Commissioner from Catawba, one-year term; commissioner from Iredell, two-year term; commissioner from Lincoln, three-year term; commissioner from Mecklenburg, four-year term; commissioner from Catawba, five-year term.
2. Second year: Commissioner from Iredell, five-year term.
3. Third year: Commissioner from Lincoln, five-year term.
4. Fourth year: Commissioner from Mecklenburg, five-year term.
5. Fifth year: Commissioner from Catawba, five-year term.
6. Sixth and succeeding years: appointments for five-year terms in rotation by county in the order set out above.

In the event of death of a commissioner, resignation, incapacity or inability to serve, as determined by the board appointing such commissioner, or removal of the commissioner for cause, as determined by the board appointing such commissioner, the board affected may appoint another commissioner to fill the unexpired term.

Sec. 4. Compensation: budgetary and accounting procedures. The joint resolution of the four counties shall state the terms relating to compensation to commissioners, if any, compensation of consultants and staff members employed by the Commission, and reimbursement of expenses incurred by commissioners, consultants, and employees. The Commission shall be governed by such budgetary and accounting procedures as may be specified by joint resolution.

Sec. 5. Organization and meetings. Upon creation of the Commission, its governing board shall meet at a time and place agreed upon by the boards of the four counties concerned. The commissioners shall elect a chairman and such other officers as they may choose. All officers shall serve one-year terms. The governing board shall adopt such rules and regulations as it may deem necessary, not inconsistent with the provisions of this Act or of any joint resolution, for the proper discharge of its duties and for the governance of the Commission. The chairman may appoint
such committees as may be authorized by such rules and regulations. The Commission shall meet regularly at such times and places as may be specified in its rules and regulations or in any joint resolution. Special meetings may be called as specified in the rules and regulations.

Sec. 6. Powers of Commission: administrative provision. (a) Within the limits of funds available to it and subject to the provisions of this Act and of any joint resolution, the Commission may:

1. Hire and Fix the compensation of permanent and temporary employees and staff as it may deem necessary in carrying out its duties.
2. Contract with consultants for such services as it may require.
3. Contract with the State of North Carolina or the Federal Government, or any agency or department or subdivision thereof, for such property or services as may be provided to or by such agencies, and carry out the provisions of such contracts.
4. Contract with persons, firms, and corporations generally as to all matters over which it has a proper concern, and carry out the provisions of such contracts.
5. Lease, rent, purchase, or otherwise obtain suitable quarters and office space for its employees and staff, and lease, rent, purchase, or otherwise obtain furniture, fixtures, aircraft, vessels, vehicles, firearms, uniforms, and other supplies and equipment necessary or desirable for carrying out the duties imposed in or under the authority of this Act.
6. Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair, and replace, either on its own or in cooperation with other public or private agencies or individuals, any of the following: parks, shoreline and water recreational areas, swimming pools and swimming areas, marinas, fishing piers, boat docks, boating and fishing access areas, navigation aids, waterway markers, public information signs and notices, and other items of real and personal property designed to enhance public recreation, public safety in Lake Norman and its shoreline area, or protection of property in the shoreline area.

(b) The Commission may accept, receive, and disburse in furtherance of its functions any funds, grants, services, or property made available by the Federal Government or its agencies or subdivisions, by the State Government or its agencies or subdivisions, or by private and civic sources.

(c) The boards of the four counties may appropriate funds to the Commission out of surplus funds or funds derived from nontax sources. They may appropriate funds out of tax revenues and may also levy annually taxes for the payment of such appropriation as a special purpose, in addition to any allowed by the Constitution.

(d) The Commission shall be subject to such audit requirements as may be specified in any joint resolution.

(e) In carrying out some or all of its duties and in either in addition to or in lieu of exercising various provisions of the above authorizations, the Commission may, with the agreement of the board of the county concerned, utilize personnel and property of or assign responsibilities to any officer or employee of any of the four counties. Such contribution in kind, if substantial, may with the agreement of the other three counties be deemed to substitute in whole or in part for the financial contribution required of such county in support of the Commission.

(f) Unless otherwise specified by joint resolution, each of the four counties shall annually contribute an equal financial contribution to the Commission in an amount appropriate to support the activities of the Commission in carrying out its duties.
Sec. 7. Filing and publication of joint resolutions. (a) A copy of the joint resolution creating the Commission and of any joint resolution amending or repealing the joint resolution creating the Commission shall be filed with the Executive Director of the Wildlife Commission. When the Executive Director receives resolutions that are in substance identical from all four counties concerned, the Executive Director shall within ten days so certify and distribute a certified single resolution text to the following:

(1) The Secretary of State.
(2) The Director of the Department of Local Affairs.
(3) The clerk to the board of each of the four counties.
(4) The clerk of superior court of each of the four counties.

Upon request, the Executive Director shall also send a certified single copy of any and all applicable joint resolutions to the chairman of the Commission.

(b) Unless a joint resolution specifies a later date, it shall take effect when the Executive Director's certified text has been submitted to the Secretary of State for filing. Certifications of the Executive Director under the seal of the Commission as to the text or amended text of any joint resolution and of the date or dates of submission to the Secretary of State shall be admissible in evidence in any court. Certifications by any clerk of superior court of the text of any certified resolution filed with him by the Executive Director shall also be admissible in evidence and the Executive Director's submission of the resolution for filing to the clerk shall constitute prima facie evidence that such resolution was on the date of submission also submitted for filing with the Secretary of State. Except for the certificate of a clerk as to receipt and date of submission, no evidence may be admitted in court concerning the submission of the certified text of any resolution by the Executive Director to any person other than the Secretary of State.

Sec. 8. Regulatory authority: (a) Except as limited in subsection (b) below, by restrictions in any joint resolution, and by other supervening provisions of law, the Commission may make regulations applicable to Lake Norman and its shoreline area concerning all matters relating to or affecting public recreation and water safety. These regulations may not conflict with or supersede provisions of general or special Acts or of regulations of State agencies promulgated under the authority of general law. In lieu of or in addition to passing regulations supplementary to State law and regulations concerning the operation of vessels on Lake Norman, the Commission may, after public notice, request that the Wildlife Commission pass local regulations on this subject in accordance with the procedure established in G. S. 75A-15.

(b) Violation of any regulation of the Commission commanding or prohibiting an act shall be a misdemeanor punishable by a fine not to exceed fifty dollars ($50.00).

(c) The regulations promulgated under this Section take effect upon passage or upon such dates as may be stipulated in the regulations except that no regulation may be enforced unless adequate notice of the regulation has been posted in or on Lake Norman or its shoreline area. Adequate notice as to a regulation affecting only a particular location may be by a sign, uniform waterway marker, posted notice, or other effective method of communicating the essential provisions of the regulation in the immediate vicinity of the location in question. Where a regulation applies generally as to Lake Norman or its shoreline area, or both, there must
be a posting of notices, signs, or markers communicating the essential provisions in at least three different places throughout the area.

(d) A copy of each regulation promulgated under this Section must be filed by the Commission with the following persons:

(1) The Secretary of State, in accordance with G. S. 143-195 to -198.
(2) The clerk of superior court of each of the four counties, in accordance with G. S. 143-198.1.
(3) The Executive Director of the Wildlife Commission.
(4) The Director of the Department of Local Affairs.
(e) Any official designated in subsection (d) above may issue certified copies of regulations filed with him under the seal of his office. Such certified copies may be received in evidence in any proceeding.

(f) Publication and filing of regulations promulgated under this Section as required above is for informational purposes and shall not be a prerequisite to their validity if they in fact have been duly promulgated, the public has been notified as to the substance of the regulations, a copy of the text of all regulations is in fact available to any person who may be affected, and no party to any proceeding has been prejudiced by any defect that may exist with respect to publication and filing. Rules and regulations promulgated by the Commission under the provisions of other sections of this Act relating to internal governance of the Commission need not be filed or published. Where posting of any sign, notice, or marker or the making of other communication is essential to the validity of a regulation duly promulgated, it shall be presumed in any proceeding that proper notice was given and maintained and the burden shall lie upon the party asserting to the contrary to prove lack of adequate notice of any regulation.

Sec. 9. Enforcement. (a) Where a joint resolution so provides, all law enforcement officers (or such officers as may be designated in the joint resolution) with territorial jurisdiction as to any part of Lake Norman or its shoreline area shall, within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of Lake Norman and its shoreline area.

(b) Where a joint resolution so provides, the Commission may hire special officers to patrol and enforce the laws on Lake Norman and its shoreline area. Such special officers shall have and exercise all the powers of peace officers generally within the area in question and shall take the oaths and be subject to all provisions of law relating to law enforcement officers.

(c) Unless a joint resolution provides to the contrary, all courts in the four counties, within the limits of their subject matter jurisdiction, shall have concurrent jurisdiction as to all criminal offenses arising within the boundaries of Lake Norman and its shoreline area.

(d) Where a law enforcement officer with jurisdiction over any part of Lake Norman or its shoreline area is performing duties relating to the enforcement of the laws on Lake Norman or in its shoreline area, he shall have such extra-territorial jurisdiction as may be necessary to perform such duties. These duties include investigations of crimes an officer reasonably believes have been, or are about to be, committed within the area in question; traversing by reasonable routes from one portion of such area to another although across territory not within the boundaries of Lake Norman and its shoreline area; conducting prisoners in custody to such court or detention facilities as may be authorized by law, although this may involve going outside the area in question; execution of process connected with any criminal
offense alleged to have been committed within the boundaries in question, except that such process may not be executed by virtue of this provision beyond the boundaries of the four counties; continuing pursuit of and arresting any violator or suspected violator as to which grounds for arrest arose within the area in question.

(e) Where law enforcement officers are given additional territorial jurisdiction under the provisions of this Section, this shall be deemed an extension of the duties of the office held and no officer shall take any additional oath or title of office.

Sec. 10. Repealer. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. Effective date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 327

CHAPTER 1090

AN ACT AMENDING G. S. 162-22 RELATING TO FEES PAID TO JAILERS FOR THE CARE OF PRISONERS PLACED IN THEIR CUSTODY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-22 is amended by adding the end thereof as follows:

"No law enforcement officer or jailer who shall have the care and custody of any jail shall receive any portion of any jail fee or charge paid by or for any person confined in such jail, nor shall the compensation or remuneration of such officer be affected to any extent by the costs of goods or services furnished to any person confined in such jail."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on January 1, 1970.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 738

CHAPTER 1091

AN ACT TO AMEND CHAPTER 146 OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO ACQUIRE PROPERTY BY PURCHASE OR CONDEMNATION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 146 of the General Statutes is amended by adding immediately following G. S. 146-22 a new section to be designated as G. S. 146-22.1 to read as follows:

"G. S. 146-22.1. Acquisition of Property. In order to carry out the duties of the Department of Administration as set forth in Chapters 143 and 146 of the General Statutes, the Department of Administration is authorized and empowered to acquire by purchase, gift, condemnation or otherwise:

(1) Lands necessary for the construction and operation of State buildings and other governmental facilities.

(2) Lands necessary for construction and operation of parking facilities.

(3) An area in the City of Raleigh bounded by Edenton Street, Person Street, Peace Street, the right of way of the main line of Seaboard Coastline Railway
CHAPTER 1091  SESSION LAWS—1969

and North McDowell Street for the expansion of State governmental facilities, the public interest in, public use of, and the necessity for the acquisition of said area, being hereby declared as a matter of Legislative determination.

"(4) Lands necessary for the location, expansion, operation and improvement of hospital and mental health facilities and similar institutions maintained by the State of North Carolina.

"(5) Lands necessary for public parks and forestry purposes.

"(6) Lands involving historical sites, together with such adjacent lands as may be necessary for their preservation, maintenance and operation.

"(7) Lands necessary for the location, expansion and improvement of any educational, penal or correctional institution.

"(8) Lands necessary to provide public access to the waters within the State.

"(9) Lands necessary for agricultural, experimental and research facilities.

"(10) Utility and access easements, rights of way, estates for terms of years or fee simple title to lands necessary or convenient to the operation of State-owned facilities.

"(11) Lands necessary for the development and preservation of the estuarine areas of the State.

"(12) Lands necessary for the development of waterways within the State."

Sec. 2. G. S. 146-23 is amended by adding immediately following the word "rented" in the last line thereof a new sentence to read as follows:

"The Department of Administration may make acquisitions at the request of the Governor and Council of State upon compliance with the investigation herein required."

Sec. 3. Chapter 146 of the General Statutes is amended by adding immediately following G. S. 146-24 a new section to be designated as G. S. 146-24.1 to read as follows:

"G. S. 146-24.1. The Power of Eminent Domain. In carrying out the duties and purposes set forth in Chapters 143 and 146 of the General Statutes, the Department of Administration is vested with the power of eminent domain and shall have the right and power to acquire such lands, easements, rights of way or estates for years by condemnation in the manner prescribed by G. S. 146-24 of the General Statutes. The power of eminent domain herein granted is supplemental to and in addition to the power of eminent domain which may be now or hereafter vested in any State agency as defined by G. S. 146-64 and the Department of Administration may exercise on behalf of such agency the power vested in said agency or the power vested in the Department of Administration herein; and the Department of Administration may follow the procedure set forth in G. S. 146-24 or the procedure of such agency, at the option of the Department of Administration. Where such acquisition is made at the request of an agency, such agency shall make a determination of the necessity therefor; where such acquisition is on behalf of the State or at the request of the Department of Administration, such findings shall be made by the Director of Administration. Provided, however, that all such acquisitions shall have the approval of the Governor and Council of State as provided in G. S. 146-24."

Sec. 4. This Act shall not apply to public projects and condemnations for which specific statutory condemnation authority and procedures are otherwise provided.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1192  
CHAPTER 1092  
AN ACT TO AMEND G. S. 160-383(a)2f, BEING A PART OF THE MUNICIPAL FINANCE ACT, 1921, RELATING TO THE DEDUCTION IN CERTAIN INSTANCES OF THE AMOUNT OF BONDED DEBT INCLUDED IN THE GROSS DEBT AND INCURRED OR TO BE INCURRED FOR SANITARY SEWER SYSTEM PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 160-383(a)2f of Article 28 of Chapter 160 of the General Statutes, the same being a part of The Municipal Finance Act, 1921, is hereby amended to read as follows:

"The amount of bonded debt included in the gross debt and incurred or to be incurred for sanitary sewer system purposes if the Local Government Commission determines that (a) the revenues of the sanitary sewer system and the water system or (b), in the event the sanitary sewer system is operated with the water system as a consolidated system, the revenues of such consolidated system or (c), in the event the sanitary sewer system and the water system are consolidated during but not for the entire five (5) year period hereinafter mentioned, the revenues of such sanitary sewer and water systems and such consolidated system during such period, including any surplus from prior years, were, in each of the five (5) complete fiscal years immediately preceding the filing of this statement, sufficient to pay the operating expenses of such systems or such consolidated system or such combination thereof and the principal of and the interest on all bonds issued therefor as the same became due and payable."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1225  
CHAPTER 1093  
AN ACT TO ESTABLISH A NORTH CAROLINA WATER SAFETY COMMITTEE, TO EMPOWER LOCAL GOVERNMENTS TO CREATE AND SPONSOR LOCAL WATER SAFETY COMMITTEES, TO GRANT THE WILDLIFE RESOURCES COMMISSION THE POWER TO MAKE REGULATIONS OVER MATTERS OF WATER SAFETY, AND TO IMPLEMENT THE UNIFORM STATE WATERWAY MARKING SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 75A of the General Statutes of North Carolina entitled "Motorboats" is hereby redesignated "Boating and Water Safety."

Sec. 2. G.S. 75A-1 to 75A-19 is hereby designated as "Article 1. Boating Safety Act."

Sec. 3. There is hereby added a new Article to Chapter 75A of the General Statutes of North Carolina to read as follows:
Article 2.

North Carolina Water Safety Committee.

G.S. 75A-20. Creation of North Carolina Water Safety Committee. There is hereby created the North Carolina Water Safety Committee to function as a continuing advisory and coordinative body with respect to the activities of the various public and private agencies, organizations, corporations, and individuals with responsibilities or interests relevant to the maintenance of an effective program of water safety in North Carolina.

G.S. 75A-21. Terms and appointment of members. (a) Members of the Committee shall be appointed by the Governor so as to represent various viewpoints and interests respecting water safety that exist within the State. The membership of the Committee shall be not less than twenty-five nor more than fifty.

(b) Regular terms of members other than those designated by the Governor to serve on the executive committee shall be for periods of three years. In making initial appointments, the Governor shall appoint approximately one-third of the members for one-year terms, another third for two-year terms, and the balance for three-year terms so as to achieve an overlapping of terms. In subsequent years as increases or decreases in the number of members of the Committee may occur the Governor shall appoint or reappoint members for such periods of less than three years as may be necessary to preserve the system of overlapping terms. Members representing the agencies listed in subsection (e) of this Section and designated by the Governor to serve on the executive committee of the Committee shall serve at the pleasure of the Governor.

(c) Except as to representatives of the agencies listed in subsection (e) of this Section, the Governor may decline to fill any vacancy that may occur on the Committee. As used in this subsection, "vacancy" includes termination of membership caused by expiration of a term as well as that caused by resignation, death, inability to serve, or termination of the appointment by the Governor.

(d) The Governor may terminate the appointment of any member serving for a specific term for cause. Cause for termination shall include the member's ceasing to hold the position or to be affiliated with the organization or agency by reason of which he was appointed to the Committee. The Governor in his discretion, however, taking into account the balance of representation of interest on the Committee and factors pertaining to its total size, may permit such member to continue to serve on the Committee by reason of the individual contributions he may make. Where a member of the executive committee serving at the pleasure of the Governor has been retained on the Committee despite his ceasing to represent one of the agencies listed in subsection (e) of this Section, he shall lose his membership on the executive committee.

(e) In making his appointments the Governor shall provide for continuing membership on the Committee by at least one professional representative from each of the following agencies of the State:

1. The Department of Conservation and Development.
2. The Department of Public Instruction.
3. The Department of Water Resources.
(6) The State Board of Health.

G.S. 75A-22. Executive Committee. (a) Except as indicated in subsection (b) of this Section, the executive committee of the Committee shall have full power to act on behalf of the Committee with regard to external affairs in the interim period between meetings of the Committee. The executive committee shall consist of the professional representatives from the agencies listed in G.S. 75A-21 (e) plus six other members of the committee selected by the Governor. Where there is more than one member from any of the listed agencies appointed to the Committee, the Governor shall designate which one is to serve on the executive committee.

(b) The Committee may not restrict the authorization to the executive committee to act on its behalf in any class of external affairs or repudiate any action taken in its behalf except upon the vote of a majority of the full membership of the Committee.

G.S. 75A-23. Chairman. The Governor shall designate one of the agency members of the executive committee to serve both as chairman of the Committee and the executive committee. The chairman shall serve as such at the pleasure of the Governor.

G.S. 75A-24. Organization and meetings. (a) To the extent not in conflict with specific provisions of this Article, the Committee may organize itself as it sees fit, specifically including selection and duties of other officers than the chairman, fixing dates and procedures for calling regular meetings, selection and tenure of chairmen and members of subcommittees, and the extent to which authority to act on internal matters may be delegated to the chairman or the executive committee.

(b) Regular meetings of the Committee shall be held at least twice each year. Special meetings may be held upon the call of:

(1) The chairman,

(2) Three members of the executive committee, or

(3) One-third of the full membership of the Committee.

(c) Meetings of the executive committee shall be held upon the call of the chairman or upon the call of three of its members. To constitute a quorum of members attending a meeting of the Committee, there must be present at least eight members of the executive committee and one-third of the balance of the members of the Committee. Eight members shall constitute a quorum for meetings of the executive committee, except that the votes of at least seven members shall be required to carry any matter in which the executive committee is acting on behalf of the Committee in regard to external affairs.

G.S. 75A-25. Administrative and staff support. Administrative and staff support for the Committee shall be provided by such State agency or agencies as may be designated by the Governor.

G.S. 75A-26. Local water safety committees. (a) In order that responsible State and local officials may consult with an advisory body as to the needs and desires of the public in matters of water recreation and safety in various local waters, local authorities may sponsor local water safety committees. When a local government or two or more local governments acting jointly determine that the interests of the public would be served by sponsorship of a local water safety committee, such local government or governments may sponsor a committee. As used in this Section,
the noun "sponsor" shall include a sponsoring local government or a sponsoring group of local governments acting jointly.

(b) Members of a local committee shall be selected by the sponsor to represent various viewpoints and interests respecting water recreation and safety in the locality concerned. The membership of the Committee shall be not less than fifteen nor more than thirty-five, and members shall serve at the pleasure of the sponsor. Except where the charter granted by the sponsor may make specific provision, the members of a local committee shall select their officers, determine the need for subcommittees (if any), provide for times and places of regular meetings, and otherwise order the internal organization and administration of the committee. Special meetings may be held:

(1) Upon the call of such officers or members of the local committee as may be specified in the charter from the sponsor or the bylaws enacted by the committee.

(2) Upon the call of three members of the governing body or bodies of the sponsor.

(3) Upon the call of the chairman of the North Carolina Water Safety Committee.

(c) Where the sponsor finds that an existing organization or committee is sufficiently broadly based to represent the various community interests, it may sponsor (and at any time withdraw sponsorship of) the activities of such organization or committee relating to water recreation and safety in lieu of creating a separate local committee. In the event an existing organization or committee is sponsored, the membership restrictions of subsection (b) do not apply. The phrase "local committee" as used in this Section shall include such sponsored existing organizations and committees as well as separate committees.

(d) Except as indicated below, members of a local committee shall serve without compensation from the sponsor. Public officers and employees who are acting within the scope and course of their employment, however, may receive such travel and subsistence allowance as authorized by law when attending meetings, whether as members or observers, or otherwise assisting or participating in the affairs of a local committee. Within the bounds set by governing provisions of the law generally, a sponsor may also provide administrative and staff services to a local committee and may underwrite or finance its projects which are carried out to the benefit of water recreation and safety in the area concerned.

(e) At the time of sponsorship, or withdrawal of sponsorship, of a local committee, the sponsor shall notify the following persons of the action taken:

(1) The Chairman of the North Carolina Water Safety Committee.

(2) The Executive Director of the North Carolina Wildlife Resources Commission.

(f) All meetings of separately created local committees shall be open to the public. Where an existing organization or committee has received sponsorship, all its meetings devoted to carrying out the advisory functions of a local committee shall be open to the public.

(g) Members of a local committee are under an obligation:

(1) To keep themselves informed as to problems of water recreation and safety in their area.

(2) To study such problems concerning water recreation and safety as may be referred to them by their sponsor or by the chairman of the North Carolina Water Safety Committee.
(3) To make reports from time to time, either on their own motion or in response to a request for a study, on problems of water recreation and safety, and with suggestions for remedies where such are indicated and feasible. Such reports may be made to the sponsor, the Chairman of the North Carolina Water Safety Committee, the Executive Director of the North Carolina Wildlife Resources Commission, or any other public or private person, agency, firm, corporation, or organization with the power to effect improvements in the level of water recreation and safety available to the public.

(4) To take part in and, where necessary, to help coordinate programs of public education in the field of water safety.

Sec. 4. G.S. 75A-15 is rewritten to read as follows:

G.S. 75A-15. Regulations on water safety; adoption of the Uniform Waterway Marking System. (a) Upon petition to it in accordance with subsection (b) of this Section, the Wildlife Resources Commission is empowered to make special regulations, for the local water in question, as to:

(1) Operation of vessels, including restrictions concerning speed zones, and type of activity conducted.

(2) Promotion of boating and water safety generally by occupants of vessels, swimmers, fishermen, and others using the water.

(3) Placement and maintenance of navigation aids and markers, in conformity with governing provisions of law.

Prior to making any special regulations, the Commission shall investigate the water recreation and safety needs of the local water in question in accordance with any standards that may have been developed by the North Carolina Water Safety Committee. In making such investigation, the Commission in its discretion may hold public hearings on the regulations proposed and the general needs of the local water in question. After such investigation and application of standards, the Commission may in its discretion pass the special regulations requested, pass them in an amended form, or refuse to pass them. After passage, the Commission may amend or repeal the special regulations after first holding a public hearing.

(b) The agencies listed in this subsection may, but only after public notice, make formal application to the Wildlife Resources Commission for special regulations on local waters as to the matters listed in subsection (a) of this Section. The agencies and waters in question are:

(1) Any subdivision of this State, with reference to waters within its territorial limits.

(2) The North Carolina Water Safety Committee, with reference to local areas of water defined by it which are found to be heavily used for water recreation purposes by persons from other areas of the State and as to which there is not coordinated local interest in regulation.

(c) The Uniform State Waterway Marking System as approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard, in October 1961 is hereby adopted for use on the waters of North Carolina. The Wildlife Resources Commission is authorized to pass regulations implementing the marking system and may:

(1) Modify provisions as necessary to meet the special water recreational and safety needs of this State, provided that such modifications do not depart in any essential manner from the uniform standards being adopted in other states.
(2) Modify provisions as necessary to conform with amendments to the marking system that may be proposed for adoption by the states.

(3) Enact supplementary standards regarding design, construction, placement, and maintenance of markers.

(4) Enact clarifying regulations as to matters not covered with precision in the report of the Advisory Panel of State Officials.

(5) Enact implementing regulations as to matters left to State discretion in the report of the Advisory Panel of State Officials.

(6) Enact regulations forbidding or restricting the placement of markers either throughout the State or in certain classes or areas of waters without prior permission having been obtained from the Commission or some agency or official designated by the Commission.

It is unlawful to place or maintain any marker of the sort covered by the marking system in the waters of North Carolina that does not conform to or is in violation of the marking system and the implementing regulations of the Commission.

(d) Special regulations enacted under the authority of subsections (a) and (b) of this Section shall supersede all local regulations in conflict or incompatible with such special regulations. As used in this subsection, "Local regulations" shall include provisions relating to boating, water safety, or other recreational use of local waters in special local, or private acts, in ordinances or regulations of local governing bodies, or in ordinances or regulations of local water authorities. Except as may be authorized in subsections (a) and (b) of this Section, no local regulations may be made respecting the Uniform Waterway Marking System and its implementation or respecting supplemental safety equipment on vessels.

Sec. 5. The following local acts, having been superseded in their entirety, are hereby repealed: Session Laws of 1955, Chapters 277 and 1115 (Catawba Lake, now Lake Wylie, in Gaston and Mecklenburg counties); Session Laws of 1955, Chapter 1219 (Catawba River in Catawba, Iredell, Alexander, Caldwell and Burke counties).

Sec. 6. This Act shall take effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1356

CHAPTER 1094

AN ACT PROVIDING FOR THE COLLECTION OF SPECIAL SCHOOL TAXES FOR THE LUMBERTON CITY ADMINISTRATIVE UNIT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other act, and particularly Chapters 443 and 663 of the Session Laws of 1969, the City of Lumberton shall collect the special school taxes for the Lumberton City Administrative Unit for the years 1968 and 1969 on all areas being in said Administrative Unit, irrespective of whether said areas are within or outside the City limits of Lumberton. Beginning with the year 1970, and each year thereafter, Robeson County shall collect the special school taxes for all areas of said Administrative Unit irrespective of whether any portion of said unit is inside or outside the City limits of Lumberton.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1368

CHAPTER 1095

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY TO CALL A SPECIAL OR GENERAL ELECTION TO AUTHORIZE THE LEVY OF AN ADDITIONAL SUPPLEMENTAL TAX NOT TO EXCEED THIRTY CENTS ON EACH ONE HUNDRED DOLLARS VALUATION OF TAXABLE PROPERTY IN BUNCOMBE COUNTY TO PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, SUPPORT AND OPERATION OF THE PUBLIC SCHOOLS OF THE CITY OF ASHEVILLE AND COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Buncombe County is authorized and empowered to call a special or general election to be held on or before June 1, 1971, to submit to a vote of the qualified registered voters of each of the various public school districts within Buncombe County the question of levying and collecting annually an ad valorem tax which shall be an additional supplemental tax not to exceed thirty cents (30¢) on each one hundred dollars ($100.00) valuation of taxable property within each of the various public school districts within Buncombe County to provide for the construction, maintenance, support and operation of the public schools of the City of Asheville and the County of Buncombe. Solely for the purpose of this tax election and for that purpose only, the Asheville City Administrative School Units shall be deemed to be one of the public school districts within the contemplation and meaning of this Act.

Sec. 2. There shall be a special registration of voters within each of the various public school districts within Buncombe County for such election. The registration books shall be open for the purpose of the registration of voters in each of the various public school districts within Buncombe County as provided by the general election laws for the election of members of the General Assembly. If the additional tax levy be approved by a majority of all the qualified voters in Buncombe County who shall vote on such question, the Board of County Commissioners of Buncombe County is authorized to levy and collect such additional supplemental tax not to exceed thirty cents (30¢) on each one hundred dollars ($100.00) valuation of taxable property in Buncombe County. If the additional tax levy be not approved by a majority of all the qualified voters in Buncombe County who shall vote on such question, the Board of County Commissioners of Buncombe County is authorized to levy and collect such additional supplemental tax not to exceed thirty cents (30¢) on each one hundred dollars ($100.00) valuation of taxable property within each of the said public school districts within which the additional tax levy is approved by a majority of the qualified voters who shall vote on such question within said public school district. The amount of said tax to be levied and collected annually shall be decided by the Board of County Commissioners of Buncombe County and included in each year's budget, but the amount of said tax to be levied and collected shall be the same amount on each one hundred dollars ($100.00) valuation of taxable property in each public school district in which a majority of the voters in said election approve said levy. The General Assembly does hereby give its special approval to the levy of the tax for the purpose referred to in this Act.
CHAPTER 1095    SESSION LAWS—1969

Sec. 3. If the approval by a majority of all the qualified voters within Buncombe County who shall vote on such question is obtained, the levy may be made for the taxable year next beginning after such election and the supplemental tax so collected shall be apportioned between the Buncombe County Board of Education and the Asheville City Board of Education on a per capita enrollment basis which shall be determined by the State Board of Education and certified to each administrative unit involved. In the event the approval of a majority of all the qualified voters within Buncombe County who shall vote on such question is obtained in such election, all taxes collected and apportioned shall be used to supplement any item of expenditure in the school budgets.

If the approval by a majority of all the qualified voters within Buncombe County who vote on such question is not obtained, the levy may be made for the taxable year next beginning after such election in each of the public school districts in which a majority of the qualified voters who vote on said question approve said additional tax levy and the supplemental tax so collected shall be used by the appropriate Board of Education solely within the public school district in which the tax is collected to supplement any item of expenditure in the school budgets.

Sec. 4. In the event the approval of a majority of the qualified voters within Buncombe County or within any public school district who shall vote on such question in said election is not obtained, the presently existing supplemental school taxes previously authorized for the benefit of any administrative unit, district or other school area shall not be impaired and the Board of County Commissioners of Buncombe County is hereby authorized in such event to continue to levy and collect such taxes; provided, however, that the levy of additional supplemental school taxes authorized hereunder, if approved, shall replace any existing supplemental school taxes previously authorized within the same administrative unit.

Sec. 5. The special or general election provided for in this Act shall be conducted by the Buncombe County Board of Elections under the applicable provisions of the general election of the State providing for the election of members of the General Assembly, and no other question shall be presented to the voters at said election.

The Buncombe County Board of Elections shall, solely for the purpose of the election authorized hereby, create new voting precincts to coincide with the separate school districts and shall appoint the requisite number of election officials for said election, including those necessary for new precincts, and shall establish such books and records that may be necessary and shall establish all regulations and procedures for the proper conduct of said election, including the questions to be printed on the ballot and submitted to the voters.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed; however, the powers this Act are in addition to and not in substitution for existing powers heretofore granted to Buncombe County and the Board of County Commissioners thereof.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
H. B. 1378  

CHAPTER 1096  

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY IN THEIR DISCRETION, TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF THE PUBLIC LIBRARY FACILITY.  

The General Assembly of North Carolina do enact:  

Section 1. The Board of County Commissioners of Lincoln County be, and they are hereby authorized and empowered, in their discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax of not more than three cents ($0.03) on each one hundred dollars ($100.00) valuation of property in said counties, the same when collected to be applied to the upkeep, support and maintenance of the Public Libraries, which said libraries are operated for the benefit of the public. The appropriations and taxes for the purpose hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters of Lincoln County.  

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  

Sec. 3. This Act shall be in full force and effect from and after its ratification.  

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1358  

CHAPTER 1097  

AN ACT AMENDING CHAPTER 568 OF THE SESSION LAWS OF 1969 TO CORRECT A REFERENCE TO THE SESSION LAWS.  

The General Assembly of North Carolina do enact:  

Section 1. Chapter 568 of the Session Laws of 1969 is hereby amended by striking the numbers "1969" on line 1 of Section 2 and by substituting in lieu thereof the numbers "1963".  

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  

Sec. 3. This Act shall become effective upon its ratification.  

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1359  

CHAPTER 1098  

AN ACT TO AMEND CHAPTER 600 OF THE SESSION LAWS OF 1969 RELATIVE TO REFUNDS OF MOTOR FUELS TAX.  

The General Assembly of North Carolina do enact:  

Section 1. Section 22 (b) of Chapter 600 of the Session Laws of 1969 is hereby amended by rewriting the fourth sentence of the first paragraph of G. S. 105-449.39 as the same appears therein, to read as follows:  

"When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, such excess may under regulations of the Commissioner be allowed as a credit on the tax for which such carrier would be otherwise
liable for another quarter or quarters; or upon application within 180 days from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Commissioner and supported by such evidence as may be satisfactory to the Commissioner, such excess may be refunded to said motor carrier."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1363

CHAPTER 1099

AN ACT TO AMEND G. S. 160-181.2 TO GRANT EXTRA-TERRITORIAL ZONING JURISDICTION TO THE TOWN OF PITTSBORO.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.2, as the same appears in the 1967 cumulative supplement to Volume 3D of the General Statutes, is hereby amended by inserting in the last sentence of the last paragraph thereof, between the word "applicable" and the word "to" the words "to the Town of Pittsboro in Chatham County and".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 34

CHAPTER 1100

AN ACT TO APPROPRIATE FUNDS FOR HISTORIC PRESERVATION IN THE TOWN OF MURFREESBORO.

WHEREAS, the General Assembly of 1967 has enacted a bill establishing the Historic Murfreesboro Commission; and

WHEREAS, in order to preserve adequately the heritage of this historic community, the aforesaid Historic Murfreesboro Commission will need an appropriation from the State of North Carolina; and

WHEREAS, there now exist within the aforesaid Town of Murfreesboro many buildings, dating back to an earlier, bygone period, that are now in need of restoration and preservation; and

WHEREAS, many individual citizens and groups of citizens of this historic community have donated generously of their own money, real property, personal property, and various historic relics for the purpose of historic preservation in the town;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Department of Archives and History the sum of twenty thousand dollars ($20,000.00) for the purchase, restoration, repair, and preservation of historic buildings and sites in the Town of Murfreesboro, upon the condition that nine thousand dollars ($9,000.00) be raised in non-state matching funds by Historic Murfreesboro Commission.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 59  
CHAPTER 1101  
AN ACT TO APPROPRIATE FUNDS TO THE STATE DEPARTMENT OF AGRICULTURE FOR THE PURCHASE OF EQUIPMENT FOR A POULTRY DISEASE DIAGNOSTIC LABORATORY IN CONNECTION WITH THE UNION COUNTY GOVERNMENTAL BUILDING AT MONROE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the North Carolina Department of Agriculture the sums of money listed below to be expended for the purchase and installation of equipment for the Poultry Disease Diagnostic Laboratory constructed in connection with the Union County Governmental Building at Monroe, as set out in detail below:

Laboratory Wall Cases, 35" wide ........................................ $ 336.00
Sectional Wall Cabinets, 47" wide ..................................... 2,050.00
Sectional Apron Units, 35" wide ....................................... 350.00
Corner Cupboard Unit ....................................................... 255.00
Base Table Unit .............................................................. 125.00
Desk and Chair .................................................................. 200.00
Book Case ........................................................................... 100.00
Commercial-type Double Sink ........................................... 175.00
Laboratory Chairs .............................................................. 175.00
Laboratory Stools .............................................................. 100.00
Filing Cabinet .................................................................... 75.00
Heavy duty Garbage Cans .................................................. 100.00
Cost of moving and reconnecting autoclave and
Other equipment at present laboratory .............................. 300.00
Installation ........................................................................ 659.00

$5,000.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 86  
CHAPTER 1102  
AN ACT TO APPROPRIATE FUNDS TO THE VAGABOND SCHOOL OF THE DRAMA, INC., KNOWN AS THE STATE THEATRE OF NORTH CAROLINA, FOR OPERATION, CONSTRUCTION AND EXPANSION.

WHEREAS, the history of the Vagabond Players, is described in detail in Chapter 1048 of the 1967 Session Laws, and

WHEREAS, the Vagabond Players, were incorporated in 1952 as the Vagabond School of The Drama, Inc. and is now known as the State Theatre of North Carolina; and

WHEREAS, said Theatre offers entertainment to tourists and regional patrons; offers classes for teachers, students and children; offers plays by professional and
CHAPTER 1102  SESSION LAWS—1969

amateur actors for adults and children; provides summer employment; provides a winter touring company which gives students in high schools an opportunity to see live theatre; and

WHEREAS, during the last five years, the Theatre's touring company has presented plays in 350 North Carolina high schools; and

WHEREAS, 250,000 students have seen the theatre's production of "The World of Carl Sandburg" under the auspices of the State Board of Education;

NOW, THEREFORE,
The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of North Carolina to the Vagabond School of the Drama, Inc., the sum of five thousand dollars ($5,000.00) for the fiscal year commencing July 1, 1969, and ending June 30, 1970, and the sum of five thousand dollars ($5,000.00) for the fiscal year commencing July 1, 1970, and ending June 30, 1971, for the operation, construction and expansion of the State Theatre of North Carolina at Flat Rock, North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 118  CHAPTER 1103

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A STUDY AS TO THE FEASIBILITY OF INTRODUCING INTO THE PUBLIC SCHOOL SYSTEM CURRICULUM INSTRUCTION IN THE ENVIRONMENT AND NATURAL RESOURCES AND APPROPRIATING FUNDS FOR SAID STUDY.

WHEREAS, there is growing recognition that we are approaching an environmental crisis of global proportions; and

WHEREAS, this crisis is the result of long-standing and increasing abuse of the environment brought about by the heightened demands of an ever-increasing population; and

WHEREAS, if the long-range hopes of the future are to be served, a healthy environment must be maintained not only for ourselves, but for generations yet to come; and

WHEREAS, the State of North Carolina is blessed with many natural resources which have not been spoiled by the abuses of reckless exploitation; and

WHEREAS, an understanding of the principles of conservation and ecology is essential to maintaining both the amenities and the necessities of a healthy environment; and

WHEREAS, the students in the Public School System of North Carolina represent a vital part of our State's investment in the future; and

WHEREAS, the students in the Public School System will one day be the custodians of all the State's resources, and the quality of such custody will depend upon their making decisions to preserve the permanent resources of our State;

1290
NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The State Board of Education is directed to study the need for and to formulate proposals relating to the introduction into the Public School System of North Carolina of a study of Environment and Natural Resources through the addition of a course or courses of study, or through the inclusion of a study thereof in any other course or courses.

Said Board shall:

a. Make an investigation concerning the value of such a course of study,

b. Make inquiry concerning the degree to which various aspects of the Environment and Natural Resources are covered in the existing curriculum,

c. Examine available textbooks in the subject area and evaluate courses which are being taught elsewhere, and

d. Examine the development of curriculum guides and instructional materials relating to the Environment and Natural Resources.

e. Examine the needs for in-service training for teachers in the subject area of the Environment and Natural Resources.

Sec. 2. It is the explicit intent of this Act that the Board shall work closely with the Superintendent of Public Instruction and shall hold Public Hearings in order that the widest public participation can be achieved in establishing this new direction for our educational enterprise.

Sec. 3. There is hereby appropriated to the State Board of Education, out of the General Fund, the sum of Five thousand dollars for the biennium beginning July 1, 1969, to defray the expenses of said study.

Sec. 4. The State Board of Education shall, on or before October 1, 1970, publish the results of said study and the recommendations of said Board and shall make said report available to the news media and members of the 1971 Session of the General Assembly.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 214

CHAPTER 1104

AN ACT TO CREATE THE NORTH CAROLINA ZOOLOGICAL AUTHORITY AND THE NORTH CAROLINA ZOO SITE SELECTION COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Creation of Zoological Authority. There is hereby created an agency to be designated as the North Carolina Zoological Authority hereinafter referred to as the Authority.

Sec. 2. Board of Directors. The Board of Directors hereinafter referred to as the Board, shall consist of fifteen members and the Board shall be the sole authority in the establishment and location of the North Carolina Zoological Garden.

The fifteen members shall be appointed by the Governor for a term of three years, said term to begin on July 15, 1969. Upon the expiration of the terms of
office, and every three years thereafter, the Governor shall appoint successors to the Board. Should a vacancy occur for any reason, the remaining members of the Board shall appoint some person to fill the unexpired term.

At the time of the appointment of members by the Governor he shall designate one of his appointees to serve as temporary Chairman until the Board elects a Chairman. The Board shall elect a Chairman and such other officers as it deems necessary.

The Board shall meet at least quarterly at such times and places as it may determine. Special meetings of the Board may be called by the chairman of the Board or upon the written request of at least four members of the Board. Half the Board members shall constitute a quorum at any meeting of the Board.

Sec. 3. Advisory Board. The Board of Directors shall appoint sixty citizens of the State who shall constitute the Advisory Board to the Board of Directors. The Advisory Board shall not be a policy making body, but shall consult with and make recommendations to the Board of Directors to assist it in carrying out the purpose and intent of this Act. The members of the Advisory Board shall serve for terms of three years. The Board of Directors shall appoint to fill any vacancy occurring on the Advisory Board for the unexpired term.

Sec. 4. Site Committee. The Board of Directors and the Advisory Board shall jointly select a Site Committee composed of nine members who shall be citizens of the State and who shall, insofar as possible, represent the various geographical areas of the State. It shall be the duty of the Site Committee to investigate and make recommendations to the Board of Directors of locations for the Zoological Garden.

Sec. 5. Powers of the Board. The Board shall have the authority to acquire, construct, establish, operate and maintain a zoological garden. The Board shall be the governing body of the Authority and shall adopt necessary by-laws, rules and regulations for the conduct of the North Carolina Zoological Garden.

The Board is specifically authorized, but not by way of limitation, to exercise the following powers and duties:

(a) To acquire on behalf and in the name of the North Carolina Zoological Garden a suitable site for a zoological garden.

(b) To employ architects to prepare plans for the zoological garden and buildings, to assist and advise the architects in the preparation of those plans, and to approve all plans for the zoological garden and buildings.

(c) To enter into contracts for the purchase of all real property and interests therein, services, materials, furnishings, and equipment required in connection with the location, design, construction, furnishing, equipping and operations of the North Carolina Zoological Garden.

(d) To supervise generally the location, construction, furnishing, equipping and operations of the North Carolina Zoological Garden.

(e) To formulate programs to promote public appreciation of the North Carolina Zoological Garden.

(f) To disseminate information on the animals and garden as deemed necessary.

(g) To invite outstanding zoological garden experts to address groups in the State.

(h) To develop an effective public support of the North Carolina Zoological Garden.

1292
(i) To solicit financial support from various private sources within and without the State of North Carolina.

(j) To do all other things necessary to advance and carry out the objectives of the Board.

Sec. 6. Executive Committee. The Board shall annually elect from its membership an Executive Committee of five members. The Chairman of the Board shall serve ex officio as Chairman of the Executive Committee.

The Executive Committee shall meet at such times and places as the Board may direct, or at the call of the Chairman, or upon the request of any two members of the Committee. The Board may delegate to the Executive Committee any powers it may deem expedient and wise, and the Executive Committee is authorized to exercise all powers delegated to it by the Board.

Sec. 7. Zoo Director. The Board is authorized to employ and fix the salary of a director, who shall also act as secretary to the Board and members of the Executive Committee, and prescribe his powers and duties. The Director, with the approval of the Board, shall employ such personnel as may be necessary from time to time to perform the duties of the Board and to carry out the purposes of this Act.

Sec. 8. Right to receive gifts. In order to carry out the purposes of this Act, the Board is authorized to acquire by gift or will, absolutely or in trust, from individuals, corporations, or any other source money or other property, or any interests in property, which may be retained, sold or otherwise used to promote the purposes of this Act. The use of gifts shall be subject to such limitations as may be imposed thereon by donors, notwithstanding any other provisions of this Act.

Sec. 9. North Carolina Zoological Garden Fund. All gifts made to the North Carolina Zoological Garden for the purposes of this Act shall be exempt from every form of taxation including, but not by the way of limitation, ad valorem, intangible, gift, inheritance and income taxation. Proceeds from the sale of any property acquired under the provisions of this Section shall be deposited in the North Carolina Zoological Garden treasury.

Sec. 10. Cities and counties. Cities and counties are hereby authorized to expend funds derived from non-tax sources and to make gifts of surplus property, to assist in carrying out the purposes of this Act.

Sec. 11. It is the intent of this Act that the funds for the acquisition of site, for the creation, establishment, construction, operation and maintenance of the North Carolina Zoological Garden shall be obtained primarily from private sources; however, the Board of Directors is hereby authorized to receive and expend such funds as may from time to time become available by appropriation or otherwise from the State of North Carolina: Provided, that the North Carolina Zoological Authority shall not in any manner pledge the faith and credit of the State of North Carolina for any of its purposes.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
H. B. 216

CHAPTER 1105
AN ACT TO MAKE CERTAIN APPROPRIATIONS TO THE NORTH CAROLINA SYMPHONY SOCIETY.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other funds appropriated to the North Carolina Symphony Society, Incorporated, there is hereby appropriated out of the General Fund of the State to the North Carolina Symphony Society, Incorporated, the additional sum of seventy-six thousand, five hundred twenty dollars ($76,520.00) for the fiscal year commencing July 1, 1969, and ending July 30, 1970, and the sum of one hundred thirty-seven thousand, two hundred thirty-seven dollars ($137,237.00) for the fiscal year commencing July 1, 1970, and ending June 30, 1971.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 289

CHAPTER 1106
AN ACT APPROPRIATING THE SUM OF TEN THOUSAND DOLLARS FOR EACH YEAR OF THE BIENNium TO THE ELIZABETHAN GARDEN OF THE GARDEN CLUBS OF NORTH CAROLINA, INC.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the general funds of the State to the Elizabethan Garden of the Garden Clubs of North Carolina, Inc. for the fiscal year commencing July 1, 1969 and ending June 30, 1970, the sum of seven thousand, five hundred dollars ($7,500.00), and for the fiscal year beginning July 1, 1970 and ending June 30, 1971, the sum of seven thousand, five hundred dollars ($7,500.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 300

CHAPTER 1107
AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL SCHOOL OF MEDICINE TO PROVIDE SPECIAL TEACHER PROGRAM FOR MEDICAL STUDENTS, TO IMPROVE COMMUNITY MEDICAL CARE, AND TO IMPROVE EDUCATION OF PERSONAL AND FAMILY PHYSICIANS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the University of North Carolina at Chapel Hill, Divison of Health Affairs, in addition to all other funds appropriated to the University at the 1969 Session of the General Assembly, for the purposes set out below the amounts set out below for each indicated year of the ensuing biennium, it being the purpose and intent of this Act to appropriate for the purposes set out below such sums as may be necessary to fulfill the "B" Budget requests with respect thereto:
SCHOOL OF MEDICINE:
(To provide special teaching program for
North Carolina medical students) ........................ $141,986.00
(To improve education
of personal and family physicians) ........................ 131,754.00
Total .......................................................... $273,740.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 307  CHAPTER 1108
AN ACT TO APPROPRIATE $127,554.00 TO THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH A PROFESSOR OF FAMILY MEDICINE AT THE SCHOOL OF MEDICINE.

WHEREAS, a committee of the Legislative Research Commission of 1967-69 found that a Professor of Family Medicine should be established at the School of Medicine at the University of North Carolina for the recruitment and training of family physicians and for the development of affiliated model practice units in North Carolina communities, as proposed by representatives of the School, and such proposal is not included in the University "B" Budget requests;
NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the University of North Carolina for the establishment of a Department of Family Medicine at the School of Medicine, co-equal with other departments in the School of Medicine, the amount of one hundred twenty-seven thousand, five hundred fifty-four dollars ($127,554.00) for the biennium 1969-71.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective on July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1384  CHAPTER 1109
AN ACT AUTHORIZING THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO ACCEPT AND DISTRIBUTE FEDERAL FUNDS FOR AIRPORT CONSTRUCTION AND RELATED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The North Carolina Department of Conservation and Development is hereby designated as the state agency to accept grants made by the United States, under the "Aviation Facilities Expansion Act of 1969" or any substantially similar federal law. The Department of Conservation and Development shall have authority to disburse said grants in accordance with applicable federal laws and regulations
and to enter into contracts with the federal government, municipalities, counties or airport authorities in connection with said grants.

Sec. 2. The Department of Conservation and Development shall have authority to act as agent of any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary of Transportation of the United States an application for financial assistance under the provisions of the Aviation Facilities Expansion Act of 1969 or any similar federal act.

Sec. 3. The Department of Conservation and Development shall also have authority to acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 349

CHAPTER 1110

AN ACT APPROPRIATING FUNDS FOR THE REPAIR AND RESTORATION OF HISTORIC HOPE.

WHEREAS, with funds raised from private sources and supplemented by appropriations of the General Assembly, Historic Hope, the home of Governor David Stone (1808-1810), in Bertie County has been purchased and is now being restored as an historic shrine; and

WHEREAS, the Historic Hope Foundation, in cooperation with the State Department of Archives and History, has planned and outlined a two-year restoration program estimated to cost seventy-five thousand dollars ($75,000.00); and

WHEREAS, the Historic Hope Foundation has developed plans for the operation and maintenance of this historic house without additional State funds once its repair and restoration have been completed;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Department of Archives and History the sum of thirty-five thousand dollars ($35,000.00) to complete the repair and restoration of Historic Hope, including the construction of a caretaker's house, landscaping and ground improvements, and other necessary repairs and construction.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 379

CHAPTER 1111

AN ACT TO PROVIDE FOR THE NORTH CAROLINA CENTER FOR ALCOHOLIC STUDIES.

WHEREAS, within the State of North Carolina there exists a need for the study of the total effect of beverage alcohol upon society; and
WHEREAS, there is not presently available in the southeastern region of the United States any facility or center which is engaged in a comprehensive study of the total problems concerning beverage alcohol; and

WHEREAS, a complete study of the problems relating to alcoholic beverage should be undertaken in North Carolina, using the combined resources of persons concerned with social, ethical, medical and safety viewpoints; and

WHEREAS, the University of North Carolina has the capability of undertaking this study through the School of Medicine, Institute of Government, School of Social Work, Department of Mental Health, Highway Safety Center, and other departments in conjunction with state agencies consisting of the State Board of Alcoholic Control, State Department of Mental Health, State Department of Public Health, State Department of Public Instruction, Office of Attorney General, Department of Correction, and other related agencies and departments; and

WHEREAS, a coordinator and a small staff is needed to direct a study of the total problems of alcohol, alcoholism and alcoholic offenses; and

WHEREAS, there is needed an appropriation for this purpose;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State to the University of North Carolina at Chapel Hill the sum of forty thousand dollars ($40,000.00) for the fiscal year ending June 30, 1970, and the sum of forty thousand dollars ($40,000.00) for the fiscal year ending June 30, 1971, for the purpose of establishing and operating the North Carolina Center for Alcoholic Studies.

Sec. 2. All expenditures from the funds appropriated by this Act shall be made in accordance with the provisions of the Executive Budget Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 77

CHAPTER 1112

AN ACT TO AMEND THE LAWS RELATING TO MECHANICS' AND MATERIALMEN'S LIENS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 44A of the General Statutes is hereby amended by inserting the following Article:

*Article 2.

*Part 1. Statutory Liens on Real Property.

*Liens of Mechanics, Laborers and Materialmen Dealing with Owner.

*Sec. 44A-7. Definitions. Unless the context otherwise requires in this Article:

(1) 'Improve' means to build, erect, alter, repair, or demolish any improvement upon, connected with, or on or beneath the surface of any real property, or to excavate, clear, grade, fill or landscape any real property, or to construct driveways

1297
and private roadways, or to furnish materials, including trees and shrubbery, for any of such purposes, or to perform any labor upon such improvements.

(2) 'Improvement' means all or any part of any building, structure, erection, alteration, demolition, excavation, clearing, grading, filling, or landscaping, including trees and shrubbery, driveways, and private roadways, on real property.

(3) 'Real property' means the real estate that is improved, including lands, leaseholds, tenements and hereditaments, and improvements placed thereon.

(4) An 'owner' is a person who has an interest in the real property improved and for whom an improvement is made and who ordered the improvement to be made. 'Owner' includes successors in interest of the owner and agents of the owner acting within their authority.

"Sec. 44A-8. Mechanics', laborers' and materialmen's lien; persons entitled to lien. Any person who performs or furnishes labor or furnishes materials pursuant to a contract, either express or implied, with the owner of real property, for the making of an improvement thereon shall, upon complying with the provisions of this Article, have a lien on such real property to secure payment of all debts owing for labor done or material furnished pursuant to such contract."

"Sec. 44A-9. Extent of lien. Liens authorized under the provisions of this Article shall extend to the improvement and to the lot or tract on which the improvement is situated, to the extent of the interest of the owner. When the lot or tract on which a building is erected is not surrounded at the time of making the contract with the owner by an enclosure separating it from adjoining land of the same owner, the lot or tract to which any lien extends shall be such area as is reasonably necessary for the convenient use and occupation of such building, but in no case shall the area include a building, structure, or improvement not normally used or occupied or intended to be used or occupied with the building with respect to which the lien is claimed.

"Sec. 44A-10. Effective date of liens. Liens granted by this Article shall relate to and take effect from the time of the first furnishing of labor or materials at the site of the improvement by the person claiming the lien.

"Sec. 44A-11. Perfecting liens. Liens granted by this Article shall be perfected as of the time set forth in G. S. 44A-10 upon filing of claim of lien pursuant to G. S. 44A-12 and may be enforced pursuant to G. S. 44A-13.

"Sec. 44A-12. Filing claim of lien. (a) Place of Filing. All claims of lien against any real property must be filed in the office of the clerk of superior court in each county wherein the real property subject to the claim of lien is located. The clerk of superior court shall note the claim of lien on the judgment docket and index the same under the name of the record owner of the real property at the time the claim of lien is filed. An additional copy of the claim of lien may also be filed with any receiver, referee in bankruptcy or assignee for benefit of creditors who obtains legal authority over the real property.

"(b) Time of Filing. Claims of lien may be filed at any time after the maturity of the obligation secured thereby but not later than 120 days after the last furnishing of labor or materials at the site of the improvement by the person claiming the lien.

"(c) Contents of Claim of Lien to be Filed. All claims of lien must be filed using a form substantially as follows:
CLAIM OF LIEN

1. Name and address of the person claiming the lien:

2. Name and address of the record owner of the real property claimed to be subject to the lien at the time the claim of lien is filed:

3. Description of the real property upon which the lien is claimed: (Street address, tax lot and block number, reference to recorded instrument, or any other description of real property is sufficient, whether or not it is specific, if it reasonably identifies what is described.)

4. Name and address of the person with whom the claimant contracted for the furnishing of labor or materials:

5. Date upon which labor or materials were first furnished upon said property by the claimant:

6. General description of the labor performed or materials furnished and the amount claimed therefor:

Filed this ______ day of ________, 19

(Clerk of Superior Court)

"A general description of the labor performed or materials furnished is sufficient. It is not necessary for lien claimant to file an itemized list of materials or a detailed statement of labor performed.

"(d) No Amendment of Claim of Lien. A claim of lien may not be amended. A claim of lien may be cancelled by a claimant or his authorized agent or attorney and a new claim of lien substituted therefor within the time herein provided for original filing.

"(e) Notice of Assignment of Claim of Lien. When a claim of lien has been filed, it may be assigned of record by the lien claimant in a writing filed with the clerk of superior court who shall note said assignment in the margin of the judgment docket containing the claim of lien. Thereafter the assignee becomes the lien claimant of record.

"Sec. 44A-13. Action to enforce lien. (a) Where and When Action Instituted. An action to enforce the lien created by this Article may be instituted in any county in which the lien is filed. No such action may be commenced later than 180 days after the last furnishing of labor or materials at the site of the improvement by the person claiming the lien. If the title to the real property against which the lien is asserted is by law vested in a receiver or trustee in bankruptcy, the lien shall be enforced in accordance with the orders of the court having jurisdiction over said real property.

"(b) Judgment. Judgment enforcing a lien under this article may be entered for the principal amount shown to be due, not exceeding the principal amount stated in the claim of lien enforced thereby. The judgment shall direct a sale of the real property subject to the lien thereby enforced.

"Sec. 44A-14. Sale of property in satisfaction of judgment enforcing lien or upon order prior to judgment; distribution of proceeds. (a) Execution Sale; Effect of Sale. Except as provided in subsection (b) of this Section, sales under this Article and
distribution of proceeds thereof shall be made in accordance with the execution sale provisions set out in G. S. 1-339.41 through G. S. 1-339.76. The sale of real property to satisfy a lien granted by this Article shall pass all title and interest of the owner to the purchaser, good against all claims or interests recorded, filed or arising after the first furnishing of labor or materials at the site of the improvement by the person claiming a lien.

"(b) Sale of Property Upon Order Prior to Judgment. A resident judge of superior court in the district in which the action to enforce the lien is pending, a judge regularly holding the superior courts of the said district, any judge holding a session of superior court, either civil or criminal, in the said district, a special judge of superior court residing in the said district, or the Chief Judge of the District Court in which the action to enforce the lien is pending, may, upon notice to all interested parties and after a hearing thereupon and upon a finding that a sale prior to judgment is necessary to prevent substantial waste, destruction, depreciation or other damage to said real property prior to the final determination of said action, order any real property against which a lien under this Article is asserted, sold in any manner determined by said judge to be commercially reasonable. The rights of all parties shall be transferred to the proceeds of the sale. Application for such order and further proceedings thereon may be heard in or out of session.

"Sec. 44A-15. Attachment available to lien claimant. In addition to other grounds for attachment, in all cases where the owner removes or attempts or threatens to remove an improvement from real property subject to a lien under this Article, without the written permission of the lien claimant or with the intent to deprive the lien claimant of his lien, the remedy of attachment of the property subject to the lien shall be available to the lien claimant or any other person.

"Sec. 44A-16. Discharge of record lien. Any lien filed under this Article may be discharged by any of the following methods:

(1) The lien claimant of record, his agent or attorney, in the presence of the clerk of superior court may acknowledge the satisfaction of the lien indebtedness, whereupon the clerk of superior court shall forthwith make upon the record of such lien an entry of such acknowledgment of satisfaction, which shall be signed by the lien claimant of record, his agent or attorney, and witnessed by the clerk of superior court.

(2) The owner may exhibit an instrument of satisfaction signed and acknowledged by the lien claimant of record which instrument states that the lien indebtedness has been paid or satisfied, whereupon the clerk of superior court shall cancel the lien by entry of satisfaction on the record of such lien.

(3) By failure to enforce the lien within the time prescribed in this Article.

(4) By filing in the office of the clerk of superior court the original or certified copy of a judgment or decree of a court of competent jurisdiction showing that the action by the claimant to enforce the lien has been dismissed or finally determined adversely to the claimant.

(5) Whenever a sum equal to the amount of the lien or liens claimed is deposited with the clerk of court, to be applied to the payment finally determined to be due, whereupon the clerk of superior court shall cancel the lien or liens of record."

Sec. 2. G. S. 44-6 as the same appears in the 1966 Replacement Volume 2A of the General Statutes is hereby amended by inserting in the seventh line thereof after the word "chapter" the words "and in Chapter 44A".

1300
Sec. 3. G. S. 44-9 as the same appears in the 1966 Replacement Volume 2A of the General Statutes is hereby amended by inserting in the second line thereof after the word "article" the words "or in Article 2 of Chapter 44A".

Sec. 4. The following Sections of the General Statutes are hereby repealed: Chapter 44, G. S. 44-1; Chapter 44, G. S. 44-39; Chapter 44, G. S. 44-40; Chapter 44, G. S. 44-41; Chapter 44, G. S. 44-42; Chapter 44, G. S. 44-43; Chapter 44, G. S. 44-44; Chapter 44, G. S. 44-45; Chapter 44, G. S. 44-46.

Sec. 4.1. The provisions of this Act shall not apply to pending litigation.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5.1. This Act shall be in full force and effect on January 1, 1970.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 355

CHAPTER 1113

AN ACT TO AMEND G.S. 105-130.5 TO ELIMINATE CAPITAL GAINS TAX TO A CORPORATION SELLING ASSETS UNDER THE TWELVE-MONTH PLAN OF LIQUIDATION AS ALLOWED BY SECTION 337 OF THE INTERNAL REVENUE CODE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 105-130.5(c), is hereby amended by deleting subdivision (1) thereof and renumbering subdivisions (2) and (3) as subdivisions (1) and (2).

Sec. 2. G.S. 105-130.5 is hereby further amended by adding thereto a new subsection to be designated subsection (d) and to read as follows:

"(d) No gain or loss shall be recognized to a corporation from the sale or exchange by it of property within the twelve-month period beginning on the date of the adoption by said corporation of a plan of complete liquidation if such gain or loss would not be recognized to such corporation for Federal Income Tax purposes under the provisions of Section 337 of the Federal Internal Revenue Code of 1954, including amendments, if any.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 356

CHAPTER 1114

AN ACT TO AMEND G. S. 105-204 PROVIDING A CREDIT TO RESIDENT BENEFICIARIES OF FOREIGN TRUSTS FOR FOREIGN INTANGIBLES TAXES PAID.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-204 is hereby amended by rewriting the same to read as follows:

"G. S. 105-204. Beneficial interest in foreign trusts. The beneficial or equitable interest on December thirty-first of each year of any resident of this State, or of a nonresident having a business, commercial or taxable situs in this State, in any trust, trust fund or trust account (including custodian accounts) held by a foreign
fiduciary, shall be subject to an annual tax, which is hereby levied, of twenty-five cents (25¢) on every one hundred dollars ($100.00) of the total actual value thereof; however, the proportion of such value as is equal to the proportion of the beneficiary's income from the trust, trust fund, or trust account (including custodian accounts) that is attributable to (i) interest received by the fiduciary on bonds, notes or other evidences of debt of the United States, State of North Carolina, subdivisions of this State, or agencies of such governmental units and (ii) dividends received by the fiduciary on shares of stock which, or to the extent that the same, are deductible by the beneficiary in computing his income tax liability under the provisions of subdivision (7) of G. S. 105-147; provided, however, that a resident beneficiary of a foreign trust shall be allowed a credit against any tax due under this Section for any foreign intangibles tax paid on his beneficial interest in a foreign trust.

The value of the corpus of such trust, trust fund or trust account shall not be considered in computing taxable value hereunder, unless the person subject to the tax:

(1) Has the right to the present possession of an interest therein, and then only to the extent of the value of such present interest; or

(2) Has the present right to receive a part or all of the income realized from the corpus of such trust, and then only to the extent of the present value of such income interest; or

(3) Has created the trust and reserved for himself an income reversionary or remainder interest therein, and then only to the extent of the present value of such interest."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 389

CHAPTER 1115

AN ACT TO AMEND THE UNIFORM COMMERCIAL CODE AS ENACTED IN THIS STATE AND TO AMEND OTHER RELATED STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 25 of the General Statutes of North Carolina, the Uniform Commercial Code, as the same appears in the 1965 Replacement Volume 1D of the General Statutes of North Carolina and the 1967 Cumulative Supplement, is hereby amended, as follows:

(1) G.S. 25-8-407 is repealed.

(2) G.S. 25-9-402(1) is hereby amended by deleting from the ninth line thereof, immediately after the word "owner" the words "or record lessee."

G.S. 25-9-402(3) as the same appears in the 1967 Supplement to Volume 1D of the General Statutes of North Carolina is hereby amended by deleting from the tenth and fourteenth lines thereof, immediately after the words "Owner" the words "or Record Lessee."

(3) G.S. 25-9-402(1) is hereby amended by adding at the end thereof the following subsections:
"(a) Each financing statement covering crops growing or to be grown or goods which are or are to become fixtures must contain the statement, 'Collateral is or includes fixtures,' and/or 'Collateral is or includes crops,' as is appropriate; or the appropriate box in Block 6 of said financing statements shall be marked, thus likewise so identifying such collateral.

"(b) A duplicate, photostatic copy, photocopy or other facsimile of a security agreement is sufficient as a financing statement provided the security agreement copied contains the above information and is signed by both parties."

(4) G.S. 25-9-402 is amended by adding thereto the following subsection:

"(6) The Secretary of State shall have the authority to promulgate, issue and prescribe such financing statement forms and other forms as he deems necessary to be used as standard forms for any filing contemplated by any Section under this Article."

(5) G.S. 25-9-403(4) is amended by adding at the end thereof the following:

"(a) As to all financing statements filed on or after July 1, 1969, in addition to the indexing required in the preceding sentence, where the financing statements bear the statement(s), 'Collateral is or includes Fixtures,' and/or 'Collateral is or includes Crops,' as is appropriate, or their substantial equivalent; or where the appropriate box identifying 'FIXTURES' and/or 'CROPS' is checked or marked in Block 6 of such financing statements; the register of deeds shall index the statements in the index to financing statements so as to reflect the name of the record owner given in the statement. When the debtor is not the record owner, the register of deeds shall enter the name of the record owner in the place designated for entry of the name of the debtor and shall stamp or print conspicuously beneath the surname of the record owner the legend "RECORD OWNER" and shall note therein the file number of the financing statement. When the debtor is also the record owner, the register of deeds shall make one index entry in the name of the debtor and shall stamp or print conspicuously beneath his surname the legend, "RECORD OWNER."

(b) As to financing statements previously filed through June 30, 1969, if such statements show plainly on their face that they were intended to cover crops growing or to be grown or goods which are or are to become fixtures, by virtue of their having identified the collateral on the face of such statements as 'FIXTURES' and/or 'CROPS;' as is appropriate, or by their having checked or marked the appropriate box in Block 6 of said financing statements; the register of deeds shall also index such financing statements in the index to financing statements so as to reflect the name of the record owner in the manner required by paragraph (a) above. This indexing shall be completed not later than July 1, 1972.

(c) If copies of security agreements are filed as financing statements, on or after July 1, 1969, as authorized by G.S. 25-9-402, to perfect security interests in crops and/or fixtures, the secured party or other filer shall stamp or print conspicuously on the face of the first page of such copy the legend, 'Collateral is or includes fixtures' and/or 'Collateral is or includes crops;' as is appropriate.

(d) As to copies of security agreements previously filed until July 1, 1969, as previously authorized by G. S. 25-9-402, to perfect security interests in crops and/or fixtures, the secured party or other filer shall stamp or print conspicuously on the first page of such copy the legend, 'Collateral is or includes fixtures' and/or
'Collateral is or includes crops,' as is appropriate. Further, such previously filed security agreements shall be so altered by said secured parties or filers not later than January 1, 1970."

(6) G.S. 25-9-404(1) is rewritten to read as follows:

"(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof shall be two dollars ($2.00) when submitted on a standard size form approved by the Secretary of State, and for all other assignments or statements thereof, a three dollar ($3.00) minimum charge for up to and including three pages and one dollar ($1.00) per page for all over three pages. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor, he shall be liable to the debtor for one hundred dollars ($100.00), and in addition for any loss caused to the debtor by such failure."

(7) G.S. 25-9-405 is rewritten to read as follows:

"G.S. 25-9-405. Assignment of security interest; duties of filing officer; fees. (1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself, or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in Section 25-9-403(4). The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be three dollars ($3.00) when submitted on a standard size form approved by the Secretary of State, and for all other statements a three dollar ($3.00) minimum charge for up to and including three pages and one dollar ($1.00) per page for all over three pages.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be two dollars ($2.00) when submitted on a standard size form approved by the Secretary of State, and for all other statements a three dollar ($3.00) minimum charge for up to and including three pages and one dollar ($1.00) per page for all over three pages.

(3) After the disclosure or filing of an assignment under this Section, the assignee is the secured party of record."
(8) G.S. 25-9-406 is rewritten to read as follows:

"G.S. 25-9-406. Release of collateral; duties of filing officer; fees. A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer, he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be two dollars ($2.00) when submitted on a standard size form approved by the Secretary of State, and for all other statements a three dollars ($3.00) minimum charge for up to and including three pages and one dollar ($1.00) per page for all over three pages."

(9) G.S. 25-9-603(3), as the same appears in the 1967 Cumulative Supplement to the 1965 Replacement Volume 1D of the General Statutes of North Carolina, is hereby rewritten to read as follows:

"(3) in addition to mailing a copy of the notice of sale to each debtor, the secured party or other party holding such sale shall, except in the case of consumer goods, also mail a copy of said notice by registered or certified mail to any other person who has a security interest in the collateral and who has duly filed a financing statement, which is on record in the proper filing office twenty days' prior to the date of sale or who is known by the secured party to have a security interest in the collateral."

Sec. 2. Chapter 41 of the General Statutes of North Carolina is hereby amended by inserting therein the following Section:

G.S. 41-2.2. Joint ownership of corporate stock and investment securities. (a) In addition to other forms of ownership, shares of corporate stock or investment securities may be owned by a husband and wife as joint tenants with rights of survivorship, and not as tenants in common, in the manner provided in this Section.

(b) (1) A joint tenancy in shares of corporate stock or investment securities as provided by this Section shall exist when such shares or securities indicate that they are owned with the right of survivorship, or otherwise clearly indicate an intention that upon the death of either spouse the interest of the decedent shall pass to the surviving spouse.

(2) Such a joint tenancy may also exist when a broker or custodian holds the shares or securities for the joint tenants and by book entry or otherwise indicates (i) that the shares or securities are owned with the right of survivorship, or (ii) otherwise clearly indicates that upon the death of either spouse, the interest of the decedent shall pass to the surviving spouse. Money in the hands of such broker or custodian derived from the sale of, or held for the purpose of, such shares or securities shall be treated in the same manner as such shares or securities.

(c) Upon the death of a joint tenant his interest shall pass to the surviving joint tenant. The interest of the deceased joint tenant, even though it has passed to the surviving joint tenant, remains liable for the debts of the decedent in the same manner as the personal property included in his estate, and recovery thereof shall be made from the surviving joint tenant when the decedent's estate is insufficient to satisfy such debts.
(d) Nothing herein contained shall be construed to repeal or modify any of the provisions of G.S. 105-2, G.S. 105-11, and G.S. 105-24, relating to the administration of the inheritance tax laws, or any other provisions of the law relating to inheritance taxes."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective at midnight on June 30, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 492

CHAPTER 1116

AN ACT TO PROVIDE FOR ABATEMENT OF STATE INCOME TAXES FOR ARMED FORCES PERSONNEL WHOSE DEATH OCCURS IN COMBAT ZONE OR AS A RESULT OF WOUNDS, INJURIES OR DISEASE INCURRED WHILE SO SERVING.

The General Assembly of North Carolina do enact:

Section 1. Division II of Article 4 of Chapter 105 of the General Statutes is hereby amended by inserting a new section 105-158, to read as follows:

"G.S. 105-158. Abatement of Income Taxes of certain Members of the Armed Forces upon death. In the case of any individual
(a) who dies
(1) on or after January 1, 1964;
(2) during an induction period [as defined in G.S. 105-141(12)];
(3) while in active service as a member of the Armed Forces of the United States; and
(4) while serving in a combat zone [as determined under G.S. 105-141(12)];
or
(b) who dies
(1) on or after January 1, 1964; and
(2) as a result of wounds, disease or injury incurred during an induction period, while in active service as a member of the Armed Forces of the United States, and while serving in a combat zone on or after January 1, 1964,

no individual income tax imposed by the State of North Carolina shall apply with respect to the taxable year in which falls the date of his death, or with respect to any prior taxable year ending on or after the first day he so served in a combat zone; and any tax under this Division and under the corresponding provisions of prior revenue laws for taxable years preceding those above specified which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
AN ACT TO CLARIFY THE APPLICATION OF THE STATUTES REGARDING
CONFI SCATION OF DEADLY WEAPONS IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Sec. 2 1/2 of Chapter 954 of the 1965 Session Laws, as amended
by Chapter 301 of the 1969 Session Laws, same being the list of counties (Cumber-
land, Halifax, Harnett, Pamlico, Perquimans, Rockingham, Scotland and Warren)
to which G.S. 14-269.1 shall not apply, as same shall be amended from time to
time by the addition or deletion of counties is hereby amended by adding at the
end thereof the following: "The provisions of G.S. 14-269(b) prior to amendment
by this Act shall be effective as to these counties".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of
June, 1969.

S. B. 716

CHAPTER 1118

BEING PART OF THE REVENUE BOND ACT OF ONE THOUSAND NINE
HUNDRED AND THIRTY-EIGHT.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-414 is hereby amended by
(a) rewriting the first sentence of subdivision (4) to read as follows:

"The term 'parking facilities' shall mean any area or place for the off-
street parking or storing of motor and other vehicles, open to public use for
a fee, and shall include, without limiting the foregoing, all real and personal
property, driveways, roads, approaches, structures, garages, meters, mechanical
equipment, and all appurtenances and facilities either on, above or under
the ground which are used or usable in connection with such parking or stor-
ing of such vehicles."

(b) renumbering subdivision (5) as subdivision (6) and inserting a new subdivision
(5) as follows:

"The word 'revenue' or 'revenues' shall mean all moneys received by a
municipality from, in connection with or as a result of its ownership or opera-
tion of an undertaking, including, without limitation and if deemed advisable
by the municipality, moneys received from the United States of America, or
any agency thereof, pursuant to an agreement with the municipality per-
taining to the undertaking."

Sec. 2. G.S. 160-415(7) is hereby amended by rewriting said Section to read
as follows:

"To pledge all or any part of any proceeds derived from the use of on-street
parking meters to the payment of (a) the cost of operating, maintaining and
improving parking facilities and (b) the principal of and the interest on any
revenue bonds issued for parking facilities."

Sec. 3. G.S. 160-416 is hereby amended by deleting the phrase "six months"
in the last sentence of the first paragraph thereof and inserting in lieu thereof
the phrase "eighteen months".
CHAPTER 1118

SESSION LAWS—1969

Sec. 4. G.S. 160-421.1 is hereby amended by rewriting the first paragraph of said Section to read as follows:

"A municipality is hereby authorized to provide for the issuance of revenue refunding bonds of the municipality for the purpose of refunding any revenue bonds then outstanding which shall have been issued under the provisions of this Article and any revenue bonds then outstanding issued by such municipality under other than the provisions of this Article for an undertaking the revenues of which are pledged to the payment of such bonds, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the municipality, for the combined purpose of refunding any such bonds and to finance in whole or in part the reconstruction, improvement, betterment or extension of the undertaking for which the bonds to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking combined or to be combined with the undertaking for which the bonds to be refunded shall have been issued."

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 717

CHAPTER 1119

AN ACT TO AMEND G.S. 131-126.26 WITH RESPECT TO THE POWER OF LOCAL GOVERNMENTAL UNITS TO CONVEY CERTAIN HOSPITAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. G.S. 131-126.26, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3B of the General Statutes, is hereby amended by adding a new sentence immediately following the first sentence thereof to read as follows:

"The governing body of any municipality is hereby authorized, under the provisions of the preceding sentence, specifically to render the aid therein described by a gift of hospital property to a nonprofit corporation notwithstanding such hospital property may have been acquired and constructed from the proceeds of the sale of bonds."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
S. B. 749  

CHAPTER 1120

AN ACT TO AMEND G. S. 105-144(b) RELATIVE TO CASH DIVIDENDS PAID BY CORPORATION IN LIQUIDATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-144(b) is hereby amended by adding a new sentence at the end thereof to read as follows:

"Cash dividends paid by a corporation prior to January 1, 1969, from earnings derived from the sale of substantially all its assets under the provisions of Section 337 of the Internal Revenue Code of 1954 shall be subject to the provision of Section 105-147(7) to the extent the gain on such sale shall be taxable by the State of North Carolina. Provided, however, that this Act shall not apply to pending litigation in a court of competent jurisdiction."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 792  

CHAPTER 1121

AN ACT PROHIBITING THE USE OF COLORING IN BREAD AND BUNS.

The General Assembly of North Carolina do enact:

Section 1. Article 22 of Chapter 106 of the General Statutes is amended by adding a new section immediately after G. S. 106-225.2 to be designated as G. S. 106-225.3 and reading as follows:

"Sec. 106-225.3. No loaves of bread, rolls, or buns shall be sold or offered for sale for human food which are artificially colored by natural or synthetic dyes, pigments, or other means."

Sec. 2. Any person, firm or corporation who shall violate this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in G. S. 106-230.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective ten days after ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 803  

CHAPTER 1122

AN ACT TO AMEND G. S. 105-203 WITH RESPECT TO SHARES OF STOCK.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-203 is hereby rewritten as follows:

"G. S. 105-203. Shares of stock. All shares of stock owned by residents of this State or having a business, commercial or taxable situs in this State on December 31 of each year, with the exception herein provided, shall be subject to an annual tax, which is hereby levied, of twenty-five cents (25¢) on every one hundred dollars ($100.00) of the total fair market value of such stock on December 31 of each year less such proportion of such value as is equal to the proportion of the dividends
upon such stock deductible by such taxpayer in computing his income tax liability under the provisions of G. S. 105-130.7 and 105-147(7).

The tax herein levied shall not apply to shares of stock in building and loan associations which pay a tax as levied under Article 8D of Chapter 105 of the General Statutes, nor to shares of stock owned by any corporation which has its commercial domicile in North Carolina, where such corporation owns more than fifty percent (50%) of the outstanding voting stock.

Indebtedness incurred directly for the purchase of shares of stock may be deducted from the total value of such shares; provided, the specific shares of stock so purchased are pledged as collateral to secure said indebtedness; provided further, that only so much of said indebtedness may be deducted as is in the same proportion as the taxable value of said shares of stock is to the total value of said shares of stock."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective for all taxable years beginning on and after January 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 804

CHAPTER 1123

AN ACT TO AMEND G. S. 105-147 TO PROVIDE AN INCOME TAX DEDUCTION FOR A PORTION OF DIVIDENDS RECEIVED FROM A HOLDING COMPANY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (7) of G. S. 105-147 is hereby amended by inserting between the third and fourth sentences thereof the following:

"Provided that notwithstanding any other provision of this subsection, a taxpayer who is a stockholder in a holding company as defined in G. S. 105-130.7(6) shall determine the deductible portion of dividends received from such holding company as provided therein."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective for taxable years beginning on and after January 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 805

CHAPTER 1124

AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 105 OF THE GENERAL STATUTES TO ALLOW CORPORATIONS DOMICILED IN NORTH CAROLINA TO DEDUCT DIVIDENDS RECEIVED FROM CERTAIN SUBSIDIARY CORPORATIONS FOR INCOME TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Corporation Income Tax Act, being Article 4, Schedule D, Division I of Chapter 105 of the General Statutes is hereby amended as follows:
(a) Subsection (c) of G. S. 105-130.5 as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes is hereby amended by adding a new subparagraph (4) at the end thereof, as follows:

"(4) No deduction shall be allowed for any direct or indirect expense applicable to dividend income fully deductible under G. S. 105-130.7(5)."

(b) G. S. 105.130.7 as the same appears in the 1967 Cumulative Supplement to Volume 2D of the General Statutes is hereby further amended by adding new subparagraphs (5) and (6) at the end thereof as follows:

"(5) Notwithstanding the provisions of subsections (1) through (4) of this Section, a corporation which, at the close of its taxable year, has its commercial domicile within North Carolina shall be allowed to deduct all dividends received from corporations in which it owns more than fifty percent (50%) of the outstanding voting stock."

"(6) Notwithstanding any other provisions of this division, a corporation which is a shareholder in a holding company having its commercial domicile in North Carolina shall be allowed as a deduction an amount equal to those dividends received by it from such holding company, multiplied by a fraction, the numerator of which shall be the dividends received by such holding company attributable to North Carolina, and the denominator of which shall be the gross dividends received by such holding company. For purposes of this Section, 'dividends attributable to North Carolina' shall be the amount of dividend income received by the holding company on stock owned in other corporations equal to the total of the proportion of each of such corporation's dividends as shall be determined deductible by the Commissioner under subsections (1) through (4) of this Section; provided that a holding company having its commercial domicile in North Carolina which owns more than fifty percent (50%) of the outstanding voting stock of one or more holding companies as defined in this subsection shall be permitted a deduction for all dividends received from such holding companies and all other corporations in which it owns more than fifty percent (50%) of the outstanding voting stock. A shareholder of such a holding company shall determine the deductible portion of its dividends received from such holding company as hereinabove provided except that the amounts received from a subsidiary holding company as 'dividends attributable to North Carolina' shall be determined as though the subsidiary corporation of the subsidiary holding company had paid the dividends directly to the parent holding company.

For the purposes of this Section and unless the context clearly requires a different meaning, 'holding company' shall mean any corporation having its commercial domicile in North Carolina whose ordinary gross income consists of fifty percent (50%) or more of dividend income received from corporations in which it owns more than fifty percent (50%) of the outstanding voting stock, and 'subsidiary' shall mean any corporation, more than fifty percent (50%) of whose outstanding voting stock is owned by another corporation."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective for taxable years beginning on and after January 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
AN ACT TO AMEND G. S. 20-17.1 PERTAINING TO REVOCATION OF MOTOR VEHICLE OPERATOR'S LICENSE OF MENTAL INCOMPETENTS, ALCOHOLICS AND HABITUAL USERS OF NARCOTIC DRUGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-17.1 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by rewriting to read as follows:

"G. S. 20-17.1. Revocation of license of mental incompetents, alcoholics and habitual users of narcotic drugs. (a) The Commissioner, upon receipt of notice that any person has been legally adjudged incompetent or has been admitted as an in-patient to an institution for the treatment of the mentally ill or has entered an institution for the treatment of alcoholism or drug addiction shall forthwith make inquiry into the facts for the purpose of determining whether such person is competent to operate a motor vehicle. Unless the Commissioner is satisfied that such person is competent to operate a motor vehicle with safety to persons and property, he shall revoke such person's driving privilege. No driving privilege revoked hereunder shall be restored unless and until the Commissioner is satisfied that the person is competent to operate a motor vehicle with safety to persons and property.

(b) If any person shall be adjudged as incompetent for any reason, the Clerk of the Court in which any such adjudication is made shall forthwith send a certified copy of abstract thereof to the Commissioner.

(c) The person in charge of every institution of any nature for the care and treatment of the mentally ill, the care and treatment of alcoholics or habitual users of narcotic drugs shall forthwith report to the Commissioner in sufficient detail for accurate identification the admission of every person.

(d) It is the intent of this Section that the provisions herein shall be carried out by the Commissioner of Motor Vehicles for the safety of the motoring public. The Commissioner shall have authority to make such agreements as are necessary with the persons in charge of every institution of any nature for the care and treatment of the mentally ill and of alcoholics or habitual users of narcotic drugs, to effectively carry out the duty hereby imposed and the person in charge of the institutions described above shall cooperate with and assist the Commissioner of Motor Vehicles.

(e) Notwithstanding the provisions of G. S. 8-53, G. S. 8-53.2, G. S. 122-8.1 and G. S. 122-8.2, the person or persons in charge of any institution as set out in subparagraph (c) hereinafore shall furnish such information as may be required for the effective enforcement of this Section. Information furnished to the Department of Motor Vehicles as provided herein shall be confidential and the Commissioner of Motor Vehicles shall be subject to the same penalties and is granted the same protection as is the Department, institution or individual furnishing such information. No criminal or civil action may be brought against any person or agency who shall provide or submit to the Commissioner of Motor Vehicles or his authorized agents the information as required herein.

(f) Revocations under this Section may be reviewed as provided in G. S. 20-9(g)(4)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 822

CHAPTER 1126

AN ACT TO EXEMPT MEMBERS OF THE BOARD OF TRUSTEES OF THE CONSOLIDATED UNIVERSITY OF NORTH CAROLINA FROM HAVING THEIR POSITIONS DECLARED VACANT BECAUSE OF TEMPORARY SERVICE IN THE NATIONAL GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 116-7 by adding at the end of said Section the following:

"nor shall the place of any member of the board of trustees be declared vacant by reason of the absence of such member because of temporary service in the government of the United States or any of its agencies."

Sec. 2. All laws and clauses of laws in conflict with any provision of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 827

CHAPTER 1127

AN ACT AMENDING G. S. 122-63 SO AS TO PROVIDE THAT THE CLERK OF COURT IN LIEU OF COMMITMENT TO A HOSPITAL FOR MENTALLY DISORDERED MAY PROVIDE FOR OUT-PATIENT TREATMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 122-63 is amended by adding immediately after the period at the end of the first paragraph thereof, the following:

"If the clerk deems it appropriate he may, with the approval of the examining physicians, order the alleged mentally ill person or alleged inebriate person to obtain out-patient care and treatment in a local facility or program providing clinical services approved by the North Carolina Department of Mental Health. This order shall remain in force for a period not to exceed 180 days and shall require a minimum weekly treatment and/or counseling period unless otherwise specified by the attending physician accepting responsibility for said care and treatment.

"The clerk shall be advised of the alleged mentally ill or inebriate person's progress and compliance with the judicial order. Failure to comply with this order, or evidence that said out-patient treatment or program fails to meet the needs of the alleged mentally ill or inebriate person shall be sufficient reason for the clerk to have said mentally ill or inebriate person brought before him for other appropriate action.

"If, at the initial hearing a period of in-patient treatment prior to commencing an out-patient program is recommended by the examining physicians, the clerk may direct the alleged mentally ill or inebriate person to obtain such treatment as a part of the order at such medical facility as may be recommended by the examining physicians."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
CHAPTER 1127  SESSION LAWS—1969

Sec. 3. This Act shall be effective upon ratification.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 831  CHAPTER 1128

AN ACT MAKING IT UNLAWFUL TO OBLSTRUCT JUSTICE BY VIOLATING LAWFUL ORDERS OF ANY COURT.

The General Assembly of North Carolina do enact:

Section 1. Article 30 of Chapter 14 of the General Statutes is hereby amended by adding a new section at the end thereof, to be designated as G. S. 14-227A, and to read as follows:

"G. S. 14-227A. Violating orders of court. Any person who shall wilfully disobey or violate any injunction, restraining order, or any order lawfully issued by any court for the purpose of maintaining or restoring public safety and public order, or to afford protection for lives or property during times of a public crisis, disaster, riot, catastrophe, or when such condition is imminent, or for the purpose of preventing and abating disorderly conduct as defined in G. S. 14-288.4 shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than two hundred fifty dollars ($250.00) or imprisoned for not more than thirty (30) days, or both, in the discretion of the court. This Section shall not in any manner affect the court's power to punish for contempt."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 832  CHAPTER 1129

AN ACT TO AUTHORIZE THE GOVERNOR TO ORDER PUBLIC BUILDINGS EVACUATED DURING AN EMERGENCY AND TO PROVIDE THE PENALTY FOR VIOLATION OF SAID ORDER.

The General Assembly of North Carolina do enact:

Section 1. When it is determined by the Governor that a great public crisis, disaster, riot, catastrophe, or any other similar public emergency exists, or the occurrence of any such condition is imminent, and, in the Governor's opinion it is necessary to evacuate any building owned or controlled by any department, agency, institution, school, college, board, division, commission or subdivision of the State in order to maintain public order and safety or to afford adequate protection for lives or property, the Governor is hereby authorized to issue an order of evacuation directing all persons within the building to leave the building and its premises forthwith. The order shall be delivered to any law enforcement officer or officer of the National Guard, and such officer shall, or by a suitable public address system, read the order to the occupants of the building and demand that the occupants forthwith evacuate said building within the time specified in the Governor's order.

Any person who wilfully refuses to leave the building as directed in the Governor's order shall be guilty of a misdemeanor punishable by a fine not to exceed
five hundred dollars ($500.00) or imprisonment for not more than six months, or both, in the discretion of the Court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 833

CHAPTER 1130

AN ACT TO AMEND CHAPTER 462, SESSION LAWS OF 1969, RELATING TO THE CONFINEMENT OF PRISONERS WHEN JAIL FACILITIES ARE INSUFFICIENT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 462, Session Laws of 1969, is hereby amended by adding a new paragraph at the end of Section 1 thereof, to read as follows:

"When, due to an emergency, it is not feasible to obtain from a judge of superior court a prior order of transfer, the sheriff of the county and the Department of Correction may exercise the authority hereinafter conferred: Provided, however, that the sheriff shall, as soon as possible after the emergency, obtain an order from the judge authorizing the prisoners to be held in the designated place of confinement for such period as the judge may direct. All provisions of this section shall be applicable to municipalities whenever prisoners are arrested in such numbers that the municipal jail facilities and the county jail facilities are insufficient and inadequate for the safe-keeping of the prisoners. The chief of police is hereby authorized to exercise the authority herein conferred upon the sheriff, and the cost of transporting and maintaining the prisoners shall be paid by the municipality unless action is taken by the Governor and Council of State as herein provided for counties which are unable to pay such costs."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 835

CHAPTER 1131

AN ACT TO AMEND SECTION 141 OF CHAPTER 18 OF THE GENERAL STATUTES RELATING TO THE HOURS OF SALE AND CONSUMPTION OF BEER AND WINE UNDER DAYLIGHT SAVING TIME.

The General Assembly of North Carolina do enact:

Section 1. Section 141 of Chapter 18 of the General Statutes of North Carolina is hereby amended by adding after the words "11:45 o'clock P.M." and after the words "12:00 Midnight", the words "Eastern Standard Time."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
CHAPTER 1132

S. B. 848

AN ACT TO AMEND G. S. 105-241.1 AND G. S. 105-266.1 RELATING TO ADMINISTRATIVE HEARINGS BEFORE THE COMMISSIONER OF REVENUE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (h) of G. S. 105-241.1, as the same appears in 1965 Replacement Volume 2D of the General Statutes is hereby rewritten to read as follows:

"(h) The provisions of Article 33A of Chapter 143 of the General Statutes shall not apply to hearings before the Commissioner of Revenue held pursuant to this Section, but the provisions of G. S. 105-241.2, 105-241.3 and 105-241.4 with respect to review and appeal shall apply to any tax or additional tax assessed pursuant to this Section."

Sec. 2. Subsection (b) of G. S. 105-266.1, as the same appears in 1965 Replacement Volume 2D of the General Statutes is hereby rewritten to read as follows:

"(b) The provisions of Article 33A of Chapter 143 of the General Statutes shall not apply to hearings before the Commissioner of Revenue held pursuant to this Section, but the provisions of G. S. 105-241.2, 105-241.3 and 105-241.4 with respect to review and appeal shall apply to any tax or additional tax assessed pursuant to this Section."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 860

CHAPTER 1133

AN ACT AMENDING G. S. 119-49 RELATING TO THE REGULATION OF THE STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES AND THE INSTALLATION OF GAS APPLIANCES AND PIPING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 119-49, as the same appears in the 1967 Cumulative Supplement to Volume 3B of the General Statutes, is amended by striking the figure "1965" in line 3 thereof and substituting in lieu thereof the figure "1969" and by striking the figure "1964" in line 5 thereof and substituting in lieu thereof the figure "1969".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 15, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 66

CHAPTER 1134

AN ACT TO SET FORTH THE OFFENSE OF ASSAULT WITH A DEADLY WEAPON UPON A LAW ENFORCEMENT OFFICER OR FIREMAN AND PROVIDE FOR PUNISHMENT FOR VIOLATION THEREOF.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a new section of Chapter 14 of the General Statutes to read as follows:
"Assault with a firearm upon law enforcement officer or fireman." Any person who shall commit an assault with a firearm upon any law enforcement officer or fireman while such officer or fireman is in the performance of his duties shall be guilty of a felony and shall be fined or imprisoned for a term not to exceed five years in the discretion of the Court.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 157

CHAPTER 1135

AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION AND MAINTENANCE OF THE BOGGAN-HAMMOND HOUSE IN ANSON COUNTY.

WHEREAS, the Boggan-Hammond House in Anson County is in great need of renovation; and

WHEREAS, the Boggan-Hammond House was originally constructed in two wings, the older wing was constructed in 1783 and the later wing was constructed in 1820; and

WHEREAS, upon completion, and being opened to the public, the 1783 wing will be devoted to a museum of artifacts of Anson County and the 1820 wing will be restored and furnished as a residence of that period; and

WHEREAS, it is of great importance to the people of this State and to Anson County to preserve our historic buildings; and

WHEREAS, State appropriations will be supplemented from non-state sources;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. In addition to all other appropriations made by the General Assembly of 1969, and on condition that the Boggan-Hammond House in Anson County be approved as a Historic Site by the Historic Sites Advisory Committee, there is hereby appropriated to the Anson County Historical Society, Inc., of Wadesboro, North Carolina, the sum of Twenty Thousand Dollars ($20,000.00), to be expended by said Society for the preservation, restoration, and maintenance of properties in connection with and surrounding the Boggan-Hammond House in Anson County.

Sec. 2. The appropriations made in Section 1 of this Act shall be used and expended under the supervision of the State Department of Archives and History and in accordance with the provisions of Chapter 210 of the Session Laws of 1963 (Article 1, Chapter 121 of the North Carolina General Statutes). In the event that the said Boggan-Hammond House in Anson County is not approved as a Historic Site by the Historic Sites Advisory Committee, the funds herein appropriated shall revert to the General Fund.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
H. B. 227  

CHAPTER 1136  

AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA ASSOCIATION OF RESCUE SQUADS FOR THE PURCHASE OF A MOBILE COMMUNICATIONS CENTER.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated the sum of Forty Thousand Dollars ($40,000.00) from the General Fund to the North Carolina Association of Rescue Squads, to be expended by it with other funds of the said association for the purchase and equipping of a mobile communications center for use in the said association's program of public service.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 252  

CHAPTER 1137  

AN ACT TO AMEND ARTICLE 50 OF CHAPTER 143 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE APPROPRIATION SUPPORT FOR THE NORTH CAROLINA COMMISSION ON THE EDUCATION AND EMPLOYMENT OF WOMEN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-428 is amended by striking from the last three lines of said section the words "which subsistence and expense allowance shall be paid out of the State Contingency and Emergency Fund, but may not in any event exceed three thousand dollars ($3,000.00) total expenditure from said fund in any one year. ", and substituting in lieu thereof the following: "to be paid from funds appropriated for the expenses of the Commission."

Sec. 2. There is hereby appropriated from the General Fund the sum of three thousand dollars ($3,000.00) for the fiscal year 1969-1970, and an additional sum of three thousand dollars ($3,000.00) for the fiscal year 1970-1971, for the purpose of providing for the subsistence and travel expense of the Commission, and for necessary office expense incurred in the performance of its duties.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 278  

CHAPTER 1138  

AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION TO PROVIDE FINANCIAL ASSISTANCE TO HOSPITAL PROGRAMS OF NURSING EDUCATION LEADING TO DIPLOMAS IN NURSING.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Board of Education, in addition to all other appropriations, from the General Fund of the State the sum of six hundred and fifty thousand dollars ($650,000.00) for the 1969-71 biennium to provide financial assistance to hospital programs of nursing education leading
to diplomas in nursing. Any of these funds not expended by the Board during the fiscal year ending June 30, 1970, shall be available to the Board for expenditure for this purpose during the fiscal year ending June 30, 1971. To qualify for financial assistance under this Act a program must be conducted by an educational unit in nursing which is fully accredited by the North Carolina Board of Nursing and which is operated under the authority of a public or non-profit hospital licensed by the North Carolina Medical Care Commission. The State Board of Education each year of the biennium shall distribute sums to eligible educational units in nursing or hospitals, upon their application for financial assistance, on the basis of two hundred dollars ($200.00) for each student duly enrolled in the program as of December 1 of the preceding year and on the condition that accreditation is maintained. The Board may make such reasonable rules and regulations as are necessary to carry out the provisions of this Act and to insure that this financial assistance is used directly for the operation and maintenance of diploma nursing programs and not for religious or other non-public purposes.

Sec. 2. These funds are to be appropriated in addition to any other funds that are provided for this program.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 286

CHAPTER 1139

AN ACT APPROPRIATING FUNDS FOR THE ESTABLISHMENT OF A LIVE- STOCK WEIGHING STATION AT THE ASHE-ALLEGHANY COUNTY LINE AND ESTABLISHING A COMMITTEE TO OPERATE THE WEIGHING STATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Laurel Springs Livestock Weighing Station Committee. The Committee shall consist of three persons. One member shall be appointed by the County Commissioners of Ashe County. One member shall be appointed by the County Commissioners of Alleghany County. The third member of the Committee shall be chosen by the two members appointed by the County Commissioners of their respective County. Membership on the Committee, as to those members chosen by the County Commissioners of their respective County, shall be for a period of four years. Membership on the Committee, as to the member chosen by the members appointed by their respective County Commissioners, shall be for two years. All members of the Committee shall be eligible to serve successive terms. Members of the Committee shall serve without pay except that the members shall be entitled to reimbursement for their actual expenses incurred while on the business of the Committee.

Sec. 2. It shall be the duty of the Laurel Springs Livestock Weighing Station Committee to purchase not more than one acre of land at or near the Ashe-Alleghany County line near Laurel Springs and to establish thereon a livestock weighing station. The Committee shall purchase suitable scales for the weighing of livestock which scales shall have a minimum weighing capacity of ten thousand pounds. The Committee shall provide suitable housing for the scales and shall employ one or more persons to operate and maintain the weighing station. The Committee shall
establish a set of fees for the weighing of cattle which fee schedule shall be sufficient
to operate and maintain the weighing station and all expenses, including salaries
and repairs, incident thereto. No person, firm or corporation shall be permitted
to use the weighing station scales without payment of the appropriate fee. The Com-
mite shall establish the hours when the weighing station will be operated and
shall make such rules as are necessary for the proper and efficient operation of
the weighing station.

Sec. 3. The weighing station herein authorized is primarily for the use of the
livestock farmers of Ashe and Alleghany Counties and the Upper Mountain Experi-
ment Station but any person, firm or corporation shall have the right to use the
scales of the weighing station upon the payment of the fee set by the Committee.

Sec. 4. There is hereby appropriated to the Laurel Springs Livestock Weighing
Station Committee out of the General Fund of the State the sum of six thousand
dollars ($6,000.00), to be used by the Committee to purchase land, scales and such
other equipment as is necessary for the establishment of the weighing station. The
money herein appropriated may also be used to erect a suitable building on the
land purchased.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of
June, 1969.

H. B. 380

CHAPTER 1140

AN ACT TO AMEND G. S. 20-63(h) TO INCREASE COMMISSION FOR ISSUING
MOTOR VEHICLE REGISTRATION PLATES UNDER COMMISSION CON-
TRACT ARRANGEMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-63(h) as same appears in the 1965 Replacement Volume
1C of the General Statutes is hereby amended by deleting the words and figures
"twenty-two cents (22¢)" appearing in line 18 thereof and inserting in lieu thereof
the words and figures "twenty-seven cents (27¢)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of
June, 1969.

H. B. 421

CHAPTER 1141

AN ACT APPROPRIATING FUNDS TO THE NORTH CAROLINA STATE UNI-
VERSITY AGRICULTURAL EXPERIMENT STATION FOR SUPPORT OF
RESEARCH IN THE BIOLOGICAL AND AGRICULTURAL ENGINEERING
DEPARTMENT FOR PROTECTION OF TOBACCO PRODUCTS.

WHEREAS, tobacco as a farm crop and as a manufactured product is very impor-
tant to the economy of North Carolina; and

WHEREAS, research and study into the possible means of improving tobacco
products have been conducted at North Carolina State University at Raleigh; and

WHEREAS, this research has of late been concentrated in the area of reduction
of nicotine and tar content of tobacco products and in the area of lowering of burning
temperatures of tobacco products; and
WHEREAS, the success of this general research project depends in large part upon the prompt availability of funds clearly earmarked for this study;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State of North Carolina to the North Carolina State University Agricultural Experiment Station, in addition to all other appropriations, the sum of one hundred fifty thousand dollars ($150,000.00) per year for each year of the 1969-1971 biennium exclusively for the purpose of conducting, in the Biological and Agricultural Engineering Department, research and experimentation with tobacco and tobacco products for the purpose of producing tobacco products with a reduced nicotine and tar content and a lowered burning temperature or other characteristics likely to make the products more readily commercially marketable.

Sec. 2. No funds herein appropriated shall be used for any purpose other than those set out herein. All funds herein appropriated not used for this purpose on or before July 1, 1971, shall be returned to the General Fund of the State.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 466

CHAPTER 1142

AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT FOR EMPLOYMENT OF ASSISTANT RANGERS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the Department of Conservation and Development the sum of twenty thousand dollars ($20,000.00) for the biennium 1969-71, to be used by the said Department for the employment of additional personnel to assist county forest rangers.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 477

CHAPTER 1143

AN ACT ABOLISHING THE NORTH CAROLINA SEASHORE COMMISSION, TRANSFERRING THE SEASHORE COMMISSION'S DUTIES TO THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT AND FOR RELATED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Article 48, Chapter 143 of the General Statutes is hereby repealed.

Sec. 2. The Director of the Department of Conservation and Development, after the approval of the Board of Conservation and Development, is authorized to create
within the Department of Conservation and Development a Division for the purpose as hereinafter set out, and to provide the necessary personnel and equipment for such Division. Said Division shall be given a suitable name by the Board of Conservation and Development. In the event the Director of Conservation and Development determines that the creation of a new division in the Department of Conservation and Development is not feasible, the powers and duties set out in Section 3 hereof, after the approval of the Board of Conservation and Development, may be delegated by the Director to the administrative head of an existing division of the Department of Conservation and Development.

Sec. 3. The following powers are hereby granted to the Director of the Department of Conservation and Development and may be delegated to the administrative head of an existing or new division of the Department as herein authorized:

(1) Assist in the sound development of the seacoast areas of the State, giving emphasis to the advancement and development of the travel attractions and facilities for accommodating travelers in these areas;

(2) Plan and promote recreational and industrial developments in these areas, with emphasis upon making the seashore areas of North Carolina attractive to visitors and to permanent residents;

(3) Coordinate the activities of local governments, agencies of the State and agencies of the federal government in planning and development of the seacoast areas for the purpose of attracting visitors and new industrial growth;

(4) Study the development of the seacoast areas and implement policies which will promote the development of the coastal area, with particular emphasis upon the development of the scenic and recreational resources of the seacoast;

(5) Advise and confer with various interested individuals, organizations and state, federal and local agencies which are interested in development of the seacoast area and use its facilities and efforts in planning, developing, and carrying out overall programs for the development of the area as a whole;

(6) Act as liaison between agencies of the State, local government, and agencies of the federal government concerned with development of the seacoast region;

(7) Make an annual report to the Board of Conservation and Development;

(8) Make such reports to the Governor as he may request;

(9) File such recommendations or suggestions as it may deem proper with other agencies of the State, local or federal governments.

Provided, however, that the provisions of this Act shall not be construed as affecting the authority of the Department of Water and Air Resources concerning shore erosion control or prevention, beach protection, or hurricane protection under General Statutes 143-355 or any other provision of law.

Sec. 4. There is hereby created the Seashore Advisory Board. The functions and duties of the Board are to study matters and activities related to the duties of the division of the Department of Conservation and Development herein authorized and to make recommendations to the Board of Conservation and Development as to how said division may best carry out its duties and responsibilities. The Advisory Board is to consider all matters which may be referred to it by the Board of Conservation and Development, the Director of Conservation and Development, the Governor, and the General Assembly and it must render a report in writing.
giving conclusions on each matter so referred. The Advisory Board should make recommendations on all matters which are deemed by it relevant to the duties and responsibilities of the division of Conservation and Development herein authorized. The Advisory Board shall have authority to conduct public hearings on matters which the Board is considering.

Sec. 5. The Advisory Board shall consist of 11 members appointed by the Governor to serve at his pleasure, one of whom shall be designated Chairman. The persons holding the following positions, or their designated representatives, shall be ex officio members of the Advisory Board: Chairman of the Board of Water and Air Resources; Chairman of the North Carolina Wildlife Commission; Chairman of the State Highway Commission and the Property Control Officer of the Department of Administration. Ex officio members, or their representatives, shall be entitled to vote on all matters coming before the Advisory Board.

Sec. 6. At its first meeting the Advisory Board shall elect a vice-chairman who shall be a member of the Board. The vice-chairman shall preside at meetings of the Advisory Board in the absence of the Chairman. The Board shall meet upon such a schedule as the Board may adopt. Either the Chairman of the Advisory Board or the Director of the Department of Conservation and Development may call special meetings of the Advisory Board.

A quorum for meetings of the Advisory Board shall be eight members.

Sec. 7. The members of the Advisory Board while in attendance of meetings or engaged in the business of the Advisory Board shall receive such per diem, travel and subsistence allowance as is paid currently to other State Boards or Commissions.

Sec. 8. There is hereby appropriated to the Department of Conservation and Development out of the General Fund, in addition to all other appropriations, the sum of four thousand, five hundred dollars ($4,500.00) for the fiscal year beginning on July 1, 1969, and the sum of four thousand, five hundred dollars ($4,500.00) for the fiscal year beginning on July 1, 1970. Said sums are to be used by the Department for the purposes set out in Section 7 of this Act.

Sec. 9. On the effective day of this Act, the records, property, supplies and equipment of the North Carolina Seashore Commission shall be transferred to the Department of Conservation and Development. There is hereby appropriated to the Department of Conservation and Development out of the General Fund, in addition to all other appropriations, the sum of twenty-one thousand, one hundred fifty-two dollars ($21,152.00) for the fiscal year beginning July 1, 1969, and the sum of twenty thousand, eight hundred eighteen dollars ($20,818.00) for the fiscal year beginning July 1, 1970. Said sums are to be used for the salaries, expenses, supplies and equipment of the personnel designated to carry out the functions herein provided for.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
CHAPTER 1144            SESSION LAWS—1969

H. B. 483            CHAPTER 1144

AN ACT WITH RESPECT TO STATE AND REGIONAL PLANNING.

The General Assembly of North Carolina do enact:

Section 1.  G. S. 143-337(b) is amended by striking from lines six and seven of that subsection the words "Long-Range" and inserting in lieu thereof the words "State and Regional".

Sec. 2.  G. S. 143-341(6) is rewritten to read as follows:

"(6) State and regional planning:

a. To assist the Director of the Budget in reviewing the capital improvements needs and requests of all State agencies, and in preparing a coordinated biennial capital improvements budget and longer range capital improvements programs.

b. In cooperation with State agencies and other public and private agencies, to collect, analyze, and keep up to date a comprehensive collection of economic and social data pertinent to state planning, which shall be available to State and local governmental agencies and private agencies.

c. To coordinate and review all planning activity relative to Federal Government requirements for general state-wide or regional comprehensive program planning.

d. To make economic analyses, studies, and projections and to advise the Governor on courses of action desirable for the maintenance of a sound economy.

e. To encourage and assist in the development of the planning process within State and local governmental agencies.

f. To assist State agencies by providing them with basic information and technical assistance needed in preparing their short-range and long-range programs.

g. To develop and maintain liaison and cooperative arrangements with federal, interstate, state, and private agencies and organizations in the interest of obtaining information and assistance with respect to state and regional planning.

h. To develop and maintain a comprehensive plan for the development of the State, representing the coordinated efforts and contributions of all participating planning groups.

i. In cooperation with the counties, the cities and towns, the federal government, multi-state commissions and private agencies and organizations, to develop a system of multi-county, regional planning districts to cover the entire State, and to assist in preparing for those districts comprehensive development plans coordinated with the comprehensive development plan for the State."

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 484            CHAPTER 1145

AN ACT TO ESTABLISH THE NORTH CAROLINA DEPARTMENT OF LOCAL AFFAIRS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 143 of the General Statutes is amended by inserting therein a new article, which shall read as follows:

1324
Article 34.

North Carolina Department of Local Affairs.

G. S. 143-319. Department established. There is hereby established the North Carolina Department of Local Affairs.

G. S. 143-320. Definitions. As used in this Article, unless the context otherwise requires:

'Council' means the Advisory Council on Local Affairs.

'Department' means the North Carolina Department of Local Affairs.

'Director' means the Director of Local Affairs.

'Division' means a division of the Department of Local Affairs.

'Recreation' means those interests that are diversionary in character and that aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental, and cultural developments and experiences of a leisure nature, and includes all (1) governmental, (2) private non-profit and (3) commercial recreation forms of the recreation field and includes parks, conservation, recreation travel, the use of natural resources, wilderness and high density recreation types and the variety of recreation interests in areas and programs which are incorporated in this range.

G. S. 143-321. Structure and organization of Department.

(a) Director.

(1) The Department of Local Affairs shall be under the direction and control of the Director of Local Affairs, who shall be responsible to the Governor for the administration of the Department.

(2) The Director shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(3) The salary of the Director shall be fixed by the Governor with the approval of the Advisory Budget Commission.

(4) The Governor may appoint an Acting Director of Local Affairs to serve during the absence or disability of the Director or pending an appointment to fill a vacancy in the office of Director, and may fix his salary with the approval of the Advisory Budget Commission.

(b) Divisions.

(1) The Department shall be organized initially to include a Recreation Division, a Law and Order Division, and a Community Planning Division. The Director, with the approval of the Governor, may establish within the Department additional divisions and other organizational units.

(2) Each division shall be under the immediate supervision and control of a division head, who shall be responsible to the Director for the administration of that division.

(c) Advisory Council.

(1) There shall be an Advisory Council on Local Affairs, which shall be advisory to the Director.

(2) The Council shall consist of the Director, who shall be a member ex officio, and 18 persons appointed by the Governor to serve at his pleasure. At least three of the appointed members shall be persons each of whom at the time of his appointment is serving as a Mayor or member of a municipal governing
board; at least three of the appointed members shall be persons each of whom at the time of his appointment is serving as a member of a board of county commissioners; at least one member recommended by the North Carolina League of Municipalities; and at least one member recommended by the North Carolina Association of County Commissioners. The initial members of the Council shall be appointed on July 1, 1969, or as soon as is practicable thereafter, and shall include at least one member of the North Carolina Recreation Commission, at least one member of the Governor's Committee on Law and Order, and at least one member of the Board of Conservation and Development, who were serving on the date of ratification of this article and who shall serve on the Council for the remainder of their respective current terms as members of the Commission, Committee, and Board. The Council shall elect from its appointed members a chairman to serve during the term for which he is appointed and for a period not to exceed two years. The disciplines and special interests initially represented on the Council shall continue to be generally represented in subsequent appointments.

(3) The members of the Council shall serve without compensation, except that they shall be entitled to receive reimbursement of expenses incurred in performance of their duties as provided in G. S. 138-5.

(4) The Council shall meet on call of the Director or the Chairman at least once a year. The Director shall furnish the Council with necessary staff assistance and other support.

"(d) Committees.

(1) There shall be a Committee on Recreation, which shall consist of the President of the North Carolina Recreation and Parks Society, Inc., ex officio, and nine members appointed by the Governor to serve overlapping terms of six years. Of the initial appointments to the Committee, three shall be for a term of two years, three shall be for a term of four years, and three shall be for a term of six years. All regular appointments thereafter shall be for a term of six years. Any appointed member may be removed by the Governor at will. An appointment to fill a vacancy shall be for the remainder of the unexpired term. The Governor shall annually designate a member of the committee to serve as its Chairman.

(2) There shall be a Committee on Law and Order, which shall consist of the Governor, Attorney General, Director of the State Bureau of Investigation, Commander of the State Highway Patrol, Director of Administration, Chairman of the North Carolina Good Neighbor Council, Director of the Administrative Office of the Courts, Commissioner of Correction, Chairman of the Board of Paroles, Director of the Probation Commission, Adjutant General, and Commissioner of Motor Vehicles, all serving ex officio, and 14 members appointed by the Governor, which number shall consist of one sheriff, two police executives, one Judge of the Superior Court, one Judge of the District Court, one Solicitor of the Superior Court, two citizens of the State with a knowledge of juvenile delinquency, three officials representing local government, one attorney specializing in the defense of criminal cases, and two citizens of the State who are not public officials. All appointed members shall serve for a term of one year and shall be eligible for reappointment. All members who are public officers shall serve as members ex officio of the Committee and shall perform their duties on the Committee in addition to their regular duties imposed by law. The Governor shall annually designate a member of the Committee to serve as its chairman.
(3) There shall be a Committee on Community Planning, which shall consist of the President of the North Carolina Chapter of the American Institute of Planners, ex officio, and nine members appointed by the Governor. At least five of the nine members shall, at the time of their appointment, be members of municipal, county, or joint planning boards. All appointed members shall serve for a term of one year. The Governor shall annually designate a member of the Committee to serve as its chairman.

(4) The Director may establish additional committees and advisory agencies to the Department and its divisions.

(5) Each committee shall meet on call of its chairman or the Director at least quarterly. The members of the committees shall serve without compensation, except that they shall be entitled to receive reimbursement of expenses incurred in performance of their duties as provided in G. S. 138-5.

"G. S. 143-322. Functions of Director. The Director of Local Affairs shall have the following powers and duties:

(1) To administer the Department of Local Affairs.

(2) With the approval of the Governor, to organize and reorganize the Department and its several divisions and other units.

(3) To assign and reassign the duties and functions of the Department among the several divisions and other units, division heads, officers, and employees of the Department.

(4) To perform all duties, exercise all powers, and assume and discharge all responsibilities vested by law in the Department, except as otherwise expressly provided by statute.

(5) To delegate to any division head or to any other officer or employee of the Department any of the powers and duties given to the Director or the Department by statute or by the rules, regulations, and procedures established pursuant to this Article.

(6) To appoint, with the approval of the Governor, the head of each division of the Department, and to remove at will the head of any division, acting with the approval of the Governor.

(7) To appoint all subordinate officers and employees of the Department, upon recommendation of the head of the division or other unit to which those officers or employees are to be assigned and in accordance with the State Personnel Act.

(8) To transfer employees from one division of the Department to another, either temporarily or permanently, when he determines that a transfer is necessary to expedite the work of the Department.

(9) To adopt, with the approval of the Governor, reasonable rules, regulations, and procedures concerning the organization, administration, and operation of the Department and the conduct of its relations and business with other agencies of the State and the United States.

(10) To have legal custody of all books, papers, documents, and other records of the Department.

(11) To make an annual report to the Governor for transmittal to the General Assembly and to provide him with any additional information that he may request at any time.

"G. S. 143-323. Functions of Department.

"(a) Recreation. The Department of Local Affairs shall have the following powers and duties with respect to recreation:

1327
(1) To study and appraise the recreation needs of the State and to assemble and disseminate information relative to recreation.

(2) To co-operate in the promotion and organization of local recreation systems for counties, municipalities, and other political subdivisions of the State, to aid them in the administration, finance, planning, personnel, coordination and cooperation of recreation organizations and programs.

(3) To aid in recruiting, training, and placing recreation workers, and to promote recreation institutes and conferences.

(4) To establish and promote recreation standards.

(5) To co-operate with appropriate State, federal, and local agencies and private membership groups and commercial recreation interests in the promotion of recreation opportunities, and to represent the State in recreation conferences, study groups, and other matters of recreation concern.

(6) To accept gifts, bequests, devises, and endowments. The funds, if given as an endowment, shall be invested in securities designated by the donor, or if there is no such designation, in securities in which the State Sinking Fund may be invested. All such gifts, bequests, and devises and all proceeds from such invested endowments shall be used for carrying out the purposes for which they were made.

(7) To advise agencies, departments, organizations and groups in the planning, application and use of Federal and State funds which are assigned or administered by the State for recreation programs and services on land and water recreation areas and on which the State renders advisory or other recreation services or upon which the State exercises control.

(8) To act jointly, when advisable, with any other State, local or Federal agency, institution, private individual or group in order to better carry out the Department’s objectives and responsibilities.

"(b) Law and Order. The Department shall have the following powers and duties with respect to law and order:

(1) To assist and participate with State and local law enforcement agencies, at their request, to improve law enforcement and the administration of criminal justice.

(2) To make studies and recommendations for the improvement of law enforcement and the administration of criminal justice.

(3) To encourage public support and respect for law and order.

(4) To seek ways to continue to make North Carolina a safe and secure State for its citizens.

(5) To accept gifts, bequests, devises, grants, matching funds, and other considerations from private or governmental sources for use in promoting its work.

(6) To make grants for use in pursuing its objectives, under such conditions as are deemed by the Department to be necessary.

"(c) Local Planning Assistance. The Department shall have the following powers and duties with respect to local planning assistance:

(1) To provide planning assistance to municipalities and counties and joint and regional planning boards established by two or more governmental units in the solution of their local planning problems. Planning assistance as used in this section shall consist of making population, economic, land use, traffic, and parking studies and developing plans based thereon to guide public and private development and other planning work of a similar nature. Planning assistance shall also include the preparation of proposed subdivision regula-
tions, zoning ordinances, capital budgets, and similar measures that may be
recommended for the implementation of such plans. The term planning assistance
shall not be construed to include the providing of plans for specific public works.

(2) To receive and expend federal and other funds for planning assistance to
municipalities and counties and to joint and regional planning boards, and
to enter into contracts with the federal government, municipalities, counties,
or joint and regional planning boards with reference thereto.

(3) To perform planning assistance, either through the staff of the Department
or through acceptable contractual arrangements with other qualified State
to agencies or institutions, local planning agencies, or with private professional
organizations or individuals.

(4) To assume full responsibility for the proper execution of a planning program
for which a grant of State or Federal funds has been made and for carrying
out the terms of a federal grant contract.

(5) To cooperate with municipal, county, joint and regional planning boards, and
federal agencies for the purpose of aiding and encouraging an orderly, coordin-
ated development of the State.

(6) To establish and conduct, either with its own staff or through contractual
arrangements with institutions of higher education, State agencies, or private
agencies, training programs for those employed or to be employed in commu-
nity development activities.

"(d) Federal Assistance. The Department, with the approval of the Governor,
may apply for and accept grants from the federal government and its agencies and
from any foundation, corporation, association, or individual, and may comply with
the terms, conditions, and limitations of the grant, in order to accomplish any of
the purposes of the Department. Grant funds shall be expended pursuant to the
Executive Budget Act.

"(e) General. The Department shall have the following general powers and duties:

(1) To study and to sponsor research on all aspects of local government and of
relationships between the Federal Government, the State and local govern-
ments in North Carolina.

(2) To collect, collate, analyze, publish, and disseminate information necessary
for the effective operation of the Department and useful to local government.

(3) To maintain an inventory of data and information, and to act as a clearing
house of information and as a referral agency with respect to State, federal,
and private services and programs available to local government; and to facili-
tate local participation in those programs by furnishing information, educa-
tion, guidance, and technical assistance with respect to those programs.

(4) To assist in coordinating State and federal activities relating to local govern-
ment.

(5) To assist local governments in the identification and solution of their prob-
lems.

(6) To assist local officials in bringing specific governmental problems to the
attention of the appropriate State, federal, and private agencies.

(7) To advise and assist local governments with respect to inter-governmental
contracts, joint service agreements, regional service arrangements, and other
forms of inter-governmental cooperation.
(8) To inform and advise the Governor on the affairs and problems of local government and on the need for administrative and legislative action with respect to local government.

"G. S. 143-324. Functions of Advisory Council. The Advisory Council on Local Affairs shall advise the Director of Local Affairs with respect to the problems and needs of local government and the work of the Department of Local Affairs. The Council may request the Director to conduct such studies of local governmental problems as it may deem advisable.

"G. S. 143-325. Functions of Committees. (a) Committee on Recreation. The Committee on Recreation shall have power to develop and propose policies, programs, and activities in the field of recreation for approval by the Director as Department policies, programs, and activities.

"(b) Committee on Law and Order. The Committee on Law and Order shall have policy-making and supervisory authority over the policies, programs, and activities of the Department in the field of the administration of criminal justice in assisting and participating with State and local law enforcement agencies, at their request, to improve law enforcement and the administration of criminal justice.

"(c) The other committees and advisory agencies of the Department of Local Affairs shall advise the Director with respect to those policies, programs, and activities of the Department that are within their respective competencies."

"G. S. 143-326. Transfer of Functions, Records, Property, etc.

"(a) All of the powers, duties, functions, records, property, supplies, equipment, personnel, funds, credits, appropriations, quarterly allotments, and executory contracts of the North Carolina Recreation Commission are transferred to the Department of Local Affairs, effective July 1, 1969. All statutory references to the 'North Carolina Recreation Commission' or the 'Recreation Commission' are amended to read 'North Carolina Department of Local Affairs'.

"(b) All of the powers, duties, functions, records, property, supplies, equipment, personnel, funds, credits, appropriations, quarterly allotments, and executory contracts of the Governor's Committee on Law and Order are transferred to the Department of Local Affairs, effective July 1, 1969. All statutory references to the 'Governor's Committee on Law and Order' are amended to read 'North Carolina Department of Local Affairs'.

"(c) All of the powers, duties, functions, records, property, supplies, equipment, personnel, funds, credits, appropriations, quarterly allotments, and executory contracts of the Division of Community Planning of the Department of Conservation and Development are transferred to the Department of Local Affairs, effective July 1, 1969.

"(d) Such portion of the powers, duties, functions, records, property, supplies, equipment, personnel, funds, credits, appropriations, quarterly allotments, and executory contracts of the State Planning Task Force Division of the Department of Administration as the Governor may designate is transferred to the Department of Local Affairs, effective July 1, 1969.

"(e) The transfers directed by subsections (a) through (d), above shall be made under the supervision of the Governor, and he shall be the final arbiter of all differences or disputes arising incident to those transfers.

1330
"(f) No transfer of functions to the Department of Local Affairs provided for in this article shall affect any action, suit, proceeding, prosecution, contract, lease, agreement, or other business transaction involving any of those functions that was initiated, undertaken, or entered into prior to or pending the time of the transfer, except that the Department shall be substituted for the agency from which the function was transferred, and as far as practicable the procedure provided for in this article shall be employed in completing or disposing of the matter. All rules, regulations, and policies of the agencies from which powers, duties, and functions are herein transferred to the Department of Local Affairs shall continue in force as rules, regulations, and policies of the Department of Local Affairs until altered pursuant to G. S. 143-320 (9).

"G. S. 143-327. Short Title. This article may be cited as the Department of Local Affairs Act."

Sec. 2. G. S. 153-9 is amended by adding thereto a new paragraph, which shall read as follows:

"(60) To plan and execute training and development programs for law enforce-
ment agencies, and for that purpose:
- a. to contract with other counties, municipalities, and the State and federal gov-
ernments and their agencies;
- b. to accept, receive, and disburse funds, grants, and services;
- c. to create joint agencies to act for and on behalf of participating counties and
municipalities;
- d. to make application for, receive, administer, and expend federal grant funds;
 and
- e. to appropriate and expend available tax or nontax funds.

Sec. 3. G. S. 160-200 is amended by adding thereto a new paragraph, which shall read as follows:

"(45) To plan and execute training and development programs for law enforce-
ment agencies, and for that purpose:
- a. to contract with other municipalities, counties, and the State and federal gov-
ernments and their agencies;
- b. to accept, receive, and disburse funds, grants, and services;
- c. to create joint agencies to act for and on behalf of participating municipalities
and counties;
- d. to make application for, receive, administer, and expend federal grants; and
- e. to appropriate and expend available tax or nontax funds.

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed. The following statutes are specifically repealed: G. S. 113-15.1, G. S. 143-205 through
143-210.1, and G. S. 143-400 through 143-402.2.

Sec. 5. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of
June, 1969.

H. B. 510

CHAPTER 1146

AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF ADDITIONAL
LAND AT BENTONVILLE STATE HISTORIC SITE.

WHEREAS, the Battle of Bentonville, March 19-21, 1865, where Confederate
General Joseph E. Johnston sought unsuccessfully to check the advance of Union
CHAPTER 1146  SESSION LAWS—1969

General William T. Sherman, was the largest battle ever fought on North Carolina soil; and

WHEREAS, the State through the Department of Archives and History has purchased a tract of 51 acres and has developed this tract as the Bentonville State Historic Site; and

WHEREAS, another tract of 54.7 acres more or less, containing some of the most important trenches and other fortifications on the battlefield, has now become available for purchase and should be added to this State Historic Site;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State to the State Department of Archives and History the sum of fifteen thousand dollars ($15,000) to be used for the purchase of a portion of this additional tract of 54.7 acres more or less, which belongs to Mr. John T. Dunn of Route One, Four Oaks, North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 569  CHAPTER 1147

AN ACT TO APPROPRIATE FUNDS FOR THE HISTORIC CARSON HOUSE IN McDOWELL COUNTY.

WHEREAS, the historic Carson house on old US 70 west of Marion in McDowell County, erected about 1810 by the pioneer Carson family, was an important center in the history of western North Carolina; and

WHEREAS, for a time the Carson house served as the seat of county government and during the War between the States the house was used as a school for girls; and

WHEREAS, the McDowell County Historical Society and allied groups have acquired the house and have expended more than twenty thousand dollars ($20,000.00) for its acquisition, repair, and restoration; and

WHEREAS, the Richardson Foundation has made two grants of funds for this project, contingent upon the raising of matching monies, and these matching monies have been raised in both cases; and

WHEREAS additional funds are needed for additional land acquisition, repair, restoration, and other work at the Carson house;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Department of Archives and History, to be expended for and in connection with the Carson House the total sum of fifteen thousand dollars ($15,000.00), upon the condition that five thousand dollars ($5,000.00) be raised in non-state matching funds by the McDowell County Historical Society.

1332
Sec. 2. This sum is to be expended under the rules and regulations prescribed by the State Department of Archives and History.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 621  CHAPTER 1148
AN ACT TO APPROPRIATE FUNDS FOR HISTORICAL PRESERVATION, RESEARCH, AND RESTORATION IN CARTERET COUNTY.

WHEREAS, the County of Carteret is rich in history, containing the old seaport and early whaling and fishing village of Beaufort, Fort Macon which played an important part in the War Between the States, and many other significant historic sites, and

WHEREAS, the Beaufort Historical Association, with the aid and assistance of the Richardson Foundation, has raised and expended thousands of dollars on historical research, restoration, and preservation in the Town of Beaufort, and

WHEREAS, additional research and restoration needs to be done in the Town of Beaufort, on Fort Macon, and on other historic sites in Carteret County, and

WHEREAS, the historic cemetery in the Town of Beaufort, dating back to the early eighteenth century, has been ravaged by time and damaged by vandals and is badly in need of repair and restoration;

NOW, THEREFORE,
The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Department of Archives and History, for historical and archaeological research and restoration in and for the historic County of Carteret:

<table>
<thead>
<tr>
<th>Research and Restoration</th>
<th>1969-70</th>
<th>1970-71</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historical and archaeological research</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Repair and restoration of historic Beaufort cemetery</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>Total appropriation requested</td>
<td>$40,000</td>
<td></td>
</tr>
</tbody>
</table>

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 648  CHAPTER 1149
AN ACT TO APPROPRIATE $35,000.00 FOR CONSTRUCTION OF A SPILLWAY GATE AT LAKE WACCAMAW IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the Department of Conservation and Development, Division of State Parks, the sum of thirty-five thousand dollars ($35,000.00) to be utilized by the State Parks Division for the
construction of a spillway gate at the dam separating Lake Waccamaw and the Waccamaw River in Columbus County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 669  

CHAPTER 1150

AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF ADDITIONAL LAND AT MOORES CREEK NATIONAL MILITARY PARK.

WHEREAS, one of the most significant battles of the Revolutionary War was fought at Moores Creek, in what is now Pender County, North Carolina, February 27, 1776, when Whigs defeated Tories and thus thwarted a broad British plan to conquer the southern colonies; and

WHEREAS, Moores Creek National Military Park is now and long has been owned and maintained by the United States Government, Department of the Interior, National Park Service; and

WHEREAS, the National Park Service of the United States Department of the Interior has prepared a new master plan of the Moores Creek National Military Park, which master plan provides for additional land acquisition and other improvements; and

WHEREAS, the lands so designated in the master plan are needed for public purposes to properly interpret the story of the Battle of Moores Creek; and

WHEREAS, it is understood that one-half of the cost of fifty thousand dollars ($50,000) for the purchase of the aforesaid land will be provided from non-state sources;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Department of Archives and History the sum of ten thousand dollars ($10,000) with which to acquire portions of the lands designated for inclusion within the Park.

Sec. 2. This sum shall become available only when a like sum of at least ten thousand dollars ($10,000) shall have been made available from non-state sources.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 688  

CHAPTER 1151

AN ACT TO APPROPRIATE FUNDS FOR HISTORIC HALIFAX STATE HISTORIC SITE.

WHEREAS, North Carolina was the first of all the Thirteen Colonies to take official action for independence, by the all-important Halifax Resolves, April 12, 1776, thereby preceding by more than a month the colony of Virginia, and
WHEREAS, our first state constitution was framed in the Town of Halifax in December, 1776, and our first state governor, Richard Caswell, was elected there, and other significant historical events occurred in that town, and

WHEREAS, the Town of Halifax has been made a State Historic Site and as such is being developed by the State Department of Archives and History, and

WHEREAS, more than one hundred thousand dollars ($100,000.00) worth of land and other property has been donated to the state at Halifax, to be included in Halifax State Historic Site, and

WHEREAS, it is important that we make known to the nation and to the world the great importance of the Halifax Resolves and other significant events that occurred in Halifax, and in order to do so a great deal of development of this Historic Site is needed to prepare for the bicentennial of these Resolves, April 12, 1976;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of North Carolina to the State Department of Archives and History for the purchase and development of land and houses at Historic Halifax State Historic Site, and for related historical and archaeological research, the sum of eighty thousand dollars ($80,000.00).

Sec. 1.5. There is hereby appropriated from the General Fund of North Carolina to the State Department of Archives and History for the biennium (1969-71) the total sum of forty thousand dollars ($40,000.00) to be used by said department for administration expenses with regard to all historic sites in North Carolina in addition to all other funds appropriated to said department.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 750

CHAPTER 1152

AN ACT APPROPRIATING FUNDS FOR THE REPAIR AND RESTORATION OF THE WRIGHT TAVERN.

WHEREAS, The Wright Tavern in Wentworth, Rockingham County is described by Thomas T. Waterman, the State's leading architectural historian, as the finest surviving example of a two-story, frame Dog-Run building, and

WHEREAS, The Wright Tavern is associated with some of North Carolina's greatest Statesmen of the nineteenth century, among them Congressman Thomas Settle,1 Chief Justice Thomas Ruffin, Governor John M. Morehead, Governor and Senator David S. Reid, Legislator and historian Archibald DeBow Murphey, Brigadier General and Governor Alfred M. Scales, and Governor Robert B. Glenn, and

WHEREAS, with funds raised from private sources, and supplemented by an appropriation of the Rockingham County Board of Commissioners, The Wright Tavern, an architecturally unique early Tavern (1812), has been purchased and is now being restored as an historic site, County museum and educational facility, and

1335
WHEREAS, the Rockingham County Historical Society, Inc., in cooperation with the State Department of Archives and History, has outlined a five-year restoration program estimated to cost eighty-five thousand dollars ($85,000.00), and

WHEREAS, the Society has developed plans for raising additional funds from private sources, but needs State assistance at this time in order to complete major repairs now underway without interruption or postponement;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History the sum of fifteen thousand dollars ($15,000.00) to be used for the repair and restoration of The Wright Tavern, upon the condition that fifteen thousand dollars ($15,000.00) be raised in non-state matching funds by the Rockingham Historical Society, Inc..

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 787  CHAPTER 1153

AN ACT RELATING TO TRAVEL AND SUBSISTENCE ALLOWANCE OF STATE EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. (a) Subsection (a) of G. S. 138-6, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3C, is hereby amended by striking out the words and figures "eight cents (8¢)" in line one of Subdivision (1) and inserting in lieu thereof the words and figures "nine cents (9¢)". and by striking out the words and figures "twelve dollars ($12.00)" in line two of Subdivision (3) and inserting in lieu thereof the words and figures "fifteen dollars ($15.00)"; and by striking out the words and figures "sixteen dollars ($16.00)" in line three of Subdivision (3) and inserting in lieu thereof the words and figures "eighteen dollars ($18.00)", it being the intent and purpose of this Act, relating to travel allowances of State officers and employees, to increase the mileage allowance for use of privately-owned automobiles from eight cents to nine cents per mile, to increase the maximum in-State subsistence allowance provided in said G. S. 138-6 from twelve dollars to fifteen dollars per day, and the maximum out-of-State subsistence allowance from sixteen dollars to eighteen dollars per day.

(b) G. S. 138-7, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by rewriting line four thereof to read, "fifteen dollars ($15.00) for in-State travel, eighteen dollars ($18.00) for out-of-State", it being the intent and purpose of this amendment to conform G. S. 138-7 with the amendments herein made to G. S. 138-6.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
H. B. 801  CHAPTER 1154
AN ACT TO APPROPRIATE FUNDS FOR HISTORIC FORT DOBBS IN IREDELL COUNTY.

WHEREAS, Fort Dobbs, in what is now Iredell County, was constructed about the beginning of the French and Indian War, 1754-1763, to protect the North Carolina frontier against the French and Indians, and was named for the governor at that time, Arthur Dobbs; and

WHEREAS, by means of historical and archaeological research the exact site of Fort Dobbs has been determined; and

WHEREAS, it seems appropriate for this site to be further developed as a significant site in North Carolina history;

NOW, THEREFORE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History, for land purchase, development, and research at Fort Dobbs, the sum of fifteen thousand dollars ($15,000.00), provided an equal amount shall have been raised from non-state sources.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 811  CHAPTER 1155
AN ACT TO APPROPRIATE FUNDS FOR THE HISTORIC TOWN OF HILLSBOROUGH.

WHEREAS, the Town of Hillsborough, dating back to the middle of the eighteenth century, is one of the oldest in the entire State of North Carolina, having for many years served as the commercial, political, and cultural center of a large portion of the "back country;" and

WHEREAS, the town figured prominently in the Regulator Movement, 1768-1771, and several Regulators were actually tried, convicted, executed and buried there, and immediately before the Battle of Guilford Courthouse, General Charles Cornwallis made the Town his headquarters; and

WHEREAS, many other significant historical events and developments occurred in Hillsborough, including the meeting of the State Convention of 1788, which declined to ratify the United States Constitution; and

WHEREAS, many fine old buildings, both public and private, remain standing in the Town and need to be preserved; and

WHEREAS, the Historic Hillsborough Commission has been established by the General Assembly for the purpose of preserving and maintaining historic sites in the Town and that Commission is in need of financial assistance to continue its program;
NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History, for the acquisition of real estate and for historic restoration and development in the Town of Hillsborough the sum of ten thousand dollars ($10,000.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 817

CHAPTER 1156

AN ACT TO PROVIDE FOR AN INCREASE IN PENSIONS AND RETIREMENT ALLOWANCES PAYABLE TO CERTAIN FORMER TEACHERS AND STATE EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated for the biennium 1969-71 out of the General Fund of the State to the Teachers' and State Employees' Retirement System, such sums as are hereinafter specified to accomplish the following purposes:

(1) An appropriation of fifty one thousand one hundred and fifty dollars ($51,150.00) to increase by fifteen per cent (15%) per month pensions to be paid public school teachers and State employees with twenty or more years of service, who separated from service prior to July 1, 1941, and who had attained the age of sixty-five years on or before August 1, 1959.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 867

CHAPTER 1157

AN ACT TO PROVIDE FOR SELECTION OF ENGINEERS AND ARCHITECTS FOR THE DESIGN OF CAPITAL IMPROVEMENT PROJECTS FOR THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G.S. 129-42 as the same appears in Volume III-B, 1967 Accumulative Supplement of the General Statutes, is amended by adding a new section immediately following G. S. 129-42. "G. S. 129-42.2. State agencies and institutions in the selection of architects or engineers shall select not less than three persons or firms for each project to be designed for that institution. This selection of not less than three firms or individuals shall be forwarded to the Director of the Department of Administration, and the final selection shall be made from this group by the North Carolina Capital Building Authority."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 877  CHAPTER 1158

AN ACT TO AMEND CHAPTER 116 OF THE GENERAL STATUTES OF NORTH CAROLINA TO INCREASE THE LIMIT OF INTEREST RATE PAYABLE FOR BONDS FOR SELF-LIQUIDATING PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-176 is hereby amended by striking out the words "five per centum (5%)" in line six (6) of the first paragraph following the words "at such rate or rates not exceeding" and substituting therefor the words "eight per centum (8%)"; and by striking out the words "five per centum (5%)" in line twenty-eight (28) of the first paragraph following the words "received therefor at more than" and substituting the words "eight per centum (8%)".

Sec. 2. G. S. 116-191 is hereby amended by striking out the words "five per centum (5%)" in line seven (7) of the first paragraph following the words "at such rate or rates not exceeding" and substituting the words "eight per centum (8%)"; and by striking out the words "five per centum (5%)" in line thirty-two (32) of the first paragraph following the words "received therefor at more than" and substituting the words "eight per centum (8%)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 878  CHAPTER 1159

AN ACT TO AMEND CHAPTER 559 OF THE 1967 SESSION LAWS TO PROVIDE CHANGES ONLY WITH RESPECT TO PROJECTS WHOLLY SELF-LIQUIDATING.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to further amend the CAPITAL IMPROVEMENT APPROPRIATIONS ACT OF 1965, Chapter 916 of the 1965 Session Laws of North Carolina amended by Chapter 559 of the 1967 Session Laws of North Carolina with respect to projects wholly self-liquidating in order to more nearly meet the needs of the institution by increasing the cost allowance from three thousand, four hundred dollars ($3,400.00) to an amount not to exceed three thousand, nine hundred dollars ($3,900.00) per student occupant.

Sec. 2. Portions of said Chapter 559 of the 1967 Session Laws, beginning on page 598 of the 1967 Session Laws, and referring to Section 4 of Chapter 916 of the 1965 Session Laws under the heading of EDUCATION and respective institutional sub-headings as indicated and affecting only projects listed in this Act are hereby amended to read as follows:

North Carolina State University at Raleigh
4. Housing for 808 Single Students
   Building ........................................... $3,011,200
   Equipment ........................................... 140,000

$3,151,200

1339
LESS SELF-LIQUIDATING

$3,151,200

Pembroke State College
6. Dormitory for 100 Students
Building ......................... $370,000
Equipment ......................... 20,000
$390,000

Less Self-Liquidating ................... $390,000

7. Dormitory for 100 Students
Building ......................... 370,000
Equipment ......................... 20,000
$390,000

Less Self-Liquidating ................... $390,000

Winston-Salem State College
4. Dormitory for 125 Students
Building ......................... $465,500
Equipment ......................... 22,000
$487,500

Less Self-Liquidating ................... $487,500

Elizabeth City State College
1. Dormitory for 176 Students
Building ......................... $656,400
Equipment ......................... 30,000
$686,400

Less Self-Liquidating ................... $686,400

2. Dormitory for 124 Students
Building ......................... $463,600
Equipment ......................... 20,000
$483,600

Less Self-Liquidating ................... $483,600

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.
H. B. 932

CHAPTER 1160

AN ACT TO APPROPRIATE FUNDS FOR AIDING THE ROANOKE RIVER PROJECT.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State of North Carolina, or from any other unencumbered funds or balances, the sum of five thousand dollars ($5,000.00) for the biennium 1969-1971 for the purpose of aiding that physical restoration undertaken and known as the Roanoke River Project and for the research, engineering and planning necessary for that physical restoration.

Sec. 2. This amount shall be paid to the Industrial Development Commission for Martin County, the sponsor thereof; shall be in addition to any amounts already appropriated or to be appropriated or included in any act or resolution for appropriation during the biennium 1969-1971 either for said purpose or to said payee; and shall be paid in one lump sum.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 971

CHAPTER 1161

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT FOR THE REGISTRATION OF MINING OPERATIONS IN NORTH CAROLINA AND TO CREATE THE POSITION OF STATE MINING ENGINEER.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the Department of Conservation and Development, in addition to all other appropriations, for the use of the Division of Mineral Resources to implement the Mining Registration Act of 1969 and to create the position of State Mining Engineer as provided in said Act the sum of twenty thousand, one hundred and seventy-four dollars ($20,174.00) for the fiscal year 1969-1970 and the sum of twenty thousand, six hundred and fifty-six dollars ($20,656.00) for the fiscal year 1970-1971.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1020

CHAPTER 1162

AN ACT TO APPROPRIATE $500,000 TO THE NORTH CAROLINA HOUSING CORPORATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the North Carolina Housing Corporation the sum of five hundred thousand dollars ($500,000.00) for the biennium commencing July 1, 1969, provided such Corporation is created by an Act of the 1969 General Assembly.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1092

CHAPTER 1162

SESSION LAWS—1969

AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF CONSERVA-
TION AND DEVELOPMENT FOR THE PURCHASE OF LANDS TO ESTAB-
LISH RAVEN ROCK STATE PARK.

WHEREAS, there is situated on the Cape Fear River approximately six miles
northwest of Lillington in Harnett County, an unusual geological and vegetative
complex, which is known as Raven Rock; and

WHEREAS, Raven Rock, consisting of imposing quartzite and slate rises approxi-
mately 150 feet above the Cape Fear River at the fall line between the Coastal
Plain and the Piedmont areas of the State; and

WHEREAS, Raven Rock is one of the few, if not only, places in the eastern
part of the State which still retains, unspoiled, an area containing artifacts which
date back to the period when the State was unknown to the white man and when
the only human inhabitants of the area were Indians who fished the teeming Cape
Fear River and hunted the abundant game in the nearby forests; and

WHEREAS, the area surrounding Raven Rock has established examples of trail-
ing arbutus, galax, mountain laurel and other plants which are commonly associat-
ed with the mountains of the western part of the State and are virtually unknown
to most of the inhabitants of eastern North Carolina; and

WHEREAS, there are in excess of three-quarters of a million people who live
within fifty miles of Raven Rock who would benefit from the establishment there
of a State park; and

WHEREAS, there are eight senior colleges and universities also within a fifty
mile radius of Raven Rock and the establishment of a State park there would be
of great value to their students and their educational programs; and

WHEREAS, the North Carolina State Parks and Study Commission, created by
the 1967 Session of the General Assembly, stated in their report to the 1969 Session
of the General Assembly that the first addition to the State park system should
be a park that would primarily serve the sandhills area of the State; and Raven
Rock is adjacent to the sandhills; and

WHEREAS, Raven Rock and the surrounding area have been visited and investigat-
ed by the Division of State Parks of the Department of Conservation and Develop-
ment, the research team working with the State Parks and State Forest Study Com-
mission and a representative of the National Park Service, and all these groups
endorse and recommend the acquisition by the State of Raven Rock and enough
surrounding land for the establishment of a State park; and

WHEREAS, the citizens of Harnett County and surrounding counties strongly
endorse the establishment of a State park at Raven Rock;

1342
NOW, THEREFORE,  

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Department of Conservation and Development, in addition to all other appropriations, out of the General Fund, the sum of one hundred and twenty thousand dollars ($120,000.00) for the purpose of purchasing such lands as are necessary to acquire Raven Rock and enough surrounding land to establish a State park at Raven Rock in Harnett County for the benefit of this and future generations of citizens of the State.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1101  

CHAPTER 1164

AN ACT TO DIRECT THE COMMISSIONER OF COMMERCIAL AND SPORTS FISHERIES TO MAKE A COMPREHENSIVE STUDY OF THE ESTUARIES OF NORTH CAROLINA, AND FOR RELATED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Commissioner of Commercial and Sports Fisheries is hereby directed to study the estuaries of North Carolina with a view to the preparation of a comprehensive and enforceable plan for the conservation of the resources of the estuaries, the development of their shorelines, and the use of the coastal zone of North Carolina. In connection with such study and plan, the Commissioner may call upon affected State and local agencies for advice and assistance; may accept grants, contributions, and appropriations from any public or private source; may arrange for consultant studies and research and for other professional services; and may designate one or more advisory committees to assist and advise in carrying out the study and planning. Such study may include an analysis of all characteristics of the coastal zone, including: the quality, quality and movement of estuarine waters, the ecological balance of the estuaries, and the economic interests of the coastal zone. Such study may examine all present and proposed uses of the estuaries and coastal zone; may give consideration to the plans of cities, counties, and regional and State agencies for the coastal zone; and may take into account varying needs, problems and resources of the respective estuarine regions of North Carolina. In preparing the comprehensive estuarine plan the Commissioner shall consider and evaluate the effectiveness of existing regulations and controls, existing land acquisition programs, and other existing governmental programs affecting estuarine resources; and shall recommend such modification in these regulations and controls and programs, or adoption of additional regulations, controls and programs, as he deems desirable.

Sec. 2. The Commissioner shall file an interim report by January 1, 1971, and a final report by November 1, 1973, with the Director of the Department of Conservation and Development for transmission by the Governor to the General Assembly.

Sec. 3. The final report shall contain:

(a) The results of the Commissioner’s detailed studies.

(b) The comprehensive plan proposed by the Commissioner for the conservation of the resources of the estuaries, the development of their shorelines, and the uses of the coastal zone.
(c) The Commissioner's recommendations of the appropriate agency or agencies to maintain and carry out the comprehensive plan.
(d) The Commissioner's estimate of the approximate sums of money that will be needed to maintain and carry out the comprehensive plan.
(e) Such other information and recommendations as the Commissioner deems desirable.

Sec. 4. There is hereby appropriated from the General Fund to the Department of Conservation and Development for the conduct of the study and preparation of the comprehensive plan authorized by this Act the sum of ninety-four thousand dollars ($94,000.00) for the 1969-71 biennium.

Sec. 5. General Statutes Subsection 146-64(3) is hereby amended by inserting therein in line 2 of such subdivision following the word "easements," and before the word "and" the word "options," so that said subdivision as so amended will read as follows:

"(3) 'Land' means real property, buildings, space in buildings, timber rights, mineral rights, rights-of-way, easements, options, and all other rights, estates, and interests in real property."

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1115

CHAPTER 1165

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES, AS IT APPEARS IN CHAPTER 546 OF THE SESSION LAWS OF 1969, TO ELIMINATE CERTAIN DURATIONAL RESIDENCE REQUIREMENTS, TO INSERT VARIOUS PROVISIONS PERTAINING TO WELFARE LIENS WITH ADDED PROVISIONS FOR CLARIFICATION AND ONE PROVISION FOR GIVING SOME PRIORITY TO FUNERAL EXPENSES OF THE LIENEE, TO CORPORATE AND CLARIFY CERTAIN PROVISIONS PERTAINING TO THE FINANCING OF MEDICAL ASSISTANCE AND TO PROVIDE THAT CERTAIN CHARITABLE ORGANIZATIONS HAVING A PREVIOUS FINANCIAL HISTORY MUST FILE CERTAIN REPORTS.

The General Assembly of North Carolina do enact:

Section 1. Part 1 of Article 2 of Chapter 108 of the General Statutes, as it appears in Chapter 546 of the Session Laws of 1969, is hereby further amended by repealing G. S. 108-29 and by inserting in lieu thereof the following:

"G. S. 108-29. Creation of claim and lien on property. There is hereby created a general claim and a lien, enforceable as hereinafter provided, upon the real property of any person who receives assistance to the aged and disabled. The claim and the lien shall be for the total amount of assistance paid to such person from and after (a) October 1, 1951, if the recipient receives assistance as an aged person, or (b) October 1, 1963, if the recipient receives assistance as a permanently and totally disabled person."

Sec. 2. Part 1 of Article 2 of Chapter 108 of the General Statutes, as it appears in Chapter 546 of the Session Laws of 1969, is hereby further amended by repealing the first sentence of G. S. 108-30 and by inserting in lieu thereof the following:
"After the approval of assistance to an applicant under this part, the county
director of social services shall file a statement showing the name of the applicant
and the date of approval of the application in the office of the Clerk of the Superior
Court in the county of the recipient's residence and in each county where he owns
or subsequently owns real property."

Sec. 3. Part 1 of Article 2 of Chapter 108 of the General Statutes, as it appears
in Chapter 546 of the Session Laws of 1969, is hereby further amended by repealing
G. S. 108-32 and by inserting in the place thereof a new G. S. 108-32 as follows:

"G. S. 108-32. Priority of claim; priority of lien. (a) The claim created against
the estate of the recipient shall have equal priority in order of payment with the
sixth class under G. S. 28-105 and shall be subordinate to the debts, expenses, taxes,
dues and judgments of the first five classes as provided by G. S. 28-105.

"(b) The priority of the lien created on the real property of the recipient shall
be determined in accordance with the laws governing priority of liens against real
estate; and, if real property of a deceased recipient is sold in a judicial sale, including
a sale pursuant to an order made in an action in court to foreclose a lien created
by this Chapter, an order to foreclose a mortgage or deed of trust, an order of a
sale to create assets to pay debts; or if real property of a deceased recipient is sold
pursuant to a power of sale contained in a mortgage or deed of trust, or granted
by statute with respect to a mortgage or deed of trust; or sold in an execution sale,
tax foreclosure sale or any sale pursuant to a court order, the proceeds of the sale,
extcept for an amount necessary to pay funeral expenses but not to exceed the
amount specified for the priority of funeral expenses in G. S. 28-105, are to be treated
as real property; and the priority of the lien provided for herein is to be determined
with respect to such funds as if they were real property.

"(c) The Board of County Commissioners and the County Board of Social Services
of the county in which the recipient resides may subordinate such lien to a mortgage
or lien created against the property of such recipient for necessary repairs or
improvements on the property, whether title to the property is held by the recipient
alone or by the entirety with the recipient's spouse."

Sec. 4. Part 1 of Article 2 of Chapter 108 of the General Statutes, as it appears
in Chapter 546 of the Session Laws of 1969, is hereby further amended by repealing
the first sentence of G. S. 108-33 and by inserting in lieu thereof the following:

"The lien created by G. S. 108-29 shall continue from the date of filing until
satisfied, provided that any such lien which has been filed more than ten (10) years
prior to January 1, 1970, and any such lien which shall become ten (10) years old
thereafter shall expire unless an additional statement of such lien is filed and prop-
perly indexed as required by G. S. 108-30, prior to the date of such expiration; provid-
ed further that no action to enforce the lien may be brought more than ten (10)
years after the last day on which assistance was paid nor more than three (3) years
after the date of the recipient's death. Failure to bring action within such times
shall be a complete bar against any recovery and shall extinguish the lien."

Sec. 5. Part 1 of Article 2 of Chapter 108 of the General Statutes as it appears
in Chapter 546 of the Session Laws of 1969, is hereby further amended by repealing
sections as follows:

"G. S. 108-35. Notification of lien on termination of assistance. The county depart-
ment of social services shall, within six months after the termination of an aid
to the aged and disabled grant by reason of death or otherwise, examine the case
record of such recipient, the tax records of the county, and, in case of termination
because of death, the records relating to executors, administrators, collectors, or
other personal representatives. If it appears from this examination or from any
other information which has come to the attention of the department, (i) that such
recipient does not own, or has not owned since the date of the filing of the lien
against such recipient's realty, any real property, and (ii) that such recipient does
not own nor his estate consist of any personal property in excess of one hundred
dollars ($100.00), and (iii) in the case of a termination because of death, that no
executor, administrator, collector or other personal representative has been appoint-
ed an entry shall be made in the case record reflecting the results of this examina-
tion. If it appears from this examination, from a subsequent examination, or from
any other information which may come to the attention of the department, (i) that
such recipient does own, or has owned since the date of the filing of the lien against
such recipient's realty, any property, or (ii) that such recipient does own or his
estate consists of personal property of a value in excess of one hundred dollars
($100.00), or (iii) in case of termination by death, that an executor, administrator,
collector, or other personal representative has been appointed, then the department
shall furnish to the county attorney all available information concerning the prop-
erty of the recipient the name of the spouse of the recipient, the township in which
the recipient resides or resided, the total amount of aid to the aged and disabled
assistance received by the recipient from and after October 1, 1951, in the case
of a recipient of aid to the aged, and October 1, 1963, in the case of a recipient
of aid to the disabled, by or through the State and the several counties thereof;
and the reason for termination of the grant.

*G. S. 108-36. Enforcement of lien. Upon receipt of this information, the county
attorney shall take such steps as he may determine to be necessary to enforce the
claim or lien herein provided. If it be made to appear to the Clerk of the Superior
Court that the personal property of the estate of a deceased recipient of assistance
does not exceed one hundred dollars ($100.00) in value, a personal representative
of such deceased recipient shall not be a necessary party to an action to enforce
the lien against such recipient's realty. Any funds remaining after satisfaction of
such lien shall be paid into the office of the Clerk of the Superior Court.

*G. S. 108-37. Distribution of funds collected. The United States and the State
of North Carolina shall be entitled to share in any sum collected under the provi-
sions of this Article, and their proportionate parts of such sum shall be determined
in accordance with the matching formulas in use during the period for which assist-
ance was paid to the recipient. The county enforcing the claim as herein provided
and any other county within the State which has paid aid to the aged or disabled
assistance to such recipient shall share proratably in any sum collected. All sums
collected shall be deposited in the county aid to aged and disabled fund and a report
of such deposit made to the State Board of Social Services. All sums to which the
United States or the State of North Carolina may become entitled under the provi-
sions of this Article shall be promptly paid or credited. All such sums to which
the State may become entitled shall be deposited in the State Aid to the Aged and
Disabled Fund and shall become a part of that fund.

*All necessary costs incurred in the collection of any claim shall be borne prorat-
ably by the United States, the State, and the county in proportion to the share
of the sum collected to which each may be entitled; provided, that neither the United
States nor the State shall in any instance be chargeable for costs in excess of the sum received by it from the claim. Necessary costs of collection of any claim shall include all costs of services in the filing, processing, investigation, and collection of such claim.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1139

CHAPTER 1166

AN ACT TO ESTABLISH IN THE PUBLIC SCHOOLS A PROGRAM FOR THE EDUCATION OF HEARING-IMPAIRED CHILDREN, TO PROVIDE FUNDS FOR THE OPERATION OF SUCH PROGRAM AND TO PROVIDE CERTAIN STANDARDS FOR THE CONTINUING EDUCATION OF HEARING-IMPAIRED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 115 of the General Statutes is hereby amended by adding immediately after the present Article 38 a new article to be designated as Article 38A and reading as follows:

"Article 38A.

*Education for Hearing-Impaired Children in the Public Schools.

"Sec. 115-315.1. Purpose of Act. It is the purpose of this Act to provide, in the Public Schools of North Carolina, a comprehensive program for hearing-impaired children of pre-school age so that such pre-school children may be taught and instructed during the critical learning years, and to provide likewise a comprehensive program in the public schools of this State for school age children who, while not deaf, have some degree of hearing impairment which calls for and lends itself to special instruction in the public schools implemented by trained teachers and special equipment. It is further the purpose of this Act to provide a system for the identification and professional evaluation of pre-school children who have impaired hearing.

It is deemed advantageous that hard-of-hearing children of school age be, as far as is possible, educated in a normal public school environment in their home community and in the presence of children not handicapped by hearing impairment rather than in the isolation of special programs away from the home community and local environment. At the same time the General Assembly recognizes the continuing and strong need for the State's residential schools for the deaf and affirms continued support in such schools. It is not the purpose of this Act to duplicate in any manner the function of the residential schools for the deaf."

"Sec. 115-315.2. Definitions. Unless the context of this Article otherwise requires:

"(1) The term 'deaf' shall mean those children in whom the sense of hearing is non-functional for the ordinary purposes of life. The term is inclusive both of congenitally deaf and adventitiously deaf.

"(2) The term 'hard-of-hearing' means those children in whom the sense of hearing, although defective, is functional with or without the hearing aid."
"(3) The term 'hearing-impaired' is inclusive both of the deaf and the hard-of-hearing and includes any child in whom there is some substantial degree of hearing impairment which calls for special instruction or special equipment in the learning processes."

"Sec. 115-315.3. Organization of program; rules and regulations; eligibility for instructional training; information to local school units. There shall be organized and administered by the State Superintendent of Public Instruction and the State Board of Education, under the general supervision of the State Superintendent of Public Instruction, a program for the education of hearing-impaired children residing within the State. Such program shall be available to all pre-school hearing-impaired children between the ages of one and six and shall be available for all hard-of-hearing children of school age. Such program shall be a continuing program and shall commence during the school year 1969-70. The State Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall formulate reasonable rules prescribing the program and procedures for its operation and maintenance and shall prescribe reasonable rules for determining a child's eligibility for participation on the basis of adequate individual audiology, medical evaluation and other related factors. Provided, however, children who are of school age and who are, upon medical evaluation, found to be deaf, may be instructed in the North Carolina Schools for the Deaf. In order to assure maximum participation by local school administrative units, full information on the rules and regulations and pertinent information shall be forwarded to the local school unit in time for them to meet the requirements in qualifying for participation in the program.

"The State Superintendent of Public Instruction in prescribing the procedures for the operation and maintenance of a program under this Article, shall distinguish between the program for pre-school children, which program shall be available to all hearing-impaired children of pre-school age, and the program for school age children."

"Sec. 115-315.4. Authority of local school board to establish programs; joint operations; duty of local superintendent. County and city boards of education are hereby authorized to establish programs for pre-school hearing-impaired children and hard-of-hearing school age children in each administrative unit. Boards of education in more than one administrative unit may by written agreement recorded in their minutes jointly operate such program. When directed by the board of education in the administrative unit, it shall be the duty of the superintendent of public instruction in that unit to conduct a survey of the pre-school aged children residing in said unit for the purpose of determining the identity of the hearing-impaired. The superintendent shall then make a full report to the board as to his findings and shall thereafter report to the board, from time to time, any other such hearing-impaired children within the administrative unit when they shall come to his attention. All pre-school children included in the program shall first be afforded an otological and audiological examination."

"Sec. 115-315.5. Expenditure of State and local funds; gifts. In addition to such other funds as may be available for their purpose, county and city boards of education establishing programs for the pre-school age hearing-impaired and school age hard-of-hearing under this Article are authorized to expend therefor any State or local funds appropriated to them under the provisions of this Article. County and city boards may also receive gifts to be used for such programs and may expend
them for such purposes. Any funds received by way of gift for use of the hearing-impaired program, shall be faithfully accounted for the same as if such funds were public funds. County and city boards of education are authorized to include in their capital outlay and current expense budgets, funds to facilitate the establishment, maintenance and operation of programs pursuant to this Article, and the tax levying authorities of the counties and municipalities involved are authorized to levy proper taxes therefor."

"Sec. 115-315.6. Request for teachers and other allotments from State Board; disapproval of request; transfer of funds. When the county or city board of education in any administrative unit or units shall approve the establishment of an instruction program for pre-school age hearing-impaired children and for the school age hard-of-hearing in said unit or units, it may thereupon request from the State Board of Education an allotment of teachers for the program and such other allotments as may be applicable to the program. When such programs in a unit or a combination of units meets the rules and regulations prescribed in accordance with the State Board of Education, the State Board may provide teachers and other applicable allotments for such a program from the appropriation made to the Nine Months School Fund. Whenever a request is disapproved either by failure to qualify under the rules and regulations established under authority of G. S. 115-315.3 or because of lack of funds, the reason for such disapproval shall be certified by the State Superintendent of Public Instruction to the State Board of Education and to the superintendent of the unit or units making the request."

Sec. 2. G. S. 115-78(b) is amended by adding after the present subsection (6) a new subsection to be designated as subsection (7) and reading as follows:

"(7) Special program for hearing-impaired children at the pre-school age level and for school age children who are hard-of-hearing, includes cost of purchasing instructional apparatus and equipment, salaries for trained instructors and teachers."

Sec. 3. G. S. 115-79(5) is amended by adding a new subdivision, to be designated as subdivision d., to read as follows:

"d. hearing-impaired program."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1216          CHAPTER 1167

AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO BE USED FOR REPAIRING PARKWAY PLAY-HOUSE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund the sum of five thousand dollars ($5,000.00) to the University of North Carolina at Greensboro for the biennium 1969-71 to be used for making repairs to the Parkway Playhouse in Burnsville, North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1304

CHAPTER 1168

AN ACT APPROPRIATING FIFTEEN THOUSAND DOLLARS TO THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT FOR PURPOSE OF CONSTRUCTING A FIRE FIGHTING HEADQUARTERS AND EQUIPMENT BUILDING IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State the sum of fifteen thousand dollars ($15,000.00) to the Department of Conservation and Development (Forestry Division) for the purpose of constructing a fire fighting headquarters and equipment building in Chowan County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. B. 1320

CHAPTER 1169

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ESTABLISH A STUDY FOR THE LOCATION AND DEVELOPMENT OF COMPREHENSIVE VOCATIONAL REHABILITATION CENTERS.

The General Assembly of North Carolina do enact:

Section 1. The State Board of Education is hereby authorized and directed to establish a study of the needs for comprehensive vocational rehabilitation centers in North Carolina and to initiate plans for the location, establishment and development of such centers, giving emphasis to provision of such medical, psychological, social and vocational assistance as will aid persons having physical handicaps to achieve adjustment to productive community living.

Sec. 2. The State Department of Mental Health, the State Board of Health, the Department of Community Colleges and other state agencies and departments having programs of direct effect upon physically handicapped persons shall render such assistance in making these studies as the State Board of Education may request.

Sec. 3. There is hereby appropriated out of the General Fund, in addition to the other appropriations, to the State Board of Education, Division of Vocational Rehabilitation, for the biennium 1969-71, the sum of eight thousand dollars ($8,000.00) for each fiscal year to be expended by the State Board of Education, Division of Vocational Rehabilitation, for the purposes of this Act, together with such other funds from the Federal or other non-state sources as may be available.

Sec. 4. The Board of Education shall prepare a report, and recommendations made pursuant to the study hereby authorized, to be presented to the Governor upon completion and to the General Assembly of 1971.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
H. B. 1366  

CHAPTER 1170
AN ACT TO GRANT COUNTYWIDE JURISDICTION TO THE POLICE DEPARTMENT OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Upon approval of the Board of Commissioners of Mecklenburg County all policemen of the City of Charlotte shall thereafter be authorized and empowered to exercise throughout the County of Mecklenburg the same jurisdiction, authority, powers and rights, including arrest and service of criminal and civil process, which they are authorized by law to exercise within the City of Charlotte, and shall have the privileges and immunities, including coverage under Workmen's Compensation laws, which they now have within the City of Charlotte, provided that the City of Charlotte and Mecklenburg County shall, prior to the exercise of any of said powers or authority, enter into an agreement setting forth the guidelines and procedures for implementation of this Act.

Sec. 2. The Board of Commissioners of Mecklenburg County shall have the right, upon thirty (30) days written notice, to rescind any approval given pursuant to the provisions of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. B. 59  

CHAPTER 1171
AN ACT TO PROVIDE FOR AN ADDITIONAL RESIDENT JUDGE IN THE FIFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the office of additional resident judge of the fifth judicial district effective as of January 1, 1970. The Governor shall appoint this additional resident judge for the fifth judicial district on or after September 1, 1969, to take office on January 1, 1970. The successor of the Governor's appointee shall be chosen in the manner prescribed by law for other Resident Superior Court Judges in the general election of 1970 to serve for the unexpired portion of the term of eight years which began as of January 1, 1969, and his successors shall be chosen thereafter in the manner and serve for the same term as prescribed for other Resident Superior Court Judges.

Sec. 2. The present resident judge of the fifth judicial district shall be the senior resident judge of the district.

Sec. 3. The additional resident judge of the fifth judicial district shall, in respect to the exercise of judicial power, have equal jurisdiction, authority and status with the senior resident judge of such district; but all duties placed by the Constitution or statutes on the resident judge of a judicial district, including the appointment to and removal from office, which are not related to a case, controversy, or judicial proceeding and which do not involve the exercise of judicial power, shall be discharged by the resident judge of the judicial district senior in point of continuous service on the Superior Court; and if two judges be of equal seniority, then by the judge who is senior in point of age.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
CHAPTER 1171  SESSION LAWS—1969

Sec. 5. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 149  CHAPTER 1172
AN ACT TO AMEND CHAPTER 136 OF THE GENERAL STATUTES TO REQUIRE THE STATE HIGHWAY COMMISSION TO MARK PAVED ROADS WITH CENTER AND PAVEMENT EDGE LINES.
The General Assembly of North Carolina do enact:

Section 1. Chapter 136 of the General Statutes is amended by inserting a new section immediately following G. S. 136-30 and immediately preceding G. S. 136-31, to be designated G. S. 136-30.1 and reading as follows:

"Sec. 136-30.1. Center line and pavement edge line markings.

"(a) The State Highway Commission shall mark with center lines and edge lines all Inter-state and primary roads and all paved secondary roads having an average traffic volume of 200 vehicles per day or more, and which are traffic service roads forming a connecting link in the State Highway System. The State Highway Commission shall not be required to mark with center and edge lines local subdivision roads, loop roads, dead-end roads of less than one mile in length or roads the major purpose of which is to serve the abutting property, nor shall the Commission be required to mark with edge lines those roads on which curbing has been installed or which are less than sixteen feet in width.

"(b) Whenever the State Highway Commission shall construct a new paved road, relocate an existing paved road, resurface an existing paved road, or pave an existing road which under the provisions of Subsection (a) hereof is required to be marked with lines, the Commission shall, within thirty days from the completion of the construction, resurfacing or paving, mark the said road with the lines required in Subsection (a) hereof.

"(c) The center and pavement edge lines required by this section shall be installed and maintained in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the U. S. Department of Commerce, Bureau of Public Roads, dated June 1, 1961, or any subsequent revisions thereof approved by the State Highway Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 277  CHAPTER 1173
AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE FOR THE ESTABLISHMENT OF A RESEARCH STATION EMPHASIZING SWEET POTATOES, VEGETABLE CROPS, AND SMALL FRUITS TO SERVE NORTH CAROLINA, AND TO BE LOCATED IN ONE OF THE SOUTHEASTERN COUNTIES NAMED HEREIN.

WHEREAS, the economy of North Carolina is based largely upon agriculture, with sweet potatoes and other vegetable crops and small fruits being major enterprises; and
WHEREAS, the Coastal Plains Vegetable Research Station at Faison was established in 1949 on a 45 acre rented tract of land and this research station is not of sufficient size to permit the conduct of some investigations that should be carried out in this important sweet potato and vegetable producing area and is not possible to conduct certain kinds of work on rented land; and

WHEREAS, a more complete and productive research program can be conducted for North Carolina by purchasing new lands and developing new facilities thereon somewhere in the southeastern part of North Carolina and by terminating the lease on the Coastal Plain Vegetable Research Station at Faison; and

WHEREAS, these research activities in sweet potatoes, vegetable crops, and small fruits in North Carolina will make possible an expanded program with these enterprises so important to the economy of this State and to the future of the food supply of this country;

NOW, THEREFORE,

*The General Assembly of North Carolina do enact:*

**Section 1.** There is hereby appropriated from the General Fund of the State of North Carolina to the North Carolina Department of Agriculture, in addition to all other sums, the sum of two hundred fifty-six thousand and one hundred dollars ($256,100.00) for the general purposes set forth in the preamble to this Act and for the specific purposes of providing capital items (land and facilities) for a new research station for Southeastern North Carolina to be located in either one of the following counties: Duplin, Onslow, Pender, Sampson or Wayne, according to the following schedule:

**NORTH CAROLINA DEPARTMENT OF AGRICULTURE**

**COASTAL PLAIN RESEARCH STATION FOR SWEET POTATOES, VEGETABLES, AND SMALL FRUITS.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land (250 acres)</td>
<td>$125,000</td>
</tr>
<tr>
<td>Office Building</td>
<td>$30,000</td>
</tr>
<tr>
<td>Implement shed, shop</td>
<td>16,000</td>
</tr>
<tr>
<td>Foreman’s dwelling</td>
<td>18,000</td>
</tr>
<tr>
<td>Worker’s dwellings (2)</td>
<td>28,500</td>
</tr>
<tr>
<td>Fertilizer &amp; Pesticide storage</td>
<td>14,000</td>
</tr>
<tr>
<td>Land development</td>
<td>18,600</td>
</tr>
<tr>
<td>Well &amp; Water system</td>
<td>6,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$131,100</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$256,100</td>
</tr>
</tbody>
</table>

The funds herein appropriated if not expended by the Department of Agriculture during the biennium of 1969-1971, shall not revert to the General Fund of the State but remain available for the purposes herein provided.

**Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 3.** This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
S. B. 313

CHAPTER 1174

AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE HOME OF HEZEKIAH ALEXANDER, KNOWN AS "THE OLD ROCK HOUSE".

WHEREAS, Hezekiah Alexander was an ardent champion in the movement for independence from the British Crown; and

WHEREAS, in August, 1775, Hezekiah Alexander was appointed to a Committee of Safety for the Salisbury District which included Mecklenburg within its bounds; and

WHEREAS, on May 11, 1776 Hezekiah Alexander was again appointed with William Sharpe on the Council of Safety which covered the State of North Carolina and afterwards held the position in April 1776 of Paymaster to the Fourth Regiment of North Carolina Continentals; and

WHEREAS, in 1776 Hezekiah Alexander was elected to the Provincial Congress of North Carolina and was instrumental in drafting the first Constitution of the State; and

WHEREAS, Hezekiah Alexander's home, built in 1774 and still standing in Charlotte, is one of North Carolina's most notable historical landmarks and is the oldest home in Mecklenburg County;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is appropriated out of the General Fund of the State of North Carolina to the Department of Archives and History, the sum of twenty-five thousand dollars ($25,000.00) to be used for the restoration of the home of Hazekiah Alexander in Charlotte, North Carolina, known as "The Old Rock House", subject to the availability of an equal amount of non-state matching funds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 354

CHAPTER 1175

AN ACT TO AMEND CHAPTER 105 OF THE GENERAL STATUTES TO EXTEND THE DEFINITION OF "EDUCATIONAL INSTITUTIONS" TO INCLUDE FOUNDATIONS AND OTHERS ESTABLISHED FOR THE SOLE BENEFIT OF SUCH EDUCATIONAL INSTITUTIONS AS ARE STATE (AND SUBDIVISIONS) INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (2) of subsection 9 of Section 130 of Chapter 105 (105-130.9(2)) of the General Statutes of North Carolina is hereby amended to add the following at the end thereof:

The words "educational institution" shall be deemed to include all of such institution's departments, schools and colleges, a group of "educational institutions" and an organization (corporation, trust, foundation, association or other entity) organized and operated exclusively to receive, hold, invest and administer
property and to make expenditures to or for the sole benefit of an "educational institution" or group of "educational institutions."

Sec. 2. Paragraph 16 of Section 147 of Chapter 105 of the General Statutes of North Carolina is hereby amended to add the following at the end thereof:

For the purpose of this subdivision, the words "educational institution" shall mean only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where the educational activities are carried on.

The words "educational institution" shall be deemed to include all of such institution's departments, schools and colleges, a group of "educational institutions" and an organization (corporation, trust, foundation, association or other entity) organized and operated exclusively to receive, hold, invest and administer property and to make expenditures to or for the sole benefit of an "educational institution" or group of "educational institutions."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 444

CHAPTER 1176

AN ACT TO APPROPRIATE FUNDS TO THE STATE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE COLONIAL RECORDS PROJECT.

WHEREAS, the State has invested a total of one hundred sixty-eight thousand, five hundred seventy-four dollars ($168,574.00) in the Colonial Records Project of the State Department of Archives and History, which sum has been augmented by grants-in-aid from the Society of the Cincinnati, the Mary Reynolds Babcock Foundation, the Carolina Charter Corporation, and other sources; and

WHEREAS, the aforesaid investment will be largely lost if funds are not made available to continue the project beyond June 30, 1969; and

WHEREAS, the Z. Smith Reynolds Foundation has made a grant-in-aid of fifty thousand dollars ($50,000.00) to continue the Colonial Records Project after June 30, 1969, provided this sum is matched two dollars ($2.00) for one dollar ($1.00) from other sources; and

WHEREAS, the Carolina Charter Corporation is prepared to raise fourteen thousand dollars ($14,000.00) of these matching funds, leaving only eighty-six thousand dollars ($86,000) for the State to provide;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History, to continue the Colonial Records Project, twenty-three thousand dollars ($23,000.00) for 1969-70 and twenty-three thousand dollars ($23,000.00) for 1970-71, subject to availability of one-half of said amount from non-state funds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.
CHAPTER 1176  SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 483  CHAPTER 1177

AN ACT TO PROVIDE FUNDS FOR THE MAINTENANCE AND PROTECTION OF "BLANDWOOD," THE FORMER HOME OF GOVERNOR JOHN MOTLEY MOREHEAD IN GREENSBORO.

WHEREAS, Chapter 1308, Session Laws of 1959, established the John Motley Morehead Memorial Commission to acquire, restore, and preserve "Blandwood," the former home of Governor John Motley Morehead; and

WHEREAS, the aforesaid Commission, in cooperation with the Greensboro Preservation Society, has acquired this house and the land on which it stands for two hundred twelve thousand dollars ($212,000.00) and in addition has secured pledges for nearly two hundred thousand dollars ($200,000.00) additional for the restoration of this house; and

WHEREAS, the aforesaid Commission has a portion of the original furnishings from said house, but does not have the funds to complete its furnishing, or to landscape the grounds of the property; and

WHEREAS, at the present time there is danger to the house from fire, vandals, and other causes, and protection must be furnished to the house; and

WHEREAS, the Act referred to above provides that the State, when it is ready to accept title to this property, shall take it over and maintain it through the State Department of Archives and History;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History the sum of twelve thousand, five hundred dollars ($12,500.00) for the first year and twelve thousand, five hundred dollars ($12,500.00) for the second year of the 1969-1971 biennium for the employment of one or more caretakers, the provision of household furnishings and landscaping, fire insurance, and other steps necessary for the preservation and protection of "Blandwood," subject to the availability of one hundred and fifty thousand dollars ($150,000.00) of non-state funds to match said appropriation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 502  CHAPTER 1178

AN ACT TO APPROPRIATE FUNDS FOR HISTORIC EDE rON.

WHEREAS, the Town of Edenton is one of the most historic in the entire State of North Carolina, having been incorporated in 1722, for a number of years having been practically the capital of the Colony, and having been the scene of many significant historic events and the home of many leading political and other figures, and
WHEREAS, the town contains a very large number of historic houses, worth preserving both historically and architecturally, and

WHEREAS, in addition to countless thousands of dollars expended by private individuals, there has been spent within the past 20 years more than two hundred fifty thousand dollars ($250,000.00) for the repair, restoration, and maintenance of three structures alone, namely the James Iredell house (which is deeded to the State), the Barker house, and the Cupola house, and of this sum the State has expended one hundred thirty thousand dollars ($130,000.00) and more than one hundred twenty thousand dollars ($120,000.00) has come from nonstate sources, and

WHEREAS, the County of Chowan, the Town of Edenton, and a group of private individuals and organizations have in each case promised five thousand dollars ($5,000.00) per year for the maintenance of these historic houses for both 1969-70, a total of fifteen thousand dollars ($15,000.00) per year, and

WHEREAS, it is fitting and proper that State funds should be appropriated for the repair and restoration of the three houses listed above and in addition for the maintenance of the James Iredell house, which is State property;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History for Historic Edenton the sum of thirty thousand dollars ($30,000.00) for the biennium 1969-71 for the purposes set forth herein.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 517

CHAPTER 1179

AN ACT TO APPROPRIATE FUNDS TO REPAIR AND RESTORE THE HISTORIC JOEL LANE HOUSE IN THE CITY OF RALEIGH.

WHEREAS, the Joel Lane House in the City of Raleigh has unique historical significance, having been the home of the man who sold to the State the land on which the City of Raleigh was laid off in 1792, and

WHEREAS, this historic house has been maintained for many years by the Colonial Dames of America, and

WHEREAS, the Joel Lane House is badly in need of repair and restoration, both exterior and interior, estimated to cost twenty-five thousand dollars ($25,000.00), and

WHEREAS, the Colonial Dames have agreed to raise twelve thousand, five hundred dollars ($12,500.00), provided an equal amount will be provided by the State of North Carolina;
NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History, for repair and restoration of the Joel Lane House in the City of Raleigh, the sum of five thousand dollars ($5,000.00), provided the Colonial Dames of America shall have provided an equal amount for this purpose.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 563

CHAPTER 1180

AN ACT TO PROVIDE FOR A PROGRAM OF VOCATIONAL EDUCATION IN THE MIDDLE GRADES OF THE PUBLIC SCHOOL SYSTEM.

WHEREAS, students need more opportunities and assistance for appraisal of their own abilities, potential, interests, desires, and needs; and

WHEREAS, students need to identify vocations available in their present communities and explore occupational trends relative to a mobile work force; and

WHEREAS, educational experiences need to be made more relevant to the students and more closely identified with the world of work; and

WHEREAS, the dropout problem in our schools is of serious concern and the middle school years appear to be the most crucial period for correcting this situation;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The State Board of Education shall develop, upon the recommendation of the State Superintendent of Public Instruction, pre-vocational and industrially-oriented practical arts programs for the middle grades of the public school system as funds appropriated for this purpose will permit. A program of instruction interwoven into the curriculum, providing a thorough introduction to the world of work, may also be developed for the lower grades.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 582

CHAPTER 1181

AN ACT TO PROVIDE FOR THE NON-PARTISAN ELECTION OF THE MEMBERS OF THE AVERY COUNTY BOARD OF EDUCATION, AND TO FIX THEIR TERM OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Avery County shall consist of the five members herein named, and their successors who shall be elected for such term and in the manner hereinafter provided.
Upon ratification of this Act, the members of the Avery County Board of Education shall be Ralph Gwaltney, Scott Wiseman and Fred Hughes, whose terms shall expire on the first Monday in April, 1973; and Bill Wilkins and Miss Martha Guy, whose terms shall expire on the first Monday in April, 1971.

Sec. 2. Beginning with a special non-partisan election to be held on the last Tuesday in March, 1971, and biennially thereafter, as the terms of the above-named members expire, their successors shall be elected for terms of four years.

Sec. 3. The Avery County Board of Elections shall hold a special non-partisan election on the last Tuesday in March, 1971, and biennially thereafter, for the purpose of electing members of the Avery County Board of Education. No primary election shall be held, and except as otherwise provided in this Act, the special non-partisan election shall be held and conducted in the same manner and under the laws applicable to general elections for County officials. A new registration shall not be required and those persons duly registered on the County Registration Books shall be eligible to vote in the special election.

Sec. 4. Any qualified voter of Avery County shall be eligible to office on the Avery County Board of Education: Provided, however, no candidate's name shall appear on the ballot unless such candidate has filed, on forms to be provided by the County Board of Elections, a notice of his candidacy. Said notice must be filed with the County Board of Elections on or before the second Friday in February next preceding the special election.

Sec. 5. The candidates in the special election, equal to the number of positions to be filled, who receive the highest number of votes cast shall be declared elected. The members of the Board of Education elected in 1971 and thereafter shall qualify and take office on the first Monday in April following their election.

Sec. 6. Vacancies occurring on the Board of Education for any cause shall be filled for the unexpired term by qualified voters appointed by the remaining members of the Board of Education.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 674

CHAPTER 1182

AN ACT TO APPROPRIATE $50,000 TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR OPERATION EXPENSES (TRI-COUNTY TECHNICAL INSTITUTE UNIT).

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the Department of Community Colleges the sum of twenty-five thousand dollars ($25,000.00) for each year of the biennium (1969-71) for operation expenses to be used in connection with the Tri-County Technical Institute Unit.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
CHAPTER 1183

S. B. 682

CHAPTER 1183

AN ACT TO PROVIDE COMPENSATION TO LEMUEL PARROTT, WHO HAD BEEN UNJUSTLY CONVICTED OF A CAPITAL FELONY.

WHEREAS, Lemuel Parrott was indicted by the Grand Jury at the August 1947 Term of the Lenoir County Superior Court for the capital felony of Murder in the First Degree; and, whereas, Lemuel Parrott was brought to trial upon his plea of not guilty at the September 1947 Term of the Lenoir County Superior Court and convicted of Murder in the First Degree and sentenced to death; and, whereas, at the April 1948 Term of Lenoir County Superior Court an Order was entered granting Lemuel Parrott a new trial; and, whereas, at the September 1948 Term of Lenoir County Superior Court, Lemuel Parrott was again placed on trial for Murder and was found to be not guilty; and, whereas, the testimony at the retrial demonstrated that witnesses at the original trial perjured themselves; and

WHEREAS, a person who has been found not guilty by a jury on retrial is not eligible to receive benefits under the provisions of N.C.G.S. 148-82, inasmuch as N.C.G.S. 148-82 requires the claimant to have received a pardon from the Governor; and, whereas, an accused who has been acquitted upon retrial is not eligible to receive a pardon since he is no longer convicted of the commission of a crime; and

WHEREAS, it is fitting and proper that Lemuel Parrott be compensated for the approximately eight (8) months he was under sentence of death, and for the period in excess of one year that he was confined;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. That the State of North Carolina is hereby authorized, empowered and directed to pay to Lemuel Parrott the sum of one thousand dollars ($1,000.00) in total compensation for the time he was unjustly incarcerated, and particularly, for that time he was unjustly incarcerated under sentence of death. The sum of one thousand dollars ($1,000.00) payable hereunder shall be paid out of the Contingency and Emergency Fund, or out of any other available State Fund.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 700

CHAPTER 1184

AN ACT TO ESTABLISH THE LEGISLATIVE SERVICES COMMISSION AND TO PRESCRIBE ITS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S 120, Article 7, is hereby rewritten in its entirety to read as follows:
"Article 7.

"Legislative Services Commission

G. S. 120-31. Legislative Services Commission Organization.

"(1) The Legislative Services Commission shall consist of the President Pro Tempore of the Senate, three Senators appointed by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and three Representatives appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate, and the Speaker of the House shall serve until the selection and qualification of their respective successors as officers of the General Assembly. The initial appointive members shall be appointed upon the date of ratification of this Act and each shall serve for the remainder of his elective term of office and until his successor is appointed or until he ceases to be a member of the General Assembly, whichever occurs first. A vacancy in one of the appointive positions shall be filled in the same manner that the vacated position was originally filled, and the person so appointed shall serve for the remainder of the unexpired term of the person whom he succeeds. In the event the office of Speaker becomes vacant, the three representatives shall elect one of themselves to perform the duties of the Speaker as required by this Act. In the event the office of President Pro Tempore becomes vacant, the three senators shall elect one of themselves to perform the duties of President Pro Tempore as required by this Act. Members so elevated shall perform the duties required by this Act until a Speaker or a President Pro Tempore is duly elected by the appropriate House.

"(2) The President Pro Tempore of the Senate shall be the Chairman of the Commission in odd-numbered years and the Speaker of the House of Representatives shall be Chairman of the Commission in even-numbered years.

"(3) The Commission may elect from its membership such other officers as it deems appropriate, and may appoint other members of the General Assembly to serve on any committee of the Commission.

"(4) The Commission may adopt rules governing its own organization and proceedings.

"(5) Members of the Commission, when the General Assembly is not in session, shall be reimbursed for subsistence and travel allowance as provided for members of the General Assembly when in session for such days as they are engaged in the performance of their duties.

Sec. 2. "G. S. 120-32. Commission duties. The Legislative Services Commission is hereby authorized to:

"(1) Determine the number, titles, classification, functions, compensation, and other conditions of employment of the joint legislative service employees of the General Assembly, including but not limited to the following departments:

(a) Legislative Services Officer and Personnel
(b) Electronic Document Writing System
(c) Proofreaders
(d) Legislative Printing
(e) Enrolling clerk and personnel
(f) Library
CHAPTER 1184  SESSION LAWS—1969

(g) Research and Bill Drafting
(h) Printed Bills
(i) Disbursing and Supply

"(2) Determine the classification and compensation of employees of the respective Houses other than staff elected officers; however, the hiring of employees of each House and their duties shall be prescribed by the Rules and Administrative Regulations of the respective House.

"(3) Acquire and dispose of furnishings, furniture, equipment, and supplies required by the General Assembly, its agencies and commissions and maintain custody of same between sessions. It shall be a misdemeanor for any person(s) to remove any State-owned furniture, fixtures, or equipment from the State Legislative Building for any purpose whatsoever, except as approved by the Legislative Services Commission.

"(4) Contract for services required for the operation of the General Assembly, its agencies, and commissions; however, any departure from established operating procedures, requiring a substantial expenditure of funds, shall be approved by appropriate resolution of the General Assembly.

"(5) (a) Provide for engrossing and enrolling of bills.

(b) Appoint an Enrolling Clerk to act under its supervision in the enrollment and ratification of Acts.

"(6) (a) Provide for the duplication and limited distribution of copies of ratified laws and joint resolutions of the General Assembly and forward such copies to the persons authorized to receive same.

(b) Maintain such records of legislative activities and publish such documents as it may deem appropriate for the operation of the General Assembly.

"(7) (a) Provide for the Secretary of State to index, print, bind, and distribute the Session Laws of each regular, extra or Special Session of the General Assembly and provide for the printing and distribution of the North Carolina Manual, Directory, and Journals of each House.

(b) Provide and supply to the Secretary of State such bound volumes of the Journals and Session Laws as may be required by him to be distributed under the provisions of G. S. 147-45, G. S. 147-46.1, and G. S. 147-48."

Sec. 3. "G. S. 120-33. Duties of Enrolling Clerk.

"(1) All bills passed by the General Assembly shall be enrolled for ratification under the supervision of the Enrolling Clerk.

"(2) Prior to enrolling any bill, the Enrolling Clerk shall substitute the corresponding Arabic numeral(s) for any date or section number of the General Statutes or of any Act of the General Assembly which is written in words.

"(3) All bills shall be typewritten and carefully proofread before enrollment.

"(4) Upon ratification of an act or joint resolution, the Enrolling Clerk shall assign in Arabic numerals a chapter number to each session law and deposit the ratified laws and joint resolutions with one true copy of each with the Secretary of State.
“(5) The Enrolling Clerk shall furnish each member of the General Assembly with a legible conformed copy of all laws and joint resolutions of the General Assembly, which shall show the chapter number of any law or the number of any joint resolution, in conformity with the number assigned to the enactment.

“(6) The Enrolling Clerk upon completion of his duties after each session shall deposit the original bills and resolutions enrolled for ratification by him with the Secretary of State.

Sec. 4. “G. S. 120-34. Printing of Session Laws.

“(1) The Secretary of State, immediately upon the termination of each session of the General Assembly, shall cause to be published all the laws and joint resolutions passed at such session, whether public, private, general or special within the meaning of the constitution and without regard to classification, except that the laws and resolutions shall be kept separate and indexed separately; and the volume shall contain the certificate of the Secretary of State that it was printed under the direction of the Office of the Secretary of State and from ratified acts and resolutions on file in the office of the Secretary of State. In printing, the certificate required to be endorsed upon the original bills and resolutions shall be omitted; but immediately at the end of each law or resolution shall be inserted the word "Ratified" adding the day, month, and year.

“(2) All index references with respect to the Session Laws shall refer to the chapter numbers of such laws in lieu of page numbers, and all index references to resolutions shall refer to the resolution numbers of the resolutions in lieu of page numbers, to the end that the indexes shall thereby be made consistent with the index to the General Statutes which refers to the section numbers and not to page numbers.

“(3) There shall be printed not more than twenty-five hundred (2,500) volumes of the Session Laws and six hundred (600) volumes of the Journals of each House of each Session of the General Assembly, all of which shall be bound, and delivered to the Secretary of State for distribution by him under the provisions of G.S. 147-45, G.S. 147-46.1, G.S. 147-48 and other applicable statutes.

Sec. 5. “G. S. 120-35. Payments for Expenses. Actual expenses for the joint operation of the General Assembly shall be paid by the State Treasurer upon authorization of the President of the Senate and the Speaker of the House of Representatives. Expenses for the operation of a single House shall be paid by the State Treasurer upon authorization of the presiding officer of the appropriate House. The President of the Senate shall advise with the President Pro Tempore of the Senate with respect to all expenditures involving joint operations and Senate operations, and the President Pro Tempore shall make his recommendations in connection therewith.

Sec. 6. "G. S. 120-36. Legislative Services Officer of the General Assembly.

“(1) The Legislative Services Officer of the General Assembly shall be appointed by and serve at the pleasure of the Legislative Services Commission, and his compensation shall be fixed by the Legislative Services Commission.

“(2) The Legislative Services Officer of the General Assembly shall perform such duties as are assigned to him by the Legislative Services Commission and shall be available to the Legislative Research Commission to provide such clerical, printing, drafting, and research duties as are necessary to the proper functions of the Legislative Research Commission."
CHAPTER 1184  SESSION LAWS—1969

Sec. 7. G. S. 120, Article 8 is hereby rewritten in its entirety to read as follows:
"G. S. 120-37. Elected Officers - Staff."

"(1) Each House shall elect a principal clerk, reading clerk, and sergeant-at-arms, each of whom shall serve for a term of two years, each of whom shall serve at the pleasure of the respective House or until his successor is elected.

(2) The salary of the staff elected officers of each House, during any session of the General Assembly, shall be as follows:

(a) Principal Clerk $168.00 per week
(b) Sergeant-at-arms 126.00 per week
(c) Reading Clerk 126.00 per week

The elected officers listed in this Section shall also receive subsistence at the same daily rate as provided for members of the General Assembly, and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return."

"(3) Upon the adjournment of any session of the General Assembly, the Principal Clerk of each House upon completion of the duties of their respective offices shall cause to be delivered to the office of the Secretary of State any bill or resolution that failed to be enacted or adopted and shall deposit all calendar books and such other records that may be deemed to be appropriate for safe keeping.

"(4) The principal clerks and sergeants-at-arms of the Senate and House of Representatives, at such times as may be designated by the Legislative Services Commission, together with such assistants as may be necessary in arranging for the opening of the Senate and House of the General Assembly before the days for convening thereof, and such necessary services as are rendered after adjournment, shall receive the same salary and subsistence as shall be allowed by law to the said clerks, sergeants-at-arms, and their assistants during the session of the General Assembly. The principal clerks of the General Assembly shall be allowed seventeen hundred dollars ($1,700.00) as additional compensation for services required to be performed by them between regular sessions of the General Assembly, including the indexing and transcribing of a copy of their respective journals, which shall be filed in the Office of the Secretary of State. The State Treasurer is directed to issue his warrants for such officers and clerks and for such time as is certified to by the President of the Senate and the Speaker of the House upon vouchers signed by them."

Sec. 8. The following Sections of the General Statutes are hereby repealed:
G. S. 120-21; G. S. 120-22; G. S. 120-30.15; G. S. 120-30.17(3); G. S. 120-30.17(4);
G. S. 147-40; G. S. 147-43.1; G. S. 147-43.2; and 147-43.3.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect upon and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
S. B. 801

CHAPTER 1185

AN ACT TO AMEND SECTION 105-296.1 OF THE GENERAL STATUTES TO REQUIRE FOUNDATIONS HOLDING TIMBERLAND FOR THE BENEFIT OF AN EDUCATIONAL INSTITUTION TO PAY A PERCENTAGE OF GROSS RECEIPTS TO COUNTY IN LIEU OF AD VALOREM TAXES OTHERWISE ASSESSED.

The General Assembly of North Carolina do enact:

Section 1. Chapter 105-296.1 of the General Statutes is hereby rewritten to read as follows:

"G.S. 105-296.1. Timberland owned by State. (a) Any State department or agency owning timberland or leasing, controlling or administering timberland owned by the State, shall pay to each county in which said timberland is situated an amount equal to fifteen per cent (15%) of proceeds of the gross sales of trees, timber, pulpwood, and any forest products from said timberland, and said funds shall, when received, be placed in the account of the county general fund. Where the said timberland consists of a tract situated in more than one county and the timber, trees, pulpwood, or forest products are sold, or cut, removed and sold from the entire tract, then the percentage of gross sales as herein prescribed shall be divided and paid to said county boards on the basis of the acreage located in the respective counties.

"(b) Any other organization (corporation, trust, foundation, association or other entity) owning timberland which is organized and operated exclusively to receive, hold, invest and administer property and to make expenditures to or for the sole benefit of an educational institution shall in lieu of paying the county taxes otherwise assessed against such timberland, make the payments prescribed in subsection (a) above or ten cents (10¢) per acre per year, whichever is greater.

"(c) This section shall not apply to the proceeds of sale of trees, timber, pulpwood, or forest products directly paid to or received by the State Board of Education, or any other State educational institution, or the North Carolina Department of Agriculture from its research stations and experimental farm lands: Provided, that where State forests are held, leased, or administered by the Prison Department, or as held, leased or administered by the Department of Conservation and Development as provided by G.S. 113-34, or by the Wildlife Resources Commission, said departments, instead of payment as above prescribed, may elect permanently to subject such State forests to county taxes assessed on the same basis as are private lands, and pay said taxes from the proceeds of revenue received and collected by said departments to the board of county commissioners of the county in which said forest is situated, but all fire towers, buildings and all other permanent improvements shall be exempt from assessment. Provided that the provisions of this section shall not apply to lands under the control of the Hospitals Board of Control."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

1365
AN ACT TO RAISE THE SALARY OR PER DIEM OF CERTAIN OFFICIALS OF THE GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-43.1 is amended by deleting from the last sentence the words and figures "forty-five dollars ($45.00)" and inserting in lieu thereof the words and figures "fifty-five dollars ($55.00)".

Sec. 2. G. S. 7A-43.2 is amended by deleting from subsection (b) the words and figures "thirty-five dollars ($35.00)" and inserting in lieu thereof the words and figures "forty-five dollars ($45.00)".

Sec. 3. G. S. 7A-101 is amended by rewriting the table in subparagraph (a) to read as follows:

<table>
<thead>
<tr>
<th>Population</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10,000</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>10,000 to 19,999</td>
<td>7,650.00</td>
</tr>
<tr>
<td>20,000 to 49,999</td>
<td>10,200.00</td>
</tr>
<tr>
<td>50,000 to 99,999</td>
<td>11,500.00</td>
</tr>
<tr>
<td>100,000 to 149,999</td>
<td>13,200.00</td>
</tr>
<tr>
<td>150,000 to 199,999</td>
<td>15,500.00</td>
</tr>
<tr>
<td>200,000 and above</td>
<td>18,000.00</td>
</tr>
</tbody>
</table>

Sec. 4. G. S. 7A-163 is amended by deleting from the last sentence of the second paragraph the words and figures "forty-five dollars ($45.00)" and inserting in lieu thereof the words and figures "fifty dollars ($50.00)".

Sec. 5. G. S. 7A-165 is amended by deleting from the second paragraph the words and figures "thirty-five dollars ($35.00)" and inserting in lieu thereof the words and figures "forty-five dollars ($45.00)".

Sec. 6. G. S. 7A-172 is amended by deleting the words and figures "six thousand dollars ($6,000.00)" and inserting in lieu thereof the words and figures "seventy-two hundred dollars ($7,200.00)".

Sec. 7. G. S. 7-44 is hereby amended by rewriting the first sentence thereof to read as follows: 'Effective July 1, 1969, solicitors shall receive as full compensation for their services fourteen thousand five hundred dollars ($14,500.00) per year, except that solicitors who qualified July 1, 1967, or who qualify July 1, 1969, as full-time solicitors under G. S. 7-45(6) shall receive sixteen thousand five hundred dollars ($16,500.00) per year'.

Sec. 8. Partial invalidity. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. Effective Date. Except as otherwise provided in this Act, this Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
H. B. 674  

CHAPTER 1187  

AN ACT TO PROTECT THE WINSTON-SALEM/FORSYTH COUNTY PUBLIC SCHOOLS FROM PERSONS CARRYING FIREARMS AND OTHER WEAPONS.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to possess, or carry, whether concealed or not, any gun, rifle, pistol, shotgun, pump-gun, Bowie knife, dirk, dagger, switch-blade knife, blackjack, metallic knucks or other weapon of like character or kind in any Winston-Salem/Forsyth County public school building or on any Winston-Salem/Forsyth County public school campus or grounds, any Winston-Salem/Forsyth County public school recreation area, athletic field or other property owned, used or operated by the Winston-Salem/Forsyth County board of education for the administration of the Winston-Salem/Forsyth County school system. For the purpose of this Section, a self-opening or switch-blade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or similar contrivance. This Section shall not apply to the following persons: officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the National Guard when called into actual service, officers of the State, or of any county, city, town or township, charged with the execution of the laws of the State, when acting in the discharge of their official duties, any pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties and any other person who has requested and received permission from the principal of the school to carry arms or weapons onto and upon Winston-Salem/Forsyth County public school property.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction, plea of guilty, or plea of nolo contendere shall be punished by not less than a fine of fifty dollars ($50.00) or imprisonment for thirty days or by both such fine and imprisonment or not more than a fine of five hundred dollars ($500.00) or imprisonment for six months or by both such fine or imprisonment.

Sec. 3. The provisions of this Act shall apply to Forsyth County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 879  

CHAPTER 1188  

AN ACT TO AMEND CHAPTER 1108 OF THE 1967 SESSION LAWS TO PROVIDE CHANGES ONLY WITH RESPECT TO PROJECTS WHOLLY OR PARTIALLY SELF-LIQUIDATING.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to amend the CAPITAL IMPROVEMENT APPROPRIATIONS ACT OF 1967, Chapter 1108 of the 1967 Session Laws of North Carolina, with respect to projects wholly or partially self-liquidating in order to
more nearly meet the needs of the institutions, by increasing the allowance from three thousand four hundred dollars ($3,400.00) to an amount not to exceed three thousand nine hundred dollars ($3,900.00) per student occupant.

Sec. 2. Portions of said Chapter 1108 of the 1967 Session Laws beginning with Section 4 on Page 1638 of the 1967 Session Laws, under the heading EDUCATION and respective institutional sub-headings as indicated and affecting only projects listed in this Act are hereby amended to read as follows:

**Western Carolina University**
3. Two 400 Student Dormitories
   - Buildings ........................................ $2,988,000
   - Equipment ....................................... 132,000
   - Total ........................................... $3,120,000
   - Less Self-Liquidating .......................... $3,120,000

**Appalachian State University**
4. Dormitories for 1200 Students
   - Buildings ....................................... $4,610,000
   - Equipment ....................................... 70,000
   - Total ........................................... $4,680,000
   - Less Self-Liquidating .......................... $4,680,000

**Wilmington College**
1. Dormitory for 200 Students
   - Building ......................................... $ 745,000
   - Equipment ....................................... 35,000
   - Total ........................................... $ 780,000
   - Less Self-Liquidating .......................... $ 440,000
   - Net .............................................. $ 340,000

2. Dormitory for 200 Students
   - Building ......................................... $ 745,000
   - Equipment ....................................... 35,000
   - Total ........................................... $ 780,000
   - Less Self-Liquidating .......................... $ 440,000
   - Net .............................................. $ 340,000

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1199

**CHAPTER 1189**

AN ACT TO PROVIDE FUNDS FOR PLANNING AND DEVELOPING A CURRICULUM FOR THE SCHOOL OF MEDICINE AUTHORIZED BY G.S. 116-46.4.

*The General Assembly of North Carolina do enact:*

**Section 1.** The sum of three hundred seventy-five thousand dollars ($375,000.00) is hereby appropriated from the General Fund of the State to East Carolina University in addition to any and all funds appropriated by the 1969 General Assembly
for the 1969-71 biennium, to be used for planning and developing a two-year curriculum for the School of Medicine authorized by G.S. 116-46.4, subject to the provisions of said Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1221

CHAPTER 1190

AN ACT TO EXTEND THE DISTRICT COURT SYSTEM TO SEVENTEEN ADDITIONAL COUNTIES, TO MAKE CERTAIN ADDITIONS AND REVISIONS TO GENERAL STATUTES CHAPTER 7A (“THE JUDICIAL DEPARTMENT”), TO REPEAL, REVISE, OR TRANSFER VARIOUS SECTIONS OF GENERAL STATUTES CHAPTER 7 (“COURTS”), AND FOR OTHER RELATED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 7A-6(a) is amended by deleting from the first sentence the words "a reporter" and inserting in lieu thereof the words "one or more reporters"; by deleting from the second and third sentences the word "reporter" and inserting in lieu thereof the word "reporters"; and by deleting the last sentence. G. S. 7A-6(c) is amended by inserting after the word "clerk" in line four the words "each district court prosecutor, ".

Sec. 2. G.S. 7A-11 is amended by inserting at the end of subsection (a) a sentence to read as follows: "Before entering upon the duties of his office, the clerk shall take the oath of office prescribed by law.", and by deleting subsection (b).

Sec. 3. G.S. 7A-16 is amended by rewriting the last sentence of the first paragraph to read as follows: "Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice."

Sec. 4. G.S. 7A-42 is renumbered G.S.7A-40, and the following new section is inserted immediately thereafter:

"G.S. 7A-41. Superior Court Divisions and Districts; judges; assistant solicitors. The counties of the state are organized into four judicial divisions and 30 judicial districts, and each district has the counties, the number of regular resident superior court judges, and the number of full-time assistant solicitors set forth in the following table:

<table>
<thead>
<tr>
<th>Judicial Division</th>
<th>Judicial District</th>
<th>Counties</th>
<th>No. of Resident Judges</th>
<th>No. of Full-time Asst. Solicitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>1</td>
<td>Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Beaufort, Hyde, Martin, Tyrrell, Washington</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Carteret, Craven, Pamlico, Pitt</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Duplin, Jones, Onslow, Sampson</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

1369
### Judicial Division

<table>
<thead>
<tr>
<th>Judicial Division</th>
<th>Judicial District</th>
<th>Counties</th>
<th>No. of Resident Judges</th>
<th>No. of Full-time Asst. Solicitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>5</td>
<td>New Hanover, Pender</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>Bertie, Halifax, Hertford, Northampton</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Edgecombe, Nash, Wilson</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>Greene, Lenoir, Wayne</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Second</td>
<td>9</td>
<td>Franklin, Granville, Person, Vance, Warren</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>Wake</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>Harnett, Johnston, Lee</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>Cumberland, Hoke</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>13</td>
<td>Bladen, Brunswick, Columbus</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>Durham</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>Alamance, Chatham, Orange</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>Robeson, Scotland</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Third</td>
<td>17</td>
<td>Caswell, Rockingham, Stokes, Surry</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>Guilford</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>19</td>
<td>Cabarrus, Montgomery, Randolph, Rowan</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>Anson, Moore, Richmond, Stanly, Union</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>21</td>
<td>Forsyth</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>Alexander, Davidson, Davie, Iredell</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>Alleghany, Ashe, Wilkes, Yadkin</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Fourth</td>
<td>24</td>
<td>Avery, Madison, Mitchell, Watauga, Yancey</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>25</td>
<td>Burke, Caldwell, Catawba</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>26</td>
<td>Mecklenburg</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>Cleveland, Gaston, Lincoln</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>28</td>
<td>Buncombe</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>29</td>
<td>Henderson, McDowell, Polk, Rutherford, Transylvania</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

In a district having more than one regular resident judge, the judge who has the most continuous service on the superior court is the senior regular resident superior court judge. If two judges are of equal seniority, the oldest judge is the senior regular resident judge. In a single judge district, the single judge is the senior regular resident judge.
Senior regular resident judges and regular resident judges possess equal judicial jurisdiction, power, authority and status, but all duties placed by the Constitution or statutes on the resident judge of a judicial district, including the appointment to and removal from office, which are not related to a case, controversy, or judicial proceeding and which do not involve the exercise of judicial power, shall be discharged by the senior regular resident judge. A senior regular resident superior court judge in a multi-judge district, by notice in writing to the Administrative Officer of the Courts, may decline to exercise the authority vested in him by this Section, in which event such authority shall be exercised by the regular resident judge next senior in point of service or age, respectively.

Full-time assistant solicitors are not authorized under this Section until January 1, 1971."

Sec. 5. G.S. 7A-61 is amended by inserting after the first sentence the following: "Effective January 1, 1971, the solicitor shall also represent the State in juvenile cases in which the juvenile is represented by an attorney."

Sec. 6. G.S. 7A-63 is amended by deleting "G.S. 7A-133" in line two, and inserting in lieu thereof "this subchapter."

Sec. 7. G.S. 7A-95 is amended by the insertion of the following sentence at the end of subparagraph (c): "If stenotype, shorthand, or stenomask equipment is used, the original tapes, notes, discs or other records are the property of the State, and the clerk shall keep them in his custody."

Sec. 8. G.S. 7A-102.1 is amended by inserting in line two of subsection (a), after the word "State", a comma and the words "secretaries to superior court judges and solicitors," and by deleting from the first sentence of subsection (b) the words "office of the clerk of the superior court" and inserting in lieu thereof the words "Judicial Department."

Sec. 9. G.S. 7A-103 is amended by deleting from the first sentence the words "and the Department of Administration."

Sec. 10. G.S. 7A-133 is amended as follows:

(a) In the first sentence delete the words "and full-time assistant prosecutors" and in the table heading delete the words "Full-Time Assistant Prosecutors" and the numbers under this heading, effective January 1, 1971;

(b) In the table, increase from "3" to "4" the number of judges to which the 25th Judicial District is entitled, effective the first Monday in December, 1966; increase from "6" to "7" the number of judges to which the 18th and 26th judicial districts are entitled, effective the first Monday in December, 1968; increase from "3" to "4" the number of full-time assistant prosecutors to which the 18th and 26th judicial districts are entitled; and increase from "0" to "1" the number of full-time assistant prosecutors to which the 14th judicial district is entitled;

(c) In the table, delete the present minimum and maximum quotas of magistrates for Stanly, Anson, Richmond, Moore, Duplin, Beaufort, Onslow, Pitt, Johnston, Harnett, and Guilford counties, and insert the following quotas in lieu thereof:

```
<table>
<thead>
<tr>
<th>County</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplin</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Stanly</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Anson</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Richmond</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Moore</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Beaufort</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Onslow</td>
<td>8</td>
<td>10</td>
</tr>
</tbody>
</table>
```

1371
CHAPTER 1190  Session Laws—1969

Pitt  9  11
Johnston  10  12
Harnett  7  9
Guilford  17  22

(d) In the table increase from "1" to "2" the number of full-time assistant prosecutors for the 27th Judicial District;

(e) In the table, insert consecutively by judicial district numbers, the following allowances of judges and magistrates, and additional seats of court:

<table>
<thead>
<tr>
<th>&quot;District&quot;</th>
<th>Judges</th>
<th>County</th>
<th>Magistrates Min.-Max.</th>
<th>Add. Seats of Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>4</td>
<td>Caswell</td>
<td>2-3</td>
<td>Reidsville</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rockingham</td>
<td>4-8</td>
<td>Eden</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Madison</td>
</tr>
<tr>
<td>19</td>
<td>5</td>
<td>Stokes</td>
<td>2-3</td>
<td>Mt. Airy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Surry</td>
<td>4-6</td>
<td>Kannapolis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cabarrus</td>
<td>4-7</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Montgomery</td>
<td>2-3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Randolph</td>
<td>4-6</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rowan</td>
<td>4-8</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>4</td>
<td>Alexander</td>
<td>2-3</td>
<td>Thomasville</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Davidson</td>
<td>5-7</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Davie</td>
<td>2-3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Iredell</td>
<td>4-6</td>
<td>Mooresville</td>
</tr>
<tr>
<td>23</td>
<td>2</td>
<td>Alleghany</td>
<td>1-2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ashe</td>
<td>2-3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wilkes</td>
<td>4-6</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yadkin</td>
<td>2-3</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>4</td>
<td>Buncombe</td>
<td>6-10</td>
<td></td>
</tr>
</tbody>
</table>

(f) Session Laws of 1967, Chapter 1049, Section 5(2), which would have amended this Section effective January 1, 1971, is repealed.

Sec. 11. G.S. 7A-140 is amended by rewriting the last paragraph to read as follows:

"Before entering upon his duties, each district judge, in addition to other oaths prescribed by law, shall take the oath of office prescribed for a judge of the General Court of Justice."

Sec. 12. G.S. 7A-160 is amended in line ten by inserting after the fourth sentence the following: "The prosecutor shall also represent the State in juvenile cases in which the juvenile is represented by an attorney."

Sec. 13. G.S. 7A-170 is amended by rewriting the second sentence to read as follows: "Before entering upon the duties of his office, a magistrate shall take the oath of office prescribed for a magistrate of the General Court of Justice."

Sec. 14. G.S. 7A-180 is amended by rewriting subparagraph "(3)" to read as follows: "(3) Immediately sets up and thereafter maintains, under the supervision of the Administrative Office of the Courts, an office of uniform consolidated records of all judicial proceedings in the superior court division and the district court division of the General Court of Justice in his county. Those records shall include civil actions, special proceedings, estates, criminal actions, juvenile actions, minutes of the court and all other records required by law to be maintained. The form and
procedure for filing, docketing, indexing, and recording shall be as prescribed by the Administrative Officer of the Courts notwithstanding any contrary statutory provision as to the title and form of the record or as a method of indexing.; and by deleting subparagraph (4) and renumbering subparagraphs (5), (6), (7), and (8) as subparagraphs (4), (5), (6) and (7), respectively.

Sec. 15. G.S. 7A-182 is amended by inserting at the end of subsection (b) the following sentence: "An assistant or deputy clerk assigned to a seat of district court described in this subsection shall have the same powers and authority as if he were acting in his own county."

Sec. 16. G.S. 7A-192 is amended by deleting the period at the end of the second sentence and inserting in lieu thereof a comma and the words "including causes transferred from the superior court to the district court under the provisions of this chapter."

Sec. 17. G.S. 7A-193 is amended by deleting "Chapter 1" in lines two and four, and inserting in lieu thereof "Chapters 1 and 1A."

Sec. 18. G.S. 7A-198 is amended by the insertion of the following sentence at the end of subparagraph (c): "If stenotype, shorthand, or stenomask equipment is used, the original tapes, notes, discs, or other records are the property of the state, and the clerk shall keep them in his custody."

Sec. 19. G.S. 7A-213 is amended by rewriting the fifth sentence to read as follows: "After service of the magistrate summons on the defendant, the clerk gives written notice of the assignment to the plaintiff."

Sec. 20. G.S. 7A-217 is amended by adding the following subparagraph at the end thereof: "(4) In summary ejectment cases only, service as provided in G.S. 42-29 is also authorized."

Sec. 21. G.S. 7A-224 is amended by rewriting the second and third sentences thereof to read as follows: "The judgment so rendered is a judgment of the district court, and is recorded and indexed as are judgments of the district and superior court generally."

Sec. 22. G.S. 7A-228 is amended by rewriting the third sentence to read as follows: "Appeal is perfected by serving written notice thereof on all other parties and by filing written notice with the clerk of superior court within 10 days after rendition of judgment."

Sec. 22 1/2. G. S. 7A-258(a) is amended by adding a sentence thereto, to read as follows: "A motion to transfer to another division may also be made if all parties to the action or proceeding consent thereto, and if the judge deems the transfer will facilitate the efficient administration of justice."

Sec. 23. G.S. 7A-271(a) is amended by deleting the word "or" at the end of subparagraph (3), changing the period at the end of subparagraph (4) to a semicolon, inserting the word "or", and adding a new subparagraph, to read as follows:

"(5) When a misdemeanor conviction is appealed to the superior court for trial de novo, to accept a guilty plea to a lesser-included or related charge."

Sec. 24. G.S. 7A-271 is amended by renumbering subsection (b) as subsection (c), and inserting a new subsection (b), to read as follows:

"(b) The jurisdiction of the superior court over misdemeanors appealed from the district court to the superior court for trial de novo is the same as the district court had in the first instance."

Sec. 25. G.S. 7A-273 is amended by deleting from subparagraph (5) the words "peace and".
Sec. 26. G.S. 7A-288 is amended by inserting the words "in writing" in line three, in the second sentence, after the word "clerk", and by deleting the fourth sentence, which reads: "An appeal may be withdrawn within 20 days after notice of appeal is given, or 10 days before the next criminal session of superior court convenes, whichever is later."

Sec. 27. G. S. 7A-291 is amended in subparagraph (5) by inserting the words "peace and" after the words "State, and".

Sec. 28. G.S. 7A-304 (a) is amended in subparagraph (1) by inserting the words "and subpoenas" after the words "including citations".

Sec. 29. G.S. 7A-304 (b) is amended by deleting the following words from lines three through seven: "if an appeal from the district court to the superior court is withdrawn within 20 days after notice of appeal is given, or 10 days before the next criminal session of superior court convenes, whichever is later, only the district court costs shall be assessed, and further;"

Sec. 30. G.S. 7A-307 (b) is rewritten to read as follows: "(b) The facilities fee and eight dollars ($8.00) of the General Court of Justice fee shall be paid at the time of filing of the first inventory. If the sole asset of the estate is a cause of action, the ten dollars ($10.00) shall be paid at the time of the qualification of the fiduciary."

Sec. 31. G.S. 7A-308 (a) is amended in subparagraph (12) by changing the fee for preparation of copies from "1.00" to ".50", and by rewriting subparagraph (8) to read as follows: "(8) Taking an acknowledgment or administering an oath, or both, with or without seal, each certificate (except that oaths of office shall be administered to public officials without charge)........1.00."

Sec. 31 1/2. G. S. 7A-311(a) is amended by inserting "by the sheriff" after "sales" in line one of subparagraph (3), by deleting subparagraph (5), and by renumbering subparagraph (6) as subparagraph (5).

Sec. 32. G.S. 7A-312 is amended by rewriting the first sentence to read as follows: "A juror in the General Court of Justice, including a coroner's juror, but excluding a juror in a special proceeding, shall receive eight dollars ($8.00) per day.", and by deleting the words "in lieu of daily mileage" in the second sentence.

Sec. 33. G.S. 7A-313 is amended in line three by deleting "two dollars ($2.00"

Sec. 34. G.S. 7A-314 is amended by changing the period at the end of the second sentence to a comma, and adding "except that a witness required to remain over\n
night at the site of the trial shall be furnished subsistence in lieu of daily mileage."

Sec. 34 1/2. G. S. 7A, Article 28, is amended by inserting a new Section to read as follows:

"G. S. 7A-317.1. Disposition of fees in counties with unincorporated seats of court. Notwithstanding any other provision of this Article, if a municipality listed in G. S. 7A–133 as an additional seat of district court is not incorporated, the arrest, facilities, and jail fees which would ordinarily accrue thereto, shall instead accrue to the county in which the unincorporated municipality is located."

Sec. 35. G.S. 1-282 is amended by deleting from the last sentence the colon and the words in the proviso thereafter and inserting in lieu thereof a period after the word "approved" and a sentence as follows: "If it appears that the case on appeal cannot be served within the time prescribed above, the trial judge may, for good cause and after reasonable notice to the opposing party or counsel, enter an order or successive orders extending the time for service of the case on appeal and of the countercase or exceptions to the case on appeal. The initial order of extension
must be entered prior to expiration of the statutory time for service of the case on appeal, and any subsequent order of extension must be entered prior to the expiration of the time allowed by the preceding order, and all additional time or times granted in such order or orders of extension must terminate within sufficient time to enable appellant to docket the record on appeal in accordance with the requirements of the rules of the appellate court."

Sec. 36. G.S. 7-42 is revised, renumbered, and transferred to Chapter 7A to read as follows:

"G.S. 7A-44. Salary and expenses of superior court judge. A judge of the superior court, regular or special, shall receive the annual salary set forth in the Budget Appropriations Act, and in addition shall be allowed five thousand dollars ($5,000.00) per year, payable monthly, in lieu of necessary travel and subsistence expenses while attending court or transacting official business at a place other than in the county of his residence and in lieu of other professional expenses incurred in the discharge of his official duties. The Administrative Officer of the Courts may also reimburse superior court judges, in addition to the above funds for travel and subsistence, for travel and subsistence expenses incurred outside of the state for professional education."

Sec. 37. G.S. 7-44 is amended in line three by inserting after the date "July 1, 1968" the words "or July 1, 1969".

Sec. 38. G.S. 7-45 (b) is amended by inserting after "July 1, 1968," in line two the words and figures "or July 1, 1969.".

Sec. 39. G.S. 7-52 is revised, renumbered, and transferred to Chapter 7A, to read as follows:

G.S. 7A-48. Jurisdiction of emergency judges. Emergency superior court judges have the same power and authority in all matters whatsoever, in the courts which they are assigned to hold, that regular judges holding the same courts would have. An emergency judge duly assigned to hold the courts of a county or judicial district has the same powers in the district in open court and in chambers as the resident judge or any judge regularly assigned to hold the courts of the district would have, but his jurisdiction in chambers extends only until the session is adjourned or the session expires by operation of law, whichever is later."

Sec. 40. G.S. 7-53 is revised, renumbered, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-49. Orders returnable to another judge; notice. When any special or emergency judge makes any matter returnable before him, and thereafter he is called upon by the Chief Justice to hold court elsewhere, he shall order the matter heard before some other judge, setting forth in the order the time and place where it is to be heard, and he shall send copies of the order to the attorneys representing the parties in such matter."

Sec. 41. G.S. 7-54, G.S. 7-55, G.S. 7-58, and G.S. 7-60 are rewritten, combined, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-45. Special judges; appointment; removal; vacancies; authority: (a) The Governor may appoint eight special superior court judges. A special judge takes the same oath of office and is subject to the same requirements and disabilities as is or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district. Initial appointments made under this Section shall be to terms of office beginning July 1, 1967, and expiring
June 30, 1971. As the terms expire, the Governor may appoint successors for terms of four years each.

(b) A special judge is subject to removal from office for the same causes and in the same manner as a regular judge of the superior court, and a vacancy occurring in the office of special judge is filled by the Governor by appointment for the unexpired term.

(c) A special judge, in any court in which he is duly appointed to hold, has the same power and authority in all matters whatsoever that a regular judge holding the same court would have. A special judge, duly assigned to hold the court of a particular county, has during the session of court in that county, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same session of court.

(d) A special judge is authorized to settle cases on appeal and to make all proper orders in regard thereto after the time for which he was commissioned has expired."

Sec. 42. G.S. 7-61.1 is revised, renumbered, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-47. Powers of regular judges holding courts by assignment or exchange. A regular superior court judge, duly assigned to hold the courts of a county, or holding such courts by exchange, shall have the same powers in the district in open court and in chambers as the resident judge or any judge regularly assigned to hold the courts of the district has, and his jurisdiction in chambers shall extend until the session is adjourned or the session expires by operation of law, whichever is later."

Sec. 43. G.S. 7-62 is revised, renumbered, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-49.1. Disposition of motions when judge disqualified. Whenever a judge before whom a motion is made, either in open court or in chambers, disqualifies himself from determining it, he may in his discretion refer the motion for disposition to the resident judge or any judge regularly holding the courts of the district or of any adjoining district, who shall have full power and authority to hear and determine the motion in the same manner as if he were the presiding judge of the district in which the cause arose."

Sec. 44. G.S. 7-72 and G.S. 7-73 are revised, combined, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-49.2. Civil business at criminal sessions; criminal business at civil sessions. (a) At criminal sessions of court, motions in civil actions may be heard upon due notice, and trials in civil actions may be heard by consent of parties. Motions for confirmation or rejection of referees' reports may also be heard upon ten days notice and judgment may be entered on such reports. The court may also enter consent orders and consent judgments, and try uncontested civil actions and uncontested divorce cases.

(b) For sessions of court designated for the trial of civil cases only, no grand juries shall be drawn and no criminal process shall be made returnable to any civil session."

Sec. 45. G.S. 7-73.1 is revised, renumbered, and transferred to Chapter 7A, to read as follows:
"G.S. 7A-49.3. Calendar for criminal trial sessions. (a) At least one week before the beginning of any session of the superior court for the trial of criminal cases, the solicitor shall file with the clerk of superior court a calendar of the cases he intends to call for trial at that session. The calendar shall fix a day for the trial of each case listed thereon. The solicitor may place on the calendar for the first day of the session all cases which will require consideration by the grand jury without obligation to call such cases for trial on that day. No case on the calendar may be called for trial before the day fixed by the calendar except by consent or by order of the court. Any case docketed after the calendar has been filed with the clerk may be placed on the calendar at the discretion of the solicitor.

(b) All witnesses shall be subpoenaed to appear on the date listed for the trial of the case in which they are witnesses. Witnesses shall not be entitled to prove their attendance for any day or days prior to the day on which the case in which they are witnesses is set for trial, unless otherwise ordered by the presiding judge.

(c) Nothing in this Section shall be construed to affect the authority of the court in the call of cases for trial."

Sec. 46. G.S.7-78, G.S. 7-80, and G.S. 7-83 are revised, combined, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-46. Special sessions. Whenever it appears to the Chief Justice of the Supreme Court that there is need for a special session of superior court in any county, he may order a special session in that county, and order any regular, special, or emergency judge to hold such session. The Chief Justice shall notify the clerk of superior court of the county, who shall initiate action under Chapter 9 of the General Statutes to provide a jury for the special session, if a jury is required.

Special sessions have all the jurisdiction and powers that regular sessions have."

Sec. 47. G.S. 7-65 is revised, renumbered, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-47.1. Jurisdiction in vacation or in session. In any case in which the superior court in vacation has jurisdiction, and all the parties unite in the proceedings, they may apply for relief to the superior court in vacation, or during a session of court, at their election. The resident judge of the judicial district and any special superior court judge residing in the district and the judge regularly presiding over the courts of the district have concurrent jurisdiction in all matters and proceedings in which the superior court has jurisdiction out of session; Provided, that in all matters and proceedings not requiring a jury or in which a jury is waived, the resident judge of the district and any special superior court judge residing in the district shall have concurrent jurisdiction with the judge holding the courts of the district and the resident judge and any special superior court judge residing in the district in the exercise of such concurrent jurisdiction may hear and pass upon such matters and proceedings in vacation, out of session or during a session of court."

Sec. 48. G.S. 7-70.2 is revised, renumbered, and transferred to Chapter 7A, to read as follows:

"G.S. 7A-42. Sessions of superior court in cities other than county seats.

"(a) Sessions of the superior court shall be held in each city in the State which is not a county seat and which has a population of 35,000 or more, according to the 1960 federal census.
(b) For the purpose of segregating the cases to be tried in any city referred to in subsection (a), and to designate the place of trial, the clerk of superior court in any county having one or more such cities shall set up a criminal docket and a civil docket, which docket shall indicate the cases and proceedings to be tried in each such city in his county. Such docket shall bear the name of the city in which such sessions of court are to be held, followed by the word "Division." Summons in actions to be tried in any such city shall clearly designate the place of trial.

(c) For the purpose of determining the proper place of trial of any action or proceeding, whether civil or criminal, the county in which any city described in subsection (a) is located shall be divided into divisions, and the territory embraced in the division in which each such city is located shall consist of the township in which such city lies and all contiguous townships within such county, such division of the superior court to be known by the name of such city followed by the word "Division." All other townships of any such county shall constitute a division of the superior court to be known by the name of the county seat followed by the word "Division." All laws, rules, and regulations now or hereafter in force and effect in determining the proper venue as between the superior courts of the several counties of the State shall apply for the purpose of determining the proper place of trial as between such divisions within such county and as between each of such divisions and any other county of the superior court in North Carolina.

(d) The clerk of superior court of any county with an additional seat of superior court may, but shall not be required to, hear matters in any place other than at his office at the county seat.

(e) The grand jury for the several divisions of court of any county in which a city described in subsection (a) is located shall be drawn from the whole county, and may hold hearings and meetings at either the county seat or elsewhere within the county as it may elect, or as it may be directed by the judge holding any session of superior court within such county; provided, however, that in arranging the sessions of the court for the trial of criminal cases for any county in which any such city is located a session of one week or more shall be held at the county seat preceding any session of one week or more to be held in any such city, so as to facilitate the work of the grand jury, and so as to confine its meetings to the county seat as fully as may be practicable. All petit jurors for all sessions of court in the several divisions of such county shall be drawn, as now or hereafter provided by law, from the whole of the county in which any such city is located for all sessions of courts in the several divisions of such county.

(f) Special sessions of court for the trial of either civil or criminal cases in any city described in subsection (a) may be arranged as by law now or hereafter provided for special sessions of the superior court.

(g) All court records of all such divisions of the superior court of any such county shall be kept in the office of the clerk of the superior court at the county seat, but they may be temporarily removed under the direction and supervision of the clerk to any such division or divisions. No judgment or order rendered at any session held in any such city shall become a lien upon or otherwise affect the title to any real estate within such county until it has been docketed in the office of the clerk of the superior court at the county seat as now or may hereafter be provided by law; provided, that nothing herein shall affect the provisions of G.S. 1-233 and the equities therein provided for shall be preserved as to all judgments and orders rendered at any session of the superior court in any such city.
(h) It shall be the duty of the board of county commissioners of the county in which any such city is located to provide a suitable place for holding such sessions of court, and to provide for the payment of the extra expense, if any, of the sheriff and his deputies in attending the sessions of court of any such division, and the expense of keeping, housing and feeding prisoners while awaiting trial.

Sec. 49. G.S. 7-76 is renumbered and rewritten to read as follows:

"G.S. 7A-96. Court adjourned by sheriff when judge not present. If the judge of a superior court shall not be present to hold any session of court at the time fixed therefor, he may order the sheriff to adjourn the court to any day certain during the session, and on failure to hear from the judge it shall be the duty of the sheriff to adjourn the court from day to day, unless he shall be sooner informed that the judge for any reason cannot hold the session."

Sec. 49 1/2. G.S. 9-2 is amended by adding the following paragraph thereto:

"The custodians of the appropriate property tax and election registration records in each county shall cooperate with the jury commission in its duty of compiling the list of jurors required by this Section."

Sec. 50. G.S. 11-11 is amended by deleting therefrom the oaths of "Judge of the Supreme Court" and "Judge of the Superior Court" and inserting in lieu thereof the oath of "Justice, Judge, or Magistrate of the General Court of Justice" which shall read as follows:

"I,______________________________, do solemnly swear (affirm) that I will administer justice without favoritism to anyone or to the State; that I will not knowingly take, directly or indirectly, any fee, gift, gratuity or reward whatsoever, for any matter or thing done by me or to be done by me by virtue of my office, except the salary and allowances by law provided; and that I will faithfully and impartially discharge all the duties of __________________ of the __________________ Division of the General Court of Justice to the best of my ability and understanding, and consistent with the Constitution and laws of the State: so help me, God."

Sec. 51. G.S. 11-11 is amended by rewriting the oath of the Clerk of the Supreme Court to read as follows:

"I,______________________________, do solemnly swear that I will discharge the duties of the office of Clerk of the Supreme Court without prejudice, affection, favor, or partiality, according to law and to the best of my skill and ability, so help me, God."

Sec. 51 1/2. G.S. 15-116 is amended by inserting "and district" after the word "superior" in line two.

Sec. 52. G.S. 84-16, as amended by Chapter 44 of Public Laws of 1969, ratified March 7, 1969, is hereby further amended by rewriting subparagraph (1) of paragraph three to read as follows: "(1) All justices, judges, full-time solicitors, and full-time prosecutors of the General Court of Justice who, at the time of their election or appointment, are members in good standing of the North Carolina State Bar."

Sec. 53. G.S. 115-99 is amended by adding the following sentences to the end thereof: "This Section shall not apply in any county in which the district court has been established. This Section is repealed effective January 1, 1971."

Sec. 54. G.S. 147-45 is amended as follows:

(a) in the table of paragraph one by deleting the words "Supreme Court Reports" from the heading of the third column and inserting in lieu thereof the words "Appellate Division Reports"; by deleting the number "10" from the third column to the
right of the words "Attorney General" and inserting in lieu thereof the number "11"; by deleting the number "71" from the third column to the right of the words "Industrial Commission" and inserting in lieu thereof the number "8"; by inserting the words "Judges of the Court of Appeals" after the words "Justices of the Supreme Court" and inserting "1 each" in the three columns to the right thereof; by inserting the words "Clerk of the Court of Appeals" after the words "Clerk of the Supreme Court" and inserting the number "1" in each of the first two columns and the number "0" in the third column thereafter; by inserting in the second page of the table after the words "State Library" the words "Legislative Building Library" and inserting in the columns to the right thereof the number "2"; by deleting the words "Supreme Court Reporter" and inserting in lieu thereof the words "Appellate Division Reporter"; by deleting from page three of the table the words "Secretary of War" and inserting in lieu thereof the words "Secretary of Defense"; by deleting the words "Secretary of the Navy" and deleting the numbers from the columns thereafter; by deleting the words "Work Projects Administration" and deleting the numbers from the columns thereafter:

(b) in the text by deleting the words "Supreme Court Reports" from paragraphs one, three, and four and inserting in lieu thereof the words "Appellate Division Reports" wherever the former appears; by rewriting the first sentence of the second paragraph to read as follows: "Each justice of the Supreme Court and judge of the Court of Appeals shall receive for his private use one complete and up-to-date set of the Appellate Division Reports."; and by adding the words "or judge" after the word "justice" in the second sentence of the second paragraph.

Sec. 55. G.S. 147-51 is amended by deleting the first paragraph and, in the second paragraph, by deleting the words "Supreme Court Reports" and inserting in lieu thereof the words "Appellate Division Reports".

Sec. 56. G.S. 163-106 is amended by inserting in subsection (d) the words "or two or more vacancies for the office of district court judge" after the words "office of superior court judge".

Sec. 57. Laws Repealed. (a) G.S. 7A-17, 7A-36, 114-10, and 114-11 are repealed.

(b) The following Sections of G.S. Chapter 7 are repealed: 7-40, 7-41, 7-43, 7-46, 7-47, 7-48, 7-49, 7-57, 7-59, 7-61, 7-63, 7-64, 7-66, 7-67, 7-68(a), 7-68.1, 7-68.2, 7-68.3, 7-68.4, 7-68.5, 7-68.6, 7-68.7, 7-68.8, 7-68.9, 7-69, 7-74, 7-77, 7-81, 7-82, 7-84, 7-85, 7-86, 7-87, 7-88, 7-92.1, 7-92.2, 7-92.3, 7-240, 7-241, 7-242, 7-296.1 through 296.18.

(c) G.S. Chapter 151 (Constables) is repealed effective January 1, 1971.

(d) All other laws and parts of laws in conflict with this Act are also repealed.

Sec. 58. Partial invalidity. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 59. Effective Date. Except as otherwise provided in this Act, this Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
H. B. 1326  
CHAPTER 1191
AN ACT AUTHORIZING WATERSHED IMPROVEMENT PROGRAMS IN MECKLENBURG COUNTY AND TO AUTHORIZE MECKLENBURG COUNTY TO LEVY, COLLECT AND EXPEND FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mecklenburg County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed two cents (2¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139, of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1347  
CHAPTER 1192
AN ACT TO AMEND CHAPTER 684 OF THE 1963 SESSION LAWS WITH RESPECT TO FAYETTEVILLE STATE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 684, Session Laws of 1963, Section 4, under the heading of "Fayetteville State Teachers College" is amended by deleting Item 6, Student Center, in its entirety and substituting therefor:

6. Student Center ............................................................ $750,000
   Less Self-Liquidating ................................................... 750,000
   0

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1349  
CHAPTER 1193
AN ACT TO APPROPRIATE FUNDS FOR THE VISITOR CENTER-MUSEUM AT ALAMANCE BATTLEGROUND STATE HISTORIC SITE.

WHEREAS, on May 16, 1771, a body of some 2,000 Piedmont farmers and tradesmen, calling themselves The Regulators, protesting corrupt government in the royal colony of North Carolina, met and were defeated by the forces of Royal Governor William Tryon in the Battle of Alamance, and

WHEREAS, these North Carolinians continue to live in the memory of our people as examples of their dedication to the principles of liberty and self-government, and

1381
CHAPTER 1193  
SESSION LAWS—1969

WHEREAS, the Visitor Center-Museum at Alamance Battleground State Historic Site is in great need of renovation and enlargement, and

WHEREAS, it will be appropriate on May 16, 1971, for the State of North Carolina officially to commemorate the two-hundredth anniversary of this significant historical event with the dedication of a memorial building worthy of the importance of the battle;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Department of Archives and History, for the purpose of renovating and enlarging the Visitor Center-Museum at Alamance Battleground State Historic Site, and of installing exhibits therein, the sum of fifty thousand dollars ($50,000.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1375  

CHAPTER 1194

AN ACT TO AMEND CHAPTER 876 OF THE SESSION LAWS OF 1965 RELATING TO THE PROPOSED CORPORATE LIMITS OF THE TOWN OF KING.

The General Assembly of North Carolina do enact:

Section 1. Section 2.1 of the proposed Charter of the Town of King, as enacted by Chapter 876 of the Session Laws of 1965, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"The corporate boundaries shall also encompass and include all that territory south of the boundary described in the preceding paragraph, being bounded by the southern line described in the preceding paragraph and the following line;

BEGINNING at a point in the southern line of the American Legion property 300 feet west of the center line of the King-Tobaccoville road and following a line parallel to and 300 feet west of the center line of said road to the center line of the Jefferson Church road extension west; thence following the center line of the Jefferson Church road in an eastwardly direction to a point which is the corner of the Fortis Enterprise property and the B. A. Turner estate property; thence following said property line in a northward direction to the corner of the B. A. Turner estate property and the Twin Springs Development property; thence in an eastward direction along the line of the Twin Springs property and the B. A. Turner estate property to the corner in the Twin Springs property line; thence in a northward direction along the Twin Springs property line and the Bill Spainhour property line to the center of the Spainhour road; thence in an eastward direction along the Dunnwoody Estates property line to their corner; thence in a northward direction following the Dunnwoody Estates property line to their northeast corner; thence in a westward direction along the Dunnwoody Estates property line and the Cling Garner property line to the Dunnwoody Estates property corner and in the same direction through the Willis..."
Nance property to a point which is 300 feet east of the center line of the Kirby road; thence following a line 300 feet east of the center line of the Kirby Road in a northeastwardly direction to the southeast corner of the Roy Watts property."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1380

CHAPTER 1195

AN ACT TO AMEND SECTIONS 105-306(26), 105-308, 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of Cumberland is hereby authorized and empowered to prescribe regulations of the type and form of oath, or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Cumberland County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309, and G. S. 105-310 shall be applicable to Cumberland County except insofar as they are inconsistent with regulations of the Board of Commissioners of Cumberland County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 3. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Cumberland County. If the Board of Commissioners of Cumberland County has adopted regulations relating to any matter covered by this Act, the listing in Cumberland County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 as amended shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of Commissioners.

Sec. 4. This Act shall apply only to Cumberland County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
CHAPTER 1196  SESSION LAWS—1969

H. B. 1388  CHAPTER 1196

AN ACT AMENDING CHAPTER 1057 OF THE 1967 SESSION LAWS OF THE STATE OF NORTH CAROLINA RELATING TO THE POWERS AND AUTHORITY OF THE GASTON REGIONAL PLANNING COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 1057 of the 1967 Session Laws of the State of North Carolina be and the same is hereby amended by adding the following thereto:

(e) A regional planning commission as defined in Article 23, Chapter 153 of the General Statutes of North Carolina.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1401  CHAPTER 1197

AN ACT TO MAKE CHAPTER 708 OF THE 1969 SESSION LAWS RELATING TO COLLECTION OF DELINQUENT AMBULANCE SERVICE CHARGES APPLICABLE TO HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 708, Session Laws of 1969, is hereby amended by inserting in Section 5 thereof immediately after the word "Halifax", the word "Hertford".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 853  CHAPTER 1198

AN ACT AMENDING CHAPTER 1051 OF THE SESSION LAWS OF 1967 RELATING TO THE NORTH CAROLINA STADIUM AUTHORITY SO AS TO PERMIT NOTES ISSUED BY THE AUTHORITY TO BEAR THE LEGAL RATE OF INTEREST.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1051 of the Session Laws of 1967 is amended as follows:

(a) by striking from Section 10, line 9 thereof, the words and figure "not exceeding six per centum (6%) per annum" and inserting in lieu thereof the words "as the Authority may set."

(b) by striking from the last paragraph of Section 10, on lines 4 and 5 thereof, the words and figure "six per centum (6%) per annum" and inserting in lieu thereof the words "such rate of interest as the Authority may set."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
H. B. 258  

CHAPTER 1199

AN ACT TO AMEND G. S. 58-79 TO ALLOW LIMITED LEEWAY IN MAKING REAL ESTATE INVESTMENTS.

The General Assembly of North Carolina do enact:

Section 1. Section 58-79 of the General Statutes of North Carolina, as the same appears in the 1967 Cumulative Supplement to Volume 2B of the General Statutes, is hereby amended by striking out the last paragraph of subdivision (14) of subsection (a) of said section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 331  

CHAPTER 1200

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REVISE ARTICLE V CONCERNING STATE AND LOCAL FINANCE.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of North Carolina, as revised and amended by a revision and amendment submitted to the qualified voters by An Act to Revise and Amend the Constitution of North Carolina, H.B. 231, enacted as Chapter 1258 of the Session Laws of 1969, is amended as follows:

(a) Article V is rewritten to read as follows:

"Article V

"Finance

"Section 1. No capitation tax to be levied. No poll or capitation tax shall be levied by the General Assembly or by any county, city or town, or other taxing unit.

"Sec. 2. State and local taxation.

"(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

"(2) Classification. Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis and shall not be delegated. No class of property shall be taxed except by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government.

"(3) Exemptions. Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding $300, any personal property. The General Assembly may exempt from taxation not exceeding $1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. No taxing
authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

"(4) Special tax areas. Subject to the limitations imposed by Section 4, the General Assembly may enact general laws authorizing the governing body of any county, city, or town to define territorial areas and to levy taxes within those areas, in addition to those levied throughout the county, city, or town, in order to finance, provide, or maintain services, facilities, and functions in addition to or to a greater extent than those financed, provided, or maintained for the entire county, city, or town.

"(5) Purposes of property tax. The General Assembly shall not authorize any county, city or town, special district, or other unit of local government to levy taxes on property, except for purposes authorized by general law uniformly applicable throughout the State, unless the tax is approved by a majority of the qualified voters of the unit who vote thereon.

"(6) Income tax. The rate of tax on incomes shall not in any case exceed ten per cent and there shall be allowed the following minimum exemptions, to be deducted from the amount of annual incomes: to the income-producing spouse of a married couple living together, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000; and there may be allowed other deductions, not including living expenses, so that only net incomes are taxed.

"(7) Contracts. The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only.

"Sec. 3. Limitations upon the increase of State debt.

"(1) Authorized purposes; two-thirds limitation. The General Assembly shall have no power to contract debts secured by a pledge of the faith and credit of the State, unless approved by a majority of the qualified voters of the State who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;
(b) to supply an unforeseen deficiency in the revenue;
(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
(d) to suppress riots or insurrections, or to repel invasions;
(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
(f) for any other lawful purpose, to the extent of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium.

"(2) Gift or loan of credit regulated. The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State, and is approved by a majority of the qualified voters who vote thereon.

"(3) Definitions. A debt is incurred within the meaning of this Section when the State borrows money. A pledge of the faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of
this Section occurs when the State exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

"(4) Certain debts barred. The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 and 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

"(5) Outstanding debt. Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

"Sec. 4. Limitations upon the increase of local government debt.

"(1) Regulation of borrowing and debt. The General Assembly shall enact general laws relating to the borrowing of money secured by a pledge of the faith and credit and the contracting of other debts by counties, cities and towns, special districts, and other units, authorities, and agencies of local government.

"(2) Authorized purposes; two-thirds limitation. The General Assembly shall have no power to authorize any county, city or town, special district, or other unit of local government to contract debts secured by a pledge of its faith and credit unless approved by a majority of the qualified voters of the unit who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;
(b) to supply an unforeseen deficiency in the revenue;
(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
(d) to suppress riots or insurrections;
(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
(f) for purposes authorized by general laws uniformly applicable throughout the State, to the extent of two-thirds of the amount by which the unit's outstanding indebtedness shall have been reduced during the next preceding fiscal year.

"(3) Gift or loan of credit regulated. No county, city or town, special district, or other unit of local government shall give or lend its credit in aid of any person, association, or corporation, except for public purposes as authorized by general law, and unless approved by a majority of the qualified voters of the unit who vote thereon.

"(4) Certain debts barred. No county, city or town, or other unit of local government shall assume or pay any debt or the interest thereon contracted directly or indirectly in aid or support of rebellion or insurrection against the United States.

"(5) Definitions. A debt is incurred within the meaning of this Section when a county, city or town, special district, or other unit, authority, or agency of local government borrows money. A pledge of faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when a county, city or town, special district, or other unit,
authority, or agency of local government exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

"(6) Outstanding debt. Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

"Sec. 5. Acts levying taxes to state objects. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

"Sec. 6. Inviolability of sinking funds and retirement funds.

"(1) Sinking funds. The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created, except that these funds may be invested as authorized by law.

"(2) Retirement funds. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

"Sec. 7. Drawing public money.

"(1) State treasury. No money shall be drawn from the State Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually.

"(2) Local treasury. No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law."

(b) Article XIV, Sec. 3, is rewritten to read as follows:

"Sec. 3. General laws defined. Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applicable throughout the State, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable throughout the State shall be made applicable without classification or exception in every unit of local government of like kind, such as every county, or every city and town, but need not be made applicable in every unit of local government in the State. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every unit of local government, or in every
local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act."

Sec. 2. Article I, Sec. 6, Article II, Sec. 30, Article II, Sec. 31, Article VII, Sec. 6, Article VII, Sec. 7, Article VII, Sec. 9, and Article XIV, Sec. 3, of the Constitution of North Carolina, as that document read on January 1, 1969, are repealed, the remaining sections of those articles are renumbered appropriately, to close up the resulting gaps, and Article V is rewritten to read as follows:

"Article V

"Finance

"Section 1. No capitation tax to be levied. No poll or capitation tax shall be levied by the General Assembly or by any county, city or town, or other taxing unit.

"Sec. 2. State and local taxation.

"(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

"(2) Classification. Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis and shall not be delegated. No class of property shall be taxed except by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government.

"(3) Exemptions. Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding $300, any personal property. The General Assembly may exempt from taxation not exceeding $1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

"(4) Special tax areas. Subject to the limitations imposed by Section 4, the General Assembly may enact general laws authorizing the governing body of any county, city, or town to define territorial areas and to levy taxes within those areas, in addition to those levied throughout the county, city, or town, in order to finance, provide, or maintain services, facilities, and functions in addition to or to a greater extent than those financed, provided, or maintained for the entire county, city, or town.

"(5) Purposes of property tax. The General Assembly shall not authorize any county, city or town, special district, or other unit of local government to levy taxes on property, except for purposes authorized by general law uniformly applicable throughout the State, unless the tax is approved by a majority of the qualified voters of the unit who vote thereon.

"(6) Income tax. The rate of tax on incomes shall not in any case exceed ten per cent and there shall be allowed the following minimum exemptions, to be deducted from the amount of annual incomes: to the income-producing spouse of a married couple living together, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less
than $1,000; and there may be allowed other deductions, not including living expenses, so that only net incomes are taxed.

"(7) Contracts. The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only.

"Sec. 3. Limitations upon the increase of State debt.

"(1) Authorized purposes; two-thirds limitation. The General Assembly shall have no power to contract debts secured by a pledge of the faith and credit of the State, unless approved by a majority of the qualified voters of the State who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;
(b) to supply an unforeseen deficiency in the revenue;
(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
(d) to supress riots or insurrections, or to repel invasions;
(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
(f) for any other lawful purpose, to the extent of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium.

"(2) Gift or loan of credit regulated. The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State, and is approved by a majority of the qualified voters who vote thereon.

"(3) Definitions. A debt is incurred within the meaning of this Section when the State borrows money. A pledge of the faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when the State exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

"(4) Certain debts barred. The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 and 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

"(5) Outstanding debt. Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

"Sec. 4. Limitations upon the increase of local government debt.

"(1) Regulation of borrowing and debt. The General Assembly shall enact general laws relating to the borrowing of money secured by a pledge of the faith and credit and the contracting of other debts by counties, cities and towns, special districts, and other units, authorities, and agencies of local government.

"(2) Authorized purposes; two-thirds limitation. The General Assembly shall have no power to authorize any county, city or town, special district, or other unit of
local government to contract debts secured by a pledge of its faith and credit unless approved by a majority of the qualified voters of the unit who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;
(b) to supply an unforeseen deficiency in the revenue;
(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
(d) to suppress riots or insurrections;
(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
(f) for purposes authorized by general laws uniformly applicable throughout the State, to the extent of two-thirds of the amount by which the unit's outstanding indebtedness shall have been reduced during the next preceding fiscal year.

"(3) Gift or loan of credit regulated. No county, city or town, special district, or other unit of local government shall give or lend its credit in aid of any person, association, or corporation, except for public purposes as authorized by general law, and unless approved by a majority of the qualified voters of the unit who vote thereon.

"(4) Certain debts barred. No county, city or town, or other unit of local government shall assume or pay any debt or the interest thereon contracted directly or indirectly in aid or support of rebellion or insurrection against the United States.

"(5) Definitions. A debt is incurred within the meaning of this Section when a county, city or town, special district, or other unit, authority, or agency of local government borrows money. A pledge of faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when a county, city or town, special district, or other unit, authority, or agency of local government exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

"(6) Outstanding debt. Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

"Sec. 5. Acts levying taxes to state objects. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

"Sec. 6. Inviolability of sinking funds and retirement funds.

"(1) Sinking funds. The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created, except that these funds may be invested as authorized by law.

"(2) Retirement funds. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.
"Sec. 7. Drawing public money.

"(1) State treasury. No money shall be drawn from the State Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually.

"(2) Local treasury. No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

"Sec. 8. General laws defined. Whenever the General Assembly is directed or authorized by this Article to enact general laws, or general laws uniformly applicable throughout the State, or general laws uniformly applicable in every county, city or town, and other unit of local government, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable throughout the State shall be made applicable without classification or exception in every unit of local government of like kind, such as every county, or every city and town, but need not be made applicable in every unit of local government in the State. General laws uniformly applicable in every county, city and town, and other unit of local government shall be made applicable without classification or exception in every unit of local government in the State. The General Assembly may at any time repeal any special, local, or private act.

"Sec. 9. Merged or consolidated counties. Any unit of local government formed by the merger or consolidation of a county or counties and the cities and towns therein shall be deemed both a county and a city for the purposes of this Article, and may exercise any authority conferred by law on counties, or on cities and towns, or both, as the General Assembly may provide."

Sec. 3. The amendment set out in Sections 1 and 2 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing elections in this State.

Sec. 4. At that election, each qualified voter presenting himself to vote shall be provided a ballot on which shall be printed the following:

"☐ FOR constitutional amendment revising those portions of the present or proposed State Constitution concerning State and local finance."

"☐ AGAINST constitutional amendment revising those portions of the present or proposed State Constitution concerning State and local finance."

Those qualified voters favoring the amendment set out in Sections 1 and 2 of this Act shall vote by marking an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by marking an X or a check mark in the square beside the statement beginning "AGAINST".

Sec. 5. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast thereon are in favor of the revision and amendment submitted to the qualified voters by An Act to Revise and Amend the Constitution of North Carolina, then the Governor shall certify the amendment set out in Section 1 of this Act to the Secretary of State, who shall enroll that amendment so certified among the permanent records.
of his office, and that amendment shall take effect as an amendment to the revised and amended Constitution of North Carolina on July 1, 1973.

Sec. 6. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast thereon are against the revision and amendment submitted to the qualified voters by An Act to Revise and Amend the Constitution of North Carolina, then the Governor shall certify the amendment set out in Section 2 of this Act to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and that amendment shall take effect as an amendment to the present Constitution of North Carolina on July 1, 1973.

Sec. 7. If a majority of the votes cast thereon are in favor of the amendment submitted to the qualified voters by An Act to Amend the Constitution of North Carolina to Authorize the General Assembly To Fix the Personal Exemptions for Income Tax Purposes, and if a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, then Article V, Sec. 2(6), as set forth in Sections 1 and 2 of the former Act shall take precedence over and constitute an amendment of Article V, Sec. 2(6), as set forth in Sections 1 and 2 of this Act, and this Act shall not amend or repeal Article V, Sec. 2(6) in any manner.

Sec. 8. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 9. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 413  

CHAPTER 1201

AN ACT TO AMEND G. S. 105-446.2 TO PROVIDE THAT THE WILDLIFE RESOURCES COMMISSION SHALL CONTINUE TO BE ENTITLED TO A PORTION OF THE NET PROCEEDS OF GASOLINE TAXES.

The General Assembly of North Carolina do en act:

Section 1. G. S. 105-446.2(a) is hereby amended by deleting the second sentence thereof and by rewriting the first sentence thereof to read as follows:

"The North Carolina Wildlife Resources Commission shall receive one-eighth of one per cent (1/8 of 1%) of the net proceeds of the taxes on motor fuels levied under Sec. 105-434 and the same shall be paid in accordance with the accounting periods as set forth under Sec. 105-446(1)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 873  

CHAPTER 1202

AN ACT TO APPROPRIATE FUNDS FOR OPERATING EXPENSES OF THE INTERSTATE COOPERATION COMMISSION.

The General Assembly of North Carolina do en act:

Section 1. There is hereby appropriated the sum of four thousand dollars ($4,000.00) for fiscal year 1969-70, and the additional sum of four thousand dollars
CHAPTER 1202  SESSION LAWS—1969

($4,000.00) for the fiscal year 1970-71 for operating expenses for the Interstate Cooperation Commission.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 936  CHAPTER 1203

AN ACT TO APPROPRIATE $1,000 PER YEAR TO THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the North Carolina Commission on Interstate Cooperation the sum of $2,000 for the biennium 1969-71, to be used as North Carolina's contribution to the interstate cooperation activities of the Advisory Commission on Intergovernmental Relations.

Sec. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 970  CHAPTER 1204

AN ACT TO CREATE THE POSITION OF STATE MINING ENGINEER AND TO PROVIDE FOR THE REGISTRATION OF MINING OPERATIONS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Short title. This Act may be known and cited as "The Mining Registration Act of 1969".

Sec. 2. Definitions. Wherever used or referred to in this Act, unless a different meaning clearly appears from the context:

(a) "Mining" means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface; and shall not include excavation or grading when conducted solely in aid of on-site farming or construction.

(b) "Council" means the Mining Council created by Section 2 of Chapter 946 of the Session Laws of 1967.

(c) "Department" means the Department of Conservation and Development.

Sec. 3. State Mining Engineer. The position of State Mining Engineer is hereby created within the Division of Mineral Resources of the Department of Conservation and Development. The State Mining Engineer shall be appointed by the Director of the Department, on recommendation of the State Geologist, and shall be suitably qualified by reason of education and experience in the field of mining engineering. He shall work under the immediate supervision of the State Geologist and shall carry out the duties assigned herein.
Sec. 4. **Duties of State Mining Engineer.** The State Mining Engineer shall administer the provisions for registration of mining operations contained in this Act. In addition, he shall furnish staff assistance to the Mining Council as it prepares its recommendations called for by this Act. In this capacity, he shall engage in such study and research concerning mining operations and their regulation in this State and elsewhere as may be required to furnish the Council with a thorough factual basis for its recommendations.

Sec. 5. **Mining Registration.** Prior to March 31, 1970, the owner or operator of every mining operation in the State shall secure a registration certificate from the State Mining Engineer. Such a certificate shall be issued only where the applicant shall have furnished the following information concerning the mining operation:

(a) Complete name of owner and operator of the mining operation, together with addresses and telephone numbers;
(b) Number of employees of the mining operation and the principal officers;
(c) Maps, based on criteria developed by the Mining Engineer and acceptable to the Mining Council, to show property lines or affected area of the mining operation, location of any processing plants, extent of pits and stockpile areas and overburden disposal areas;
(d) Number of years operation has existed and estimate of number of years it is expected to continue;
(e) Summary of present and proposed conservation and land reclamation plans and procedures, if any.

The owner or operator of any mining operation which begins subsequent to March 31, 1970, shall secure such a registration certificate no later than thirty (30) days after beginning operations.

Provided, however, that the Mining Council may by regulation exempt from registration mining operations that involve or affect surface areas of less than one-quarter acre in extent, if the Council finds that it is not administratively feasible to register such mining operations and that the exemption of such mining operations will not substantially impair the purposes of this Act.

Sec. 6. **Mining Council.** (a) The Mining Council, in addition to its duties under the Interstate Mining Compact as specified in Chapter 946 of the Session Laws of 1967, shall develop with the assistance of the State Mining Engineer recommendations to the 1971 General Assembly for legislation under which mining operations in the State shall be regulated. Such recommended legislation shall include provisions (1) designating or creating a State agency to regulate the mining industry, (2) specifying the legal responsibility for reclamation of mined-out land, and (3) creating a system of licensing of mining operations sufficient to insure adequate conservation and land reclamation measures in connection with such operations, in addition to such other provisions as the Council shall deem necessary and appropriate.

(b) The Mining Council may adopt and modify from time to time rules and regulations consistent with this Act to implement the provisions of this Act. All such rules and regulations, and modifications thereof, shall be filed with the Secretary of State as required by Article 18 of Chapter 143 of the General Statutes.

Sec. 7. **Violations.** Any person who shall be adjudged to have violated any provision of this Act or any rule or regulation of the Mining Council adopted hereunder shall be guilty of a misdemeanor, punishable upon conviction by a fine of not exceeding fifty dollars ($50.00) or by imprisonment for not exceeding thirty (30) days, or by both such fine and imprisonment.
CHAPTER 1204  SESSION LAWS—1969

Sec. 8. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.
Sec. 9. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1023  CHAPTER 1205
AN ACT TO AUTHORIZE THE FINANCING AND CONSTRUCTION OF A DORMITORY AT THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. There is authorized the construction of a dormitory facility for approximately 600 students at the University of North Carolina at Greensboro.
Sec. 2. The project cost shall not exceed two million three hundred forty thousand dollars ($2,340,000.00) and shall be financed by the issuance of revenue bonds by the Board of Trustees of the University of North Carolina subject to the provisions of Chapter 116 of the General Statutes of North Carolina.
Sec. 3. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1227  CHAPTER 1206
AN ACT RELATING TO THE EXAMINATION OF INSURANCE AGENTS AND PROVIDING A SHORTER WAITING PERIOD FOR RE-EXAMINATION.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph (d) of G. S. 58-41.1 is hereby amended by striking the words "ninety days" in line 5 thereof and by substituting in lieu thereof the words "thirty days".
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be effective upon ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1263  CHAPTER 1207
AN ACT TO ADOPT AN OFFICIAL STATE MAMMAL FOR THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Gray Squirrel (Sciurus carolinensis) is hereby adopted as the official State mammal of the State of North Carolina.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.
H. B. 1276  

CHAPTER 1208

AN ACT TO AMEND ARTICLE 37, CHAPTER 160 OF THE GENERAL STATUTES, RELATING TO URBAN REDEVELOPMENT, TO ENABLE COUNTIES TO CREATE REDEVELOPMENT COMMISSIONS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-456(1) is hereby amended by inserting the words "or county" immediately after the word "city".

Amend subsection (7) by adding at the end thereof the following: "The Board of County Commissioners."

Amend subsection (9) by adding at the end thereof ". or any county."

Sec. 2. Article 37 of Chapter 160 of the General Statutes is hereby amended by adding a new section, to be designated as G.S. 160-457.1, immediately after G.S. 160-457, to read as follows:

"G.S. 160-457.1. Creation of a county redevelopment commission. If the board of county commissioners of a county by resolution declares that blighted areas do exist in said county, and the redevelopment of such areas is necessary in the interest of public health, safety, morals, or welfare of the residents of such county, the county commissioners of said county are hereby authorized to create a separate and distinct body corporate and politic to be known as the redevelopment commission of said county by passing a resolution to create such a commission to function in the territorial limits of said county. Provided, however, that notice of the intent to consider passage of such a resolution or ordinance shall be published at least ten days prior to the meeting of the board of county commissioners for such purposes, and further provided that the redevelopment commission shall not function in an area where such a commission exists or in the corporate limits of a municipality without resolution of agreement by said municipality.

"All of the provisions of Article 37, Chapter 160 of the General Statutes, shall be applicable to county redevelopment commissions, including the formation, appointment, tenure, compensation, organization, interest and powers as specified therein."

Sec. 3. Article 37 of Chapter 160 of the General Statutes is hereby amended by adding an additional section, to be designated G.S. 160-457.2, and to read as follows:

"G.S. 160-457.2. Creation of a regional redevelopment commission. If the board of county commissioners of two or more contiguous counties by resolution declare that blighted areas do exist in said counties and the redevelopment of such areas is necessary in the interest of public health, morals, or welfare of the residents of such counties, the county commissioners of said counties are hereby authorized to create a separate and distinct body corporate and politic to be known as the regional redevelopment commission by the passage of a resolution by each county to create such a commission to function in the territorial limits of the counties; provided, however, that notice of the intent to consider passage of such a resolution or ordinance shall be published at least ten days prior to the meeting of the board of county commissioners for such purposes, and further provided that the redevelopment commission shall not function in an area where such a commission exists or in the corporate limits of a municipality without resolution of agreement by the municipality."
"The board of county commissioners of each county included in the regional redevelopment commission shall appoint one person as a commissioner and such a person may be appointed at or after the time of the adoption of the resolution creating the redevelopment commission. The board of county commissioners shall have the authority to appoint successors or to remove persons for misconduct who are appointed by them. Each commissioner to the redevelopment commission shall serve for a five-year term except that initial appointments may be for less time in order to establish a fair rotation system of appointments. In the event that a regional redevelopment commission shall have an even number of counties, the Governor of North Carolina shall appoint a member to the commission from the area to be served. The appointed members as commissioners shall constitute the regional redevelopment commission and certification of appointment shall be filed with the Secretary of State as part of the application for charter.

"All provisions of the 'urban redevelopment law' as defined in Article 37 of Chapter 160 of the General Statutes, shall apply to the creation and operation of a regional redevelopment commission, and where reference is made to municipality, it shall be interpreted to apply to the area served by the regional redevelopment commission."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1285

CHAPTER 1209

AN ACT TO AUTHORIZE THE GOVERNOR TO CONSOLIDATE AGENCIES OF THE STATE HAVING RELATED DUTIES AND RESPONSIBILITIES, AND TO PREPARE RECOMMENDATIONS FOR INCREASING EFFICIENCY IN STATE GOVERNMENT BY REDUCING THE NUMBER OF STATE AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. The Governor is hereby authorized to direct the inauguration of studies to determine which agencies of the State conduct operations which are so nearly related to the operations of one or more other agencies that a consolidation would produce the same or a more efficient operational result at a reduction in cost, and to prepare recommendations to be presented to the 1971 General Assembly to effect such consolidations.

Sec. 2. For purposes of conducting the study, the Governor is authorized to utilize funds available to him from private sources, or from federal or other governmental grants, to be matched, as may be required, by funds available within the existing Department of Administration budget.

Sec. 3. The Governor shall direct that agencies which should be consolidated with or absorbed into other agencies having similar responsibilities and duties, as determined by the outcome of the study, shall be so consolidated or absorbed when, in his opinion, efficiency in State governmental operations will be increased thereby, or when such consolidation will result in a reduction in the cost of administering State activities without a reduction in the effectiveness of such operations; provided, however, that the Governor shall not direct such consolidation or combination as
would diminish the duty or authority of any State agency or institution created by act of the General Assembly.

Sec. 4. All laws and clauses of laws in conflict with this Act shall hereby be repealed.

Sec. 5. This Act shall become effective July 1, 1971.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1286

CHAPTER 1210

AN ACT TO REQUIRE THE APPROVAL BY THE DEPARTMENT OF ADMINISTRATION OF PROJECTS TO BE FINANCED BY FUNDS OTHER THAN STATE FUNDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-34.2 is amended by adding to said Section a new paragraph which shall read as follows:

"It shall be required of all State agencies, fund, or state-supported institutions, commissions or regional planning and development bodies to submit to the Department of Administration a statement of participation in any contract, agreement, plan or request for non-state funds (including Federal funds)."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1403

CHAPTER 1211

AN ACT TO PROVIDE THE CONTINUATION OF A TEXTILE EXTENSION PROGRAM AT NORTH CAROLINA STATE UNIVERSITY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Industrial Extension Service at North Carolina State University a sum not to exceed thirty thousand dollars ($30,000.00) for each year of the biennium 1969-71 to continue the textile extension program at North Carolina State University for the purposes of dissemination of research findings to the textile industry of North Carolina; to conduct extension training programs for the textile industry of North Carolina; and to transfer textile technology information to the textile industry.

Sec. 2. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.
CHAPTER 1212

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF REVENUE FOR THE OPERATION OF THE SOFT DRINK TAX UNIT AND THE TOBACCO TAX UNIT.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund for the biennium 1969-71, to the Department of Revenue, the sum of five hundred seventy-three thousand, eight hundred sixteen dollars ($573,816.00) for the administration of the soft drink tax unit and the tobacco tax unit to be established in the Department of Revenue.

Sec. 2. All laws and clauses of laws in conflict with this Act shall hereby be repealed.

Sec. 3. This Act shall be in full force and effect July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 109

CHAPTER 1213

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ESTABLISH A KINDERGARTEN PROGRAM FOR FIVE-YEAR-OLDS.

WHEREAS, the kindergarten is recognized in American education as an essential prerequisite to success in the first grade and the early years of formal education; and

WHEREAS, there is a direct relationship between failure in the initial years of formal education and the high percentage of drop-outs in our public school systems; and

WHEREAS, it is believed that cooperation between the school and the home in the early years of education may substantially enhance the learning capabilities of children;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. A new section, to be designated G. S. 115-198.1, is hereby added immediately following G. S. 115-198 and immediately preceding G. S. 115-199 to read as follows:

"Sec. 115-198.1. State Kindergarten Program. The State Board of Education shall initiate in each of the eight educational districts, as defined in G. S. 115-3, a State public kindergarten program for five-year-olds in as many schools and for as many pupils as funds appropriated for this purpose will permit. The kindergarten program shall be operated and administered in accordance with rules and regulations adopted by the State Board, upon the recommendation of the State Superintendent of Public Instruction.

Funds appropriated for this program may be used to implement the following objectives:

(a) To provide for the establishment and operation of public kindergarten programs."
(b) To stimulate the establishment of educational technology programs in the area of early childhood education in the State teacher training institutions and in the community colleges.

c) To provide scholarships and grants-in-aid to teachers to permit their attendance at schools and workshops offering instruction in kindergarten education.

d) To provide services in the Department of Public Instruction in kindergarten education in order that the Department might provide guidance and direction to the program and develop appropriate standards of instruction for all kindergarten programs operating within the State."

Sec. 2. G. S. 115-6(1) is amended by adding at the end on line four the following:
"and which may have a kindergarten or other early childhood program;"

Sec. 3. G. S. 115-38 is rewritten as follows:
"Sec. 115-38. Kindergartens. County and city boards of education may provide for their respective administrative units, or for any district in a county administrative unit, kindergartens as a part of the public school system and may operate them from any funds available to the board for this purpose.

Any kindergarten program that shall be established or any kindergarten program now being operated shall be subject to the supervision of the State Department of Public Instruction and shall be operated in accordance with standards adopted by the State Board of Education."

Sec. 4. G. S. 115-162 is amended by adding the following paragraph at the end:
"Children are entitled to enroll in kindergarten programs in the public schools if they have passed the fifth anniversary of their birth before October 15 of the year in which they enroll and if they have presented themselves for enrollment during the first month of the school year. The State Board of Education may change the October 15 date if it deems necessary."

Sec. 5. G. S. 115-79 is amended by adding the following words at the end of line 4:
"or for any other item for which State appropriations are authorized."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 687

CHAPTER 1214

AN ACT TO ADJUST AND FIX THE COMPENSATION TO BE PAID THE MEMBERS OF THE COUNCIL OF STATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 147 of the General Statutes is amended by deleting the words and figures "twenty thousand dollars ($20,000.00)" from line 2 of G. S. 147-35 and inserting in lieu thereof the words and figures "twenty-two thousand, five hundred dollars ($22,500.00)"; by deleting the words and figures "twenty thousand dollars ($20,000.00)" from line 2 of G. S. 147-55 and inserting in lieu thereof the words and figures "twenty-two thousand, five hundred dollars ($22,500.00)"; by deleting the words and figures "twenty thousand dollars ($20,000.00)" from line two of
G. S. 147-65 and substituting in lieu thereof the words and figures "twenty-two thousand, five hundred dollars ($22,500.00)".

Sec. 2. Chapter 115 of the General Statutes is amended by deleting the words and figures "twenty thousand dollars ($20,000.00)" from line three of the second paragraph of G. S. 115-13, and substituting in lieu thereof the words and figures "twenty-six thousand dollars ($26,000.00)".

Sec. 3. Chapter 114 of the General Statutes is amended by deleting the words and figures "twenty thousand ($20,000.00)" from line two of G. S. 114-7 and substituting in lieu thereof the words and figures "twenty-seven thousand dollars ($27,000.00)".

Sec. 4. Chapter 106 of the General Statutes is amended by deleting the words and figures "twenty thousand dollars ($20,000.00)" from line two of G. S. 106-11, and substituting in lieu thereof the words and figures "twenty-two thousand, five hundred dollars ($22,500.00)".

Sec. 5. Chapter 95 of the General Statutes is amended by deleting the words and figures "twenty thousand dollars ($20,000.00)" from line four of G. S. 95-2, and substituting in lieu thereof the words and figures "twenty-two thousand, five hundred dollars ($22,500.00)".

Sec. 6. Chapter 58 of the General Statutes is amended by deleting the words and figures "twenty thousand dollars ($20,000.00)" from line two of G. S. 58-6, and substituting in lieu thereof the words and figures "twenty-two thousand, five hundred dollars ($22,500.00)".

Sec. 7. It is the purpose of this Act to fix the salary of the Attorney General at twenty-seven thousand dollars ($27,000.00) per annum, the salary of the Superintendent of Public Instruction at twenty-six thousand dollars ($26,000.00) per annum, and the salary of the other members of the Council of State at twenty-two thousand, five hundred dollars ($22,500.00).

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force after July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 242

CHAPTER 1215

AN ACT RELATING TO THE SALE OR DISTRIBUTION OF HARMFUL MATERIALS TO MINORS.

WHEREAS, during the past several years the sale or distribution of harmful materials to minors has become a matter of increasingly grave concern to the people of this State, and the elimination of such sales and the consequent protection of minors from harmful materials are in the best interests of the morals and general welfare of the citizens of this State, in general, and of minors in this State, in particular; and

WHEREAS, it being the intention of the General Assembly that the accomplishment of these ends can best be achieved by providing public prosecutors and solicitors with a speedy civil remedy;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. That Chapter 19 of the General Statutes of North Carolina be amended by inserting a new Article to read as follows:
"Article 2

Civil Remedy for Sales of Harmful Materials to Minors

G. S. 19-9. Title. This Article shall be known and cited as the North Carolina Law on the Protection of Minors from Harmful Materials.

G. S. 19-10. Purposes. The purposes of this Article are to provide public prosecutors or solicitors:

(a) with a speedy civil remedy for obtaining a judicial determination of the character and contents of publications, and (b) with an effective power to enjoin promptly the sale of harmful materials to minors.

G. S. 19-11. Public Policy. The public policy of this State requires that all proceedings prescribed in this Article shall be examined, heard and disposed of with the maximum promptness and dispatch commensurate with constitutional requirements, including due process, freedom of the press and freedom of speech.

G. S. 19-12. Definitions. As used within this Article, the following definitions shall apply:

(a) Minor - any person under the age of eighteen years.

(b) Nudity - the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(c) Sexual conduct - acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

(d) Sexual excitement - the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(e) Sado-Masochistic abuse - flagellation or torture by or upon a person clad in undergarments, a mask or a bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(f) Harmful to minors - that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

(1) predominantly appeals to the prurient, shameful or morbid interest of minors, and

(2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable materials for minors, and

(3) is utterly without redeeming social importance for minors.

(g) Knowledge of the nature of the material -

(1) knowledge of the character and content of any material described herein, or

(2) knowledge or information that the material described herein has been adjudged to be harmful to minors in a proceeding instituted pursuant to this Article, or is the subject of a pending proceeding instituted pursuant to this Article.

(h) Knowledge of the minor's age -
(1) knowledge or information that the person is a minor, or

(2) reason to know, or a belief or ground for belief which warrants further inspection or inquiry as to the age of the minor.

(i) Person - any individual, partnership, firm, association, corporation or other legal entity.

(j) Harmful material:

(1) any picture, photograph, drawing, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse, and which is harmful to minors, or

(2) any book, pamphlet, magazine, or printed matter however reproduced which contains any matter enumerated in subparagraph (1) of this Subsection or which contains explicit or detailed verbal descriptions or accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which, taken as a whole, is harmful to minors.

G. S. 19-13. Commencement of Civil Proceeding. (a) Whenever the solicitor or prosecutor for any judicial district has reasonable cause to believe that any person is engaged in selling, distributing or disseminating in any manner harmful material to minors or may become engaged in selling, distributing or disseminating in any manner harmful material to minors, the solicitor or prosecutor for the judicial district in which such material so offered for sale shall institute an action in the District Court for that district for adjudication of the question of whether such material is harmful to minors.

(b) The provisions of the Rules of Civil Procedure and all existing and future amendments of said Rules shall apply to all proceedings herein, except as otherwise provided in this Article.

G. S. 19-14. Filing and Form of Complaint. The action authorized by this Article shall be commenced by the filing of a complaint to which shall be attached, as an exhibit, a true copy of the allegedly harmful material. The complaint shall:

(a) be directed against such material by name, description, volume, and issue, as appropriate;

(b) allege that such material is harmful to minors;

(c) designate as respondents, and list the names and all known addresses of any person in this State preparing, selling, offering commercially distributing or disseminating in any manner such material to minors, or possessing such material with the apparent intent to offer to sell or commercially distribute or disseminate in any manner such material to minors;

(d) seek an adjudication that such material is harmful to minors; and

(e) seek a permanent injunction against any respondent prohibiting him from selling, commercially distributing, or disseminating in any manner such material to minors or from permitting minors to inspect such material.

G. S. 19-15. Examination by the Court; Probable Cause; Service of Summons. (a) Upon the filing of a complaint pursuant to this Article, the solicitor or prosecutor shall present the same together with attached exhibits, as soon as practicable to the court for its examination and reading.
(b) If, after such examination and reading, the court finds no probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the complaint and shall thereupon dismiss the action.

(c) If, after such examination and reading, the court finds probable cause to believe such material to be harmful to minors, the court shall enter an order to that effect whereupon it shall be the responsibility of the solicitor or prosecutor promptly to cause the clerk of the superior court to issue summonses together with copies of said order and said complaint as are needed for the service of the same upon respondents. Service of such summons, order and complaint shall be made upon each respondent thereto in any manner provided by law for the service of civil process.

G. S. 19-16. Appearance and Answer; Default Judgment.

(a) On or before the return date specified in the summons issued pursuant to this Article, or within fifteen days after the service of such summons, or within fifteen days after receiving actual notice of the issuance of such summons, the author, publisher or any person interested in sending or causing to be sent, bringing or causing to be brought, into this State for sale or distribution or disseminating in any manner, or any person in this State preparing, selling, offering, exhibiting or commercially distributing, or disseminating in any manner or possessing with intent to sell, offer or commercially distribute or exhibit or disseminate in any manner the material attached as an exhibit to the endorsed complaint, may appear and may intervene as a respondent and file an answer.

(b) If, after service of summons has been effected upon all respondents, no person appears and files an answer on or before the return date specified in the summons, the court may forthwith adjudge whether the material so exhibited to the endorsed complaint is harmful to minors and enter an appropriate final judgment.

G. S. 19-17. Trial. (a) Upon the expiration of the time for filing answers by all respondents, but not later than the return date specified in the summons, the court shall, upon its own motion, or upon the application of any party who has appeared and filed an answer, set a date for the trial of the issues joined.

(b) Any respondent named in the complaint, or any person who becomes a respondent by virtue of intervention pursuant to this Article, shall be entitled to a trial of the issues within one day after joinder of issue. A decision shall be rendered by the court or jury, as the case may be, within two days of the conclusion of the trial.

(c) Every person appearing and answering as a respondent shall be entitled, upon request, to a trial of any issue by a jury. If a jury is not requested by any such respondent, the issues shall be tried by the court without a jury.

G. S. 19-18. Judgment; Limitation to District. (a) In the event that the court or jury, as the case may be, fails to find the material attached as an exhibit to the complaint to be harmful to minors, the court shall enter judgment accordingly and shall dismiss the complaint.

(b) In the event that the court or jury, as the case may be, finds the material attached as an exhibit to the complaint to be harmful to minors, the court shall enter judgment to such effect and may, in such judgment or in subsequent orders
CHAPTER 1215 SESSION LAWS—1969

of enforcement thereof, enter a permanent injunction against any respondent prohibiting him from selling, commercially distributing, or giving away such material to minors or from permitting minors to inspect such material.

(c) No interlocutory order, judgment, or subsequent order of enforcement thereof, entered pursuant to the provisions of this Article, shall be of any force and effect outside the judicial district in which entered; and no such order or judgment shall be res judicata in any proceeding in any other judicial district.

G. S. 19-19. Injunctions. (a) If the court finds probable cause to believe the exhibited material to be harmful to minors, and so enters an order, the court may, upon the motion of the solicitor or prosecutor, issue a temporary restraining order against any respondent prohibiting him from offering, selling, commercially distributing or disseminating in any manner such material to minors or from permitting minors to inspect such material. No temporary restraining order shall be granted without notice to the respondents unless it clearly appears from specific facts shown by affidavit or by the verified complaint that one or more of the respondents are engaged in the sale, distribution or dissemination of harmful material to minors and that immediate and irreparable injury to the morals and general welfare of minors in this State will result before notice can be served and a hearing had thereon.

(b) Every temporary restraining order shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its own terms within such time after entry, not to exceed three days, as the court fixes unless within the time so fixed the respondent against whom the order is directed consents that it may be extended for a longer period.

(c) In the event that a temporary restraining order is granted without notice, a motion for a preliminary injunction shall be set down for hearing within two days after the granting of such order and shall take precedence over all matters except older matters of the same character; and when the motion comes on for hearing, the solicitor or prosecutor shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the restraining order.

(d) No preliminary injunction shall be issued without at least two days notice to the respondents.

G. S. 19-20. Contempt; Defenses; Extradition. (a) any respondent, or any officer, agent, servant, employee or attorney of such respondent, or any person in active concert or participation by contract or arrangement with such respondent, who receives actual notice by personal service or otherwise of any restraining order or injunction entered pursuant to this Article, and who shall disobey any of the provisions thereof, shall be guilty of contempt of court and upon conviction after notice and hearing shall be sentenced as provided by law.

(b) No person shall be guilty of contempt pursuant to this Section:

(1) for any sale, distribution or dissemination to a minor where such person had reasonable cause to believe that the minor involved was eighteen years old or more, and such minor exhibited to such person a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was eighteen years old or more;
(2) for any sale, distribution or dissemination where a minor is accompanied by a parent or guardian, or accompanied by an adult and such person has no reason to suspect that the adult accompanying the minor is not the minor's parent or guardian;  

(3) where such person is a bona fide school, museum or public library or is acting in his capacity as an employee of such organization or as a retail outlet affiliated with and serving the educational purposes of such organization.  

(c) In the event that any person found guilty of contempt pursuant to this Section cannot be found within this State, the executive authority of this State shall, unless such person shall have appealed from the judgment of contempt and such appeal has not been finally determined, demand his extradition from the executive authority of the State in which such person may be found, pursuant to the law of this State."

Sec. 2. G. S. 19-21. Districts without a District Court. (a) Prior to the establishment of a district court in any judicial district, any action instituted pursuant to this Article shall be instituted in the Superior Court of such district.  

(b) When a district court is established in a district, any cases pending in the Superior Court shall be transferred to the district court in accordance with the provisions of Chapter 7A of the General Statutes of North Carolina.  

Sec. 3. Severability. If any provision of this Act, or the application thereof to any person or circumstances, is held to be invalid, that invalidity shall not affect any other provision of this Act which can be given effect without the invalid provision. To this end the provisions, clauses, sentences, paragraphs, sections, phrases and parts of this Act are declared to be severable.  

Sec. 4. Savings Clause. All laws and clauses of laws in conflict with this Act are hereby repealed.  

Sec. 5. Effective Date. This Act shall be in full force and effect on and after July 1, 1969.  

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 755

CHAPTER 1216

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES, AS IT APPEARS IN CHAPTER 546 OF THE SESSION LAWS OF 1969, TO PROVIDE FOR THE RELEASE OF REALTY FROM WELFARE LIENS BY THE COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Part 1 of Article 2 of Chapter 108 of the General Statutes, as it appears in Chapter 546 of the Session Laws of 1969, is hereby amended by adding a new section therein, immediately following G. S. 108-37 and immediately before Part 2 of Article 2 entitled "Aid to Families With Dependent Children" as follows:

"G. S. 108-37.1. Release of Realty from the Lien; Effect of Failure to File Release in Clerk's Office. The county commissioners are authorized to release a specific tract or parcel of Realty from a lien described in this Article, before or after the termination of a grant of assistance which is the subject of the lien, based upon any circumstances from which the commissioners are satisfied that the release will result in the largest net recovery for the county, State and Federal governments, or a net recovery as large as would be made in any other manner. The release shall be
by duly executed resolution which shall recite the reasons for the release and the consideration received therefor. The release shall contain a full description of the tract or parcel released and the nature and extent of the interest of the lienee in the property released. The commissioners shall cause the original or a duly executed copy of the original of the release to be filed and indexed in the office of the clerk of superior court in the same place and manner as is required for liens provided for under this Article. Whether or not in any case the commissioners have, through inadvertence or otherwise, failed to have the release filed and indexed in the office of the clerk, it is hereby expressly provided that except from the time of the filing and indexing of the release in the clerk's office in the same place and manner as is required for liens provided for under this Article, no release of lien provided for herein shall be valid as against any lien creditor, except one whose lien is one released as herein provided, or as against any purchaser for a valuable consideration, whose lien or interest or claim of lien or interest in the property released would be nullified, adversely affected, or diminished by the release."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 761

CHAPTER 1217

AN ACT TO PROVIDE ALTERNATIVE METHODS FOR MUNICIPALITIES TO UNDERTAKE HOUSING AND URBAN REDEVELOPMENT FUNCTIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is hereby amended by inserting therein a new section to be designated G. S. 160-457.1 and to read as follows:

"G. S. 160-457.1. Alternative Organization. (a) In lieu of creating a redevelopment commission as authorized herein, the governing body of any municipality may, if it deems wise, either designate a housing authority created under the provisions of Chapter 157 of the General Statutes to exercise the powers, duties, and responsibilities of a redevelopment commission as prescribed herein, or undertake to exercise such powers, duties, and responsibilities itself. Any such designation shall be by passage of a resolution adopted in accordance with the procedure and pursuant to the findings specified in G. S. 160-457(a) and (b). In the event a governing body designates itself to perform the powers, duties, and responsibilities of a redevelopment commission, then where any act or proceeding is required to be done, recommended, or approved both by a redevelopment commission and by the municipal governing body, then the performance, recommendation, or approval thereof once by the municipal governing body shall be sufficient to make such performance, recommendation, or approval valid and legal. In the event a municipal governing body designates itself to exercise the powers, duties, and responsibilities of a redevelopment commission, it may assign the administration of redevelopment policies, programs and plans to any existing or new department of the municipality.

(b) The governing body of any municipality which has prior to the effective date of this section created, or which may hereafter create, a redevelopment commission may, in its discretion, by resolution abolish such redevelopment commission, such abolition to be effective on a day set in such resolution not less than 90 days after its adoption. Upon the adoption of such a resolution, the redevelopment commission
of the municipality is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of the resolution, and as will effectively transfer its authority, responsibilities, obligations, personnel, and property, both real and personal, to the municipality. Any municipality which abolishes a redevelopment commission pursuant to this subsection may, at any time subsequent to such abolition or concurrently therewith, exercise the authority granted by subsection (a) of this section.

On the day set in the resolution of the governing body:

(1) the redevelopment commission shall cease to exist as a body politic and corporate and as a public body;

(2) all property, real and personal and mixed, belonging to the redevelopment commission shall vest in, belong to, and be the property of the municipality;

(3) all judgements, liens, rights of liens, and causes of action of any nature in favor of the redevelopment commission shall remain, vest in, and inure to the benefit of the municipality;

(4) all rentals, taxes, assessments, and any other funds, charges or fees, owing to the redevelopment commission shall be owed to and collected by the municipality;

(5) any actions, suits, and proceedings pending against, or having been instituted by the redevelopment commission shall not be abated by such abolition, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if abolition had not occurred, and the municipality shall be a party to all such actions, suits, and proceedings in the place and stead of the redevelopment commission and shall pay or cause to be paid any judgment rendered against the redevelopment commission in any such actions, suits, or proceedings, and no new process need be served in any such action, suit, or proceeding;

(6) all obligations of the redevelopment commission, including outstanding indebtedness, shall be assumed by the municipality, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the municipality;

(7) all ordinances, rules, regulations and policies of the redevelopment commission shall continue in full force and effect until repealed or amended by the governing body of the municipality.

Sec. 2. Chapter 157 of the General Statutes is hereby amended by inserting therein a new section to be designated G. S. 157-4.1 and to read as follows:

"G. S. 157-4.1. Alternative Organization. (a) In lieu of creating a housing authority as authorized herein, the council of any city may, if it deems wise, either designate a redevelopment commission created under the provisions of Chapter 160 of the General Statutes to exercise the powers, duties, and responsibilities of a housing authority as prescribed herein, or may itself exercise such powers, duties, and responsibilities. Any such designation shall be by passage of a resolution adopted in accordance with the procedure and pursuant to the finding specified in the first and second paragraphs of G. S. 157-4. In the event the council of any city designates itself to exercise the powers, duties, and responsibilities of a housing authority, then where any act, proceeding, or approval is required to be done, recommended, or approved both by a housing authority and by the council of the city, then the performance, recommendation, or approval thereof once by the council of the city shall
be sufficient to make such performance, recommendation, or approval valid and legal. In the event the council of the city designates itself to exercise the powers, duties, and responsibilities of a housing authority, it may assign the administration of the housing programs, projects, and policies to any existing or new department of the city.

(b) The council of any city which has prior to the effective date of this section created, or which may hereafter create, a housing authority may, in its discretion, by resolution abolish such housing authority, such abolition to be effective on a day set in such resolution not less than 90 days after its adoption. Upon the adoption of such a resolution, the housing authority of the city is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of the resolution, and as will effectively transfer its authority, responsibilities, obligations, personnel, and property, both real and personal, to the city. Any city which abolishes a housing authority pursuant to this subsection may, at any time subsequent to such abolition or concurrently therewith, exercise the authority granted by subsection (a) of this section.

On the day set in the resolution of the council:

(1) the housing authority shall cease to exist as a body politic and corporate and as a public body;

(2) all property, real and personal and mixed, belonging to the housing authority shall vest in, belong to, and be the property of the city;

(3) all judgements, liens, rights of liens, and causes of action of any nature in favor of the housing authority shall remain, vest in, and inure to the benefit of the city;

(4) all rentals, taxes, assessments, and any other funds, charges or fees, owing to the housing authority shall be owed to and collected by the city;

(5) any actions, suits, and proceedings pending against, or having been instituted by the housing authority shall not be abated by such abolition, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if abolition had not occurred, and the city shall be a party to all such actions, suits, and proceedings in the place and stead of the housing authority and shall pay or cause to be paid any judgments rendered against the housing authority in any such actions, suits, or proceedings, and no new process need be served in any such action, suit, or proceeding;

(6) all obligations of the housing authority, including outstanding indebtedness, shall be assumed by the city, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the city;

(7) all ordinances, rules, regulations and policies of the housing authority shall continue in full force and effect until repealed or amended by the council of the city."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
H. B. 1332  CHAPTER 1218
AN ACT TO APPROPRIATE $103,822 TO THE NORTH CAROLINA STATE COMMISSION FOR THE BLIND TO PROVIDE STATE SUPPORT FOR SOCIAL WORKERS FOR THE BLIND.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the North Carolina State Commission for the Blind out of the General Fund of the State for the fiscal year 1969-70 the sum of fifty-one thousand nine hundred and ten dollars ($51,910.00) and for the fiscal year 1970-71 the sum of fifty-one thousand nine hundred and twelve dollars ($51,912.00) for the purpose of providing state aid to assist counties for payment of social workers for the blind at the same rate the State provides aid to the counties for payment of other public assistance social workers.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 842  CHAPTER 1219
AN ACT RELATING TO THE RECRUITMENT OF PERSONS INTERESTED IN EMBARKING UPON CAREERS IN THE HEALTH PROFESSIONS WHO ARE ELIGIBLE FOR FINANCIAL ASSISTANCE UNDER G.S. 131-121, 131-121.3 AND 131-124 AND PROVIDING FOR THE ENCOURAGEMENT OF NON-PRACTICING NURSES TO RETURN TO THEIR PROFESSION AND FURTHER PROVIDING FOR THE ENCOURAGEMENT OF NEW TRAINING SCHOOLS OF NURSING.

The General Assembly of North Carolina do enact:

Section 1. G.S. 131-121 as the same appears in the 1967 Cumulative Supplement to Volume 3B of the General Statutes of North Carolina is amended by inserting after paragraph one and before paragraph two a new paragraph, to read as follows:

"The North Carolina Medical Care Commission is hereby authorized and empowered to expend up to thirty thousand dollars ($30,000) per biennium from its appropriations for scholarship loans for the purposes of establishing programs for the recruitment of persons interested in embarking upon careers in the health professions who are eligible for financial assistance under G.S. 131-121, 131-121.3 and 131-124, encouraging non-practicing nurses to return to their profession and encouraging the establishment of new training schools of nursing."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 852  CHAPTER 1220
AN ACT TO APPROPRIATE THE SUM OF $100,000 FROM THE GENERAL FUND FOR THE PURPOSE OF ACQUIRING LAND FOR THE ESTABLISHMENT OF A STATE PARK AT LAKE WACCAMAW IN COLUMBUS COUNTY.

WHEREAS, there has been a marked increase in the amount of leisure time
available to the citizens of North Carolina, causing a need for an increase in public outdoor recreational facilities; and

WHEREAS, the State Parks and State Forests Study Commission has designated the lower Cape Fear area, composed of Brunswick and New Hanover counties, and portions of Pender and Columbus counties as one of six areas in which a State Park is urgently needed; and

WHEREAS, Lake Waccamaw, a natural lake having an area in excess of 8,900 acres, is a State owned lake administered by the Division of State Parks of the Department of Conservation and Development, and is particularly suited by its location, natural beauty, and potential for boating, swimming, and other recreational activities for the creation of a State Park to serve this region; and

WHEREAS, none of the land adjoining Lake Waccamaw is now owned or controlled by the Division of State Parks, and such public ownership is vital in order that all citizens of the lower Cape Fear region and the State of North Carolina may have access to said Lake, and may have free enjoyment and use thereof; and

WHEREAS, acquisition of lands adjoining Lake Waccamaw for the creation of a State Park is in the best interest of the people of the State of North Carolina.

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund, the sum of fifty thousand dollars ($50,000.00) to the Division of State Parks of the Department of Conservation and Development to be used for the purchase of lands adjoining Lake Waccamaw in Columbus County which are deemed necessary for the creation of a State Park.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the day of its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 872

CHAPTER 1221

AN ACT TO TAX DOMESTIC INSURANCE COMPANIES PRIMARILY ENGAGED IN CASUALTY INSURANCE BUSINESS AS CASUALTY COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. Section 105-228.5 of the General Statutes of North Carolina is hereby amended by adding at the end of the eighth paragraph thereof a new sentence reading as follows:

"Any domestic life insurance company collecting more than half of its annual gross premiums from lines of business other than those described in G. S. 58-72(1) and (2) may, prior to the return due date, elect to be taxed as a domestic casualty insurance company under the provisions of this paragraph."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 881

CHAPTER 1222
AN ACT TO PROVIDE A DISCOUNT UPON SALES OF CIGARETTE TAX STAMPS TO DISTRIBUTORS.

WHEREAS, a Cigarette Tax Act may be enacted by the General Assembly of North Carolina, such Act being presently contained within the provisions of a bill denominated "House Bill 296 - Second Committee Substitute"; and

WHEREAS, it is desirable to make provision for a discount upon sales of cigarette tax stamps to distributors in a manner other than that provided in said bill;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. In the event of the passage of the aforesaid Cigarette Tax Act, the following section, G. S. 105-113.21, shall be inserted in lieu of any other provision relative to a discount upon sales of cigarette tax stamps and in particular, in lieu of that provision in the aforesaid "House Bill 296 - Second Committee Substitute" which is denominated "G. S. 105-113.21. Discount on sales of stamps", in said bill:

G. S. 105-113.21. Discount on sales of stamps. On sales of stamps, the Commissioner shall allow a discount of seven-twenty-fourths cent (7/24c) per stamp as compensation for the services and expenses of the licensed distributor in handling and affixing such stamps to packages. No discount shall be allowed or given on any sales of stamps in amounts less than one hundred dollars ($100.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 409

CHAPTER 1223
AN ACT TO MAKE CERTAIN AMENDMENTS TO CHAPTER 135 OF THE GENERAL STATUTES RELATING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Employment or re-employment. (a) Subdivision (6) of G. S. 135-3, as the same appears in the 1967 Cumulative Supplement, is hereby amended by rewriting the same to read as follows:

"(6) No person who becomes a teacher or employee, as the terms are defined in this Chapter, shall thereby become a member of the Retirement System who is elected, appointed, employed or re-employed after he has attained the age of 62 years: Provided, however, that this will not apply to any member whose account is active upon his return to service."

(b) Subdivision d of subdivision (7) of G. S. 135-3 is hereby amended by adding after the word "early" in line one the words "or service" and by striking out the words and figures "60 years" in line three and inserting therefor the words and figures "62 years".
CHAPTER 1223  SESSION LAWS—1969

Sec. 2. Service retirement. (a) The second sentence of Subdivision (8)a of G. S. 135-3, as the same appears in the 1967 Cumulative Supplement, is hereby amended by rewriting the same to read as follows:

"Such deferred retirement allowance shall be computed in accordance with the provisions of Section 135-5, Subsection (b1); provided that such benefits will be computed in accordance with Subsection (b2) on or after July 1, 1967, but prior to July 1, 1969; and provided further that such benefits will be computed in accordance with Subsection (b3) on or after July 1, 1969."

(b) The first four lines of Subsection (b2) of G. S. 135-5, as the same appear in the 1967 Cumulative Supplement, are hereby amended by rewriting the same to read as follows:

"(b2) Service Retirement Allowance of Members Retiring on or after July 1, 1967, but prior to July 1, 1969. Upon retirement from service in accordance with Subsection (a) above, on or after July 1, 1967, but prior to July 1, 1969, a member shall receive a service retirement allowance computed as follows:"

(c) G. S. 135-5, is hereby amended by adding a new subsection, to be designated as Subsection (b3), to be inserted immediately following (b2), as the same appears in the 1967 Cumulative Supplement, as amended, and to read as follows:

"(b3) Service Retirement Allowances of Members Retiring on or after July 1, 1969. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1969, a member shall receive a service retirement allowance computed as follows:

"(1) If the member's service retirement date occurs on or after his 65th birthday, regardless of his years of creditable service, or on or after his 62nd birthday and the completion of 30 years of creditable service, such allowance shall be equal to one and one quarter per centum (1-1/4%) of the portion of his average final compensation not in excess of fifty-six hundred dollars ($5,600.00) plus one and one-half per centum (1-1/2%) of the portion of such compensation in excess of fifty-six hundred dollars ($5,600.00), multiplied by the number of years of his creditable service.

"(2) If the member's service retirement date occurs before his 65th birthday and prior to his completion of 30 or more years of creditable service, his service retirement allowance shall be computed as in (1) above, but shall be reduced by one quarter of one per cent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

"(3) If the member's service retirement date occurs before his 62nd birthday but on or after his completion of 30 or more years of creditable service, his service retirement allowance shall be computed as in (1) above, but shall be reduced by one quarter of one per cent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 62nd birthday.

"(4) Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall receive not less than the benefit provided by G. S. 135-5(b)."

Sec. 3. Armed service credit. Subsection (f) of G. S. 135-4, as the same appears in the 1967 Cumulative Supplement, is hereby amended by rewriting the same to read as follows:
"(f) Armed Service Credit.  
"(1) Teachers and other State employees who entered the armed services of the United States on or after September 16, 1940, and prior to February 17, 1941, and who returned to the service of the State within a period of two years after they were first eligible to be separated or released from such armed services under other than dishonorable conditions shall be entitled to full credit for all prior service.  
"(2) Teachers and other State employees who entered the armed services of the United States on or after September 16, 1940, and who returned to the service of the State prior to October 1, 1952, or who devote not less than ten years of service to the State after they are separated or released from such armed services under other than dishonorable conditions, shall be entitled to full credit for all prior service, and, in addition they shall receive membership service credit for the period of service in such armed services up to the date they were first eligible to be separated or released therefrom, occurring after the date of establishment of the Retirement System.  
"(3) Teachers and other State employees who enter the armed services of the United States on or after July 1, 1950, or who engage in active military service on or after July 1, 1950, and who return to the service of the State within a period of two years after they are first eligible to be separated or released from such active military service under other than dishonorable conditions shall be entitled to full membership service credit for the period of such active service in the armed services.  
"(4) Under such rules as the board of trustees shall adopt, credit will be provided by the Retirement System with respect to each such teacher or other State employee in the amounts that he would have been paid during such service in such armed services on the basis of his earnable compensation when such service commenced. Such contributions shall be credited to the individual account of the member in the annuity savings fund, in such manner as the board of trustees shall determine, but any such contributions so credited and any regular interest thereon shall be available to the member only in the form of an annuity, or benefit in lieu thereof, upon his retirement on a service, disability or special retirement allowance; and in the event of cessation of membership or death prior thereto, any such contributions so credited and regular interest thereon shall not be payable to him or on his account, but shall be transferred from the annuity savings fund to the pension accumulation fund. If any payments were made by a member on account of such service as provided by Subdivision (5) of Subsection (b) of 135-8, the board of trustees shall refund to or reimburse such member for such payments.  
"(5) The provisions of this subsection shall also apply to members of the national guard with respect to teachers and State employees who are called into Federal service or who are called into State service, to the extent that such persons fail to receive compensation for performance of the duties of their employment other than for service in the national guard."  

Sec. 4. Leaves of absence. G. S. 135-4 is hereby amended by adding a new subsection at the end thereof, to be designated as Subsection (h), and to read as follows:  

"(h) During periods when a member is on leave of absence and is receiving less than his full compensation, he will be deemed to be in service only if he is contribut-
 CHAPTER 1223  
SESSION LAWS—1969

ing to the Retirement System as provided in G. S. 135-8(b)(5). If he is so contributing, the annual rate of compensation paid to such employee immediately before the leave of absence began will be deemed to be the actual compensation rate of the employee during the leave of absence."

Sec. 5. Application for disability benefits. The first paragraph of Subsection (c) of G. S. 135-5, as the same appears in the 1967 Cumulative Supplement, is hereby amended by rewriting the same to read as follows:

"Disability Retirement Benefits. Upon the application of a member or of his employer, any member who has had ten or more years of creditable service may be retired by the board of trustees, on the first day of any calendar month, not less than thirty and not more than ninety days next following the date of filing such application, on a disability retirement allowance: Provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent, and that such member should be retired."

Sec. 6. Disability retirement. (a) The first five lines of Subsection (d1) of G. S. 135-5 are hereby amended by rewriting the same to read as follows:

"(d1) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1963, but prior to July 1, 1969. Upon retirement for disability, in accordance with Subsection (c) above, on or after July 1, 1963, but prior to July 1, 1969, a member shall receive a service retirement allowance if he has attained the age of sixty years, otherwise he shall receive a disability retirement allowance which shall be computed as follows:"

(b) G. S. 135-5 is hereby amended by adding a new subsection immediately following Subsection (d1), to be designated as Subsection (d2), and to read as follows:

"(d2) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1969. Upon retirement for disability, in accordance with Subsection (c) above, on or after July 1, 1969, a member shall receive a service retirement allowance if he has attained the age of sixty years, otherwise he shall receive a disability retirement allowance which shall be computed as follows:

"(1) Such allowance shall be equal to the service retirement allowance which would have been payable had he continued in service without further change in compensation to the age of sixty-five years, minus the actuarial equivalent of the contributions he would have made during such continued service.

"(2) Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall receive not less than the benefit provided by G. S. 135-5(d1)."

Sec. 7. Refund provisions. Subsection (f) of G. S. 135-5, as the same appears in the 1967 Cumulative Supplement, is hereby amended by rewriting the first sentence to read as follows:

"Return of Accumulated Contributions. Should a member cease to be a teacher or State employee except by death or retirement under the provisions of this Chapter, he shall upon submission of an application be paid, not earlier than 60 days from receipt of an acceptable application, the sum of his contributions and one-half of the accumulated regular interest thereon, provided that he has not in the meantime returned to service."
Sec. 8. Election of optional allowance. The first paragraph of Subsection (g) of G. S. 135-5, as the same appears in the 1967 Cumulative Supplement, is hereby amended by striking out the colon following the word "below" in line six in the first sentence thereof, inserting a period in lieu thereof, striking out the remainder of the sentence, striking out the next sentence, and by striking out the last sentence of the paragraph.

Sec. 9. Death benefit provisions. (a) The first paragraph of Subsection (l) of G. S. 135-5 is hereby amended by striking out all of said paragraph following the semicolon in the next to the last line thereof and inserting in lieu thereof the following:

"provided that he shall not have retired or that payment of a refund of his contributions shall not have been issued by the Retirement System."

(b) G. S. 135-5(l), as the same appears in the 1967 Cumulative Supplement, is hereby amended by adding the following paragraphs at the end of said subsection:

"In administration of the death benefit the following shall apply:

"(1) For the purpose of determining eligibility only, in this Subsection 'calendar year' shall mean any period of twelve consecutive months or, if less, the period covered by an annual contract of employment. For all other purposes in this Subsection 'calendar year' shall mean the twelve months beginning January 1 and ending December 31.

"(2) Last day of actual service shall be:

'a. When employment has been terminated (except by retirement), the last day the member actually worked.

'b. When employment has not been terminated, the date on which an absent member's sick and annual leave expire, unless he is on approved leave of absence and is in service under the provisions of G. S. 135-4(h).

"(3) A member shall be deemed to have retired on the day he becomes eligible to receive monthly retirement benefits.

"(4) A member in service who has filed an early election of option, without designating a date of retirement, is deemed to have retired on the first day of the month following the date of his death.

"(5) For a period when a member is on leave of absence, his status with respect to the death benefit will be determined by the provisions of G. S. 135-4(h)."

Sec. 10. Time of making application for retirement. G. S. 135-5, as the same appears in the 1967 Cumulative Supplement, is hereby amended by striking out all of the present Subsection (m).

Sec. 11. Early election of option. G. S. 135-5 is hereby amended by inserting a new subsection, to be designated as Subsection (m), and to read as follows:

"(m) Early Election of Option. Any member in service, after attainment of age 55 or completion of 30 years of creditable service, may elect one of the following options which would become effective and remain in effect until a final election has been made:

"(1) Designation of a single beneficiary who would receive the monthly benefit provided by Option 2 of Subsection (g) above. Such benefit would be computed by assuming that the member had retired on the first day of the month following the date of his death.

"(2) Designation of a single beneficiary who would have the right upon the member's death, to elect to receive either the benefit under (1) of this
Subsection or a lump sum return of the member's accumulated contributions.

Such elections would become effective under the conditions stated if a form provided for this purpose by the board of trustees is executed and filed with the Retirement System 30 days or more before the member's death."

Sec. 12. *Cost of living increase.* G. S. 135-5 is hereby amended by adding at the end thereof a new subsection, to be designated as Subsection (o), and to read as follows:

"(o) Post Retirement Increases in Allowances. As of December 31, 1969, the ratio of the Consumer Price Index to such index one year earlier shall be determined. If such ratio indicates an increase that equals or exceeds three per centum, each beneficiary receiving a retirement allowance as of December 31, 1968, shall be entitled to have his allowance increased three per centum effective July

"As of December 31st of each year after 1969, the ratio of the Consumer Price Index to such index one year earlier shall be determined.

"(1) If such ratio indicates an increase that equals or exceeds three per centum, each beneficiary receiving a retirement allowance as of the end of the preceding year shall be entitled to have his allowance increased three per centum effective on July 1st of the year following the date of determination, provided that any such increase in allowances shall become effective only if the additional liabilities on account of such increase do not require an increase in the total employer rate of contributions.

"(2) If such ratio indicates an increase of less than three per centum for any year, the index at the end of such year will be compared to the index at the end of 1968, or if later, at the end of the last year when an increase of three per centum or more was indicated.

"If such comparison indicates an increase of three per centum or more, each beneficiary receiving an allowance at the beginning of the period encompassed by the comparison shall be entitled to have his allowance increased three per centum effective on July 1st of the year following such period, subject to the proviso stated in (1) above.

"The allowance of a surviving annuitant of a beneficiary whose allowance is increased under this Subsection shall, when and if payable, be increased by the same per centum.

"Any increase in allowance granted hereunder shall be permanent, irrespective of any subsequent decrease in the Consumer Price Index, and shall be included in determining any subsequent increase.

"For purposes of this Subsection, Consumer Price Index shall mean the Consumer Price Index (all items - United States City average), as published by the United States Department of Labor, Bureau of Labor Statistics."

Sec. 13. *Employer contributions.* Subsection (d) of G. S. 135-8, as the same appears in the 1967 Cumulative Supplement, is hereby amended by adding the following sentence immediately after the first sentence in Subdivision (1) thereof:

"In addition, such contributions by employers will be required for each member on leave of absence who makes monthly contributions in accordance with (b)(5) above, and will be based on the salary or wage the member was receiving at the time the leave of absence was granted."

Sec. 14. *Re-employment of retired teachers and employees.* (a) G. S. 135-18 is hereby repealed.
(b) G. S. 135-3 is hereby amended by adding a new Subdivision e at the end of Subdivision (7) to read as follows:

"e. Should a teacher or employee who retired on an early or service retirement allowance be restored to service after the attainment of the age of 62 years, his retirement allowance shall be reduced to the extent necessary (if any) so that the sum of the retirement allowance and earnings from employment by a unit of the Retirement System for any year will not exceed the member's annual rate of compensation when he retired. Provided, however, that under no circumstances will the member's retirement allowance be reduced below the amount of his annuity as defined in G. S. 135-1(3)."

(c) G. S. 135-3 is hereby amended by rewriting Subdivision c of Subdivision (8), as the same appears in the 1967 Cumulative Supplement, to read as follows:

"c. The provisions of paragraphs d and e of the preceding Subdivision (7) shall apply equally to this Subdivision (8)."

Sec. 15. Transfers from local system. Subsection (a) of G. S. 135-18.1, as the same appears in the 1967 Cumulative Supplement, is hereby amended by striking out the period at the end thereof, inserting a semicolon in lieu thereof, and adding the following words:

"Provided further, with respect to any person who becomes a member of this Retirement System after July 1, 1969, the local system agrees to transfer to this Retirement System the amount of reserve held in the local system as a result of previous contributions of the employer on behalf of the transferring employee."

Sec. 16. Exclusion of judges of Court of Appeals. Subdivision (10) of G. S. 135-1, as the same appears in the 1967 Cumulative Supplement, is hereby amended by adding in line five the words "any judge of the Court of Appeals," immediately following the words "Supreme Court."

Sec. 17. Administration of system — annual valuation. Subsection (o) of G. S. 135-6 is hereby amended by inserting the words "and interest assumption rate" immediately following the words "tables" in line one thereof.

Sec. 18. References. All references in this Act to sections of the General Statutes are references to the 1964 Replacement Volume except references to the 1967 Cumulative Supplement, in which case references are to the statutes in the 1967 Cumulative Supplement to the 1964 Replacement Volume of the General Statutes.

Sec. 18 1/2. Notwithstanding any other provisions of this Act, all new or increased benefits provided herein shall be payable subject to the availability of funds as determined by the board of trustees of the Retirement System, and no additional appropriations shall be made by the General Assembly of 1969 or any future session of the General Assembly to provide the above referred to new or increased benefits.

Sec. 19. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 20. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1224  

H. B. 1337  

CHAPTER 1224  

AN ACT TO REDUCE THE PUNISHMENT OF VARIOUS GENERAL MISDEMEANORS CARRIED IN CHAPTER 14 OF THE GENERAL STATUTES OF NORTH CAROLINA TO A PUNISHMENT OF FINE NOT TO EXCEED $500, IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH.

The General Assembly of North Carolina do enact:

Section 1. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting the period at the end of the Section and by adding at that point the following: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both."

This Section applies to G. S. 14-35, 14-47, 14-48, 14-113, 14-115, 14-133, 14-143, 14-144, 14-194, 14-199, 14-223, 14-224, 14-314, 14-319, 14-343, 14-345, 14-365, 14-380.1, 14-380.2, 14-383, and 14-431.

Sec. 2. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting the period at the end of the first sentence of the Section and by adding at that point the following: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-112, 14-132, 14-164, and 14-360.

Sec. 3. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting at the end of the Section the punctuation and words following the word "misdemeanor" and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-82, 14-108, 14-109, 14-110, 14-111, 14-158, 14-163, 14-186, 14-225, 14-272, 14-273, 14-275, 14-281, 14-313, 14-361, 14-362, 14-368, 14-401.1, 14-415, and 14-422.

Sec. 4. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting at the end of the first sentence of the Section or subsection in question the punctuation and words following the word "misdemeanor" and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-40, 14-78.1, 14-111.1, 14-111.2, 14-114, 14-193, 14-346(b), 14-346.2, and 14-363.

Sec. 5. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting at the end of the last sentence of the Section the punctuation and words following the word "misdemeanor" and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-86, 14-118.3, 14-286, 14-287, 14-393, 14-397, and 14-401.2.

Sec. 6. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting at the end of the Section or subsection in question the words and punctuation following the word "misdemeanor" and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-113.6, 14-227.3, 14-235, 14-284.1(e), 14-327, 14-353, 14-408, and 14-424.

Sec. 7. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting at the end of the first sentence of the Section or subsection in question the words and punctuation following the word
"misdemeanor" and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-118.2(b), 14-269, and 14-314.

Sec. 8. The sections of the General Statutes of North Carolina listed below in this Section are each amended by deleting at the end of the last sentence of the Section the words and punctuation following the word "misdemeanor" and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-238, 14-344, 14-369, 14-386, 14-400, 14-401.3, 14-401.6, and 14-401.10.

Sec. 9. The sections of the General Statutes of North Carolina listed below in this Section are each amended by adding a sentence at the end of the Section as follows: "Any person violating any provision of this Section shall be punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." It is intended that this amendment be made to G. S. 14-105, 14-157, 14-184, 14-190, 14-200, 14-270, 14-332, 14-348, 14-366, and 14-389.

Sec. 10. G. S. 14-107 is amended to delete the period at the end of the first sentence of the third paragraph and to add: punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both." This Section applies to G. S. 14-105, 14-157, 14-184, 14-190, 14-200, 14-270, 14-332, 14-348, 14-366, and 14-389.

Sec. 11. G. S. 14-129.1 is amended by deleting the words "and shall be fined or imprisoned in the discretion of the court" from the second sentence of that Section and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both".

Sec. 12. G. S. 14-134 is amended by deleting the words and punctuation "and shall be fined or imprisoned in the discretion of the court, or both such fine and imprisonment" from the first sentence of that Section and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six months, or both".

Sec. 13. G. S. 14-142 is amended by deleting the words and punctuation "be fined or imprisoned, or both, at the discretion of the court." and by adding in lieu thereof: "be punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both."

Sec. 14. G. S. 14-160 as it appears in 1953 Recompiled Volume 1B of the General Statutes is rewritten to read as follows:

"Sec. 14-160. Wilful and wanton injury to personal property; punishments. (a) If any person shall wantonly and wilfully injure the personal property of another he shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months or both.

"(b) Notwithstanding the provisions of subsection (a), if any person shall wantonly and wilfully injure the personal property of another, causing damage in an amount in excess of two hundred dollars ($200.00), he shall be guilty of a misdemeanor punishable as provided in Sec. 14-3(a).

"(c) This Section applies to injuries to personal property without regard to whether the property is destroyed or not."
CHAPTER 1224  
SESSION LAWS—1969

Sec. 15. Article 24 of Chapter 14 of the General Statutes is amended by deleting the words and punctuation "and punished as heretofore provided." from the end of G. S. 14-166, 14-167, and 14-168 and by adding in lieu thereof at the end of each section: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six months, or both." Article 24 is further amended by deleting the words "Any" at the beginning of G. S. 14-169 and by adding in lieu thereof: "Except as otherwise provided, any".

Sec. 16. G. S. 14-251 is amended to delete from the first sentence the punctuation and words following the word "misdemeanor" and by adding in lieu thereof: "punishable by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both such fine and imprisonment."

Sec. 17. G. S. 14-331 is amended by deleting from the second clause of the Section, following the word "misdemeanor", the punctuation and words ", and upon conviction shall be punished by fine or imprisonment in the discretion of the court" and by adding in lieu thereof: "punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both."

Sec. 18. G. S. 14-339 is amended by deleting the words and punctuation "punished by imprisonment, at the discretion of the court, not to exceed twelve (12) months," from the end of the Section and by adding at that point: "guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both."

Sec. 19. G. S. 14-346.1 is amended to rewrite the second paragraph of the Section as follows:

"Any person who violates any provision of this Section shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both."

Sec. 20. G. S. 14-401.5 as it appears in the 1967 Supplement to 1953 Recompiled Volume 1B of the General Statutes is amended by deleting on line six of the Section the words "one year" and by adding in lieu thereof the words "six (6) months".

Sec. 21. G. S. 14-336 is amended by deleting the words and punctuation "may be fined or imprisoned, or both, in the discretion of the court;" from the proviso in the first paragraph of that Section and by adding in lieu thereof: "shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both. The classes are:"

Sec. 22. G. S. 14-188 is amended by deleting the period at the end of the caption and by adding in lieu thereof the punctuation and word "; punishment."; by designating the text of the Section as it is presently carried in 1953 Recompiled Volume 1B of the General Statutes as subsection (a); and by adding a new subsection (b) as follows:

"(b) On a prosecution in any court for keeping a disorderly house or a bawdy house, or permitting a house to be used as a bawdy house or used in such a way to make it disorderly or a common nuisance, the offense shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment for not more than six (6) months, or both."

Sec. 23. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 24. This Act shall take effect on October 1, 1969.
In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1416

CHAPTER 1225

AN ACT TO AMEND CHAPTER 673, SESSION LAWS OF 1969, RELATING TO THE MUNICIPAL BOARD OF CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 673, Session Laws of 1969, is hereby amended by adding a new section immediately after Section 2 thereof, to be designated "Sec. 2 1/2", and to read as follows:

"Sec. 2 1/2. Notwithstanding any other provisions of this Act, Article 17 of Chapter 160 of the General Statutes is hereby re-enacted for the sole purpose of conferring upon the Municipal Board of Control the power and authority to hear and make a determination of any petition or other matter filed or pending with the Municipal Board of Control prior to June 2, 1969. Upon the determination of such pending matters, the Municipal Board of Control shall cease to exist."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. B. 1426

CHAPTER 1226

AN ACT TO ABOLISH A CERTAIN SCHOOL TAX LEVIED IN NORTHAMPTON COUNTY IN THE RICH SQUARE SCHOOL DISTRICT AREA.

The General Assembly of North Carolina do enact:

Section 1. The authority of the Board of County Commissioners of Northampton County to levy a special tax for School purposes at the rate of fifteen cents (15¢) per hundred dollar property valuation on property in the Rich Square School District area, as authorized in 1947 pursuant to the provisions of Section 115-361 and Articles 22, 23 and 24 of Chapter 115 of the General Statutes in effect at that time, is hereby abolished, and the Board of County Commissioners of Northampton County shall have no authority hereafter to levy said tax: Provided, however, this Act shall not relieve anyone of any liability for any such tax heretofore levied and unpaid.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
CHAPTER 1227

S. B. 41

CHAPTER 1227

AN ACT TO AMEND G. S. 135-1 SO AS TO MAKE PERMANENT EMPLOYEES OF THE NORTH CAROLINA SYMPHONY SOCIETY, INC., ELIGIBLE FOR MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. (a) Subdivision (10) of G. S. 135-1 is hereby amended by adding the following sentence at the end thereof:

"Employee' shall also mean any full time employee of the North Carolina Symphony Society, Inc."

(b) Subdivision (11) of G. S. 135-1 is hereby amended by adding the following sentence at the end thereof:

"Employer' shall also mean the North Carolina Symphony Society, Inc."

(c) The provisions of Subsection (d) of G. S. 135-27, as the same appears in the 1964 Replacement Volume 3B of the General Statutes, shall be fully applicable to the North Carolina Symphony Society, Inc."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 178

CHAPTER 1228

AN ACT ENABLING EACH OF THE COUNTIES OF THE STATE TO HOLD A SPECIAL ELECTION FOR THE PURPOSE OF CONSIDERING WHETHER A COUNTY SHALL OR SHALL NOT IMPOSE AND LEVY A SALES AND USE TAX OF ONE PER CENT (1%) UPON CERTAIN TAXABLE TRANSACTIONS.

The General Assembly of North Carolina do enact:

Section 1. Article 5 of Chapter 105 of the General Statutes of North Carolina is hereby amended by adding at the end thereof, immediately following G. S. 105-164.44, a new division to be designated as Division IX and reading as follows:

"Division IX. Title and Purpose

G. S. 105-164.45. Short title. This division shall be known as the 'Local Option Sales and Use Tax Act'.

G. S. 105-164.46. Purpose and intent. It is the purpose of this Act to provide the counties and municipalities of this State with an added source of revenue and to assist them in meeting their growing financial needs by providing that counties may by special election adopt and levy a one per cent (1%) sales and use tax as hereinafter provided.

G. S. 105-164.47. County elections as to adoption of local sales and use tax. The board of elections of each county shall call and conduct a special election on Tuesday, November 4, 1969, for the purpose of submitting to the voters of each such county the question of whether a one per cent (1%) sales and use tax as hereinafter provided will be levied.
The special election shall be held under the same rules and regulations applicable to the election of members of the General Assembly. A new registration of voters is not required and all qualified voters in each county who are properly registered prior to the registration for the special election, as well as those voters who register for the special election, shall be entitled to vote in said election. The board of elections of each county shall give at least twenty (20) days' public notice prior to the opening of the registration books for the special election, and the registration books shall remain open for the same period of time before the special election as is required by law for a regular election.

The board of elections of each county shall prepare ballots for the special election which shall contain the words, 'FOR the one per cent (1%) local sales and use tax', and the words, 'AGAINST the one per cent (1%) local sales and use tax', with appropriate squares so that each voter may designate his vote by his cross (x) mark.

G. S. 105-164.48. Subsequent county elections as to adoption of local sales and use tax. The board of elections of any county in which the local sales and use tax is not approved in the special election authorized by G. S. 105-164.47, upon the written request of the board of county commissioners thereof, or upon receipt of a petition signed by qualified voters of the county equal in number to at least fifteen percent (15%) of the total number of votes cast in the county at the last preceding election for the office of Governor, shall call a special election for the purpose of submitting to the voters of the county the question of whether a one per cent (1%) sales and use tax as hereinafter provided will be levied.

The special election shall be held under the same rules and regulations applicable to the election of members of the General Assembly. A new registration of voters is not required and all qualified voters in the county who are properly registered prior to the registration for the special election, as well as those voters who register for the special election, shall be entitled to vote in said election. The county board of elections shall give at least twenty (20) days' public notice prior to the opening of the registration books for the special election, and the registration books shall remain open for the same period of time before the special election as is required by law for a regular election.

The county board of elections shall prepare ballots for the special election which shall contain the words, 'FOR the one per cent (1%) local sales and use tax', and the words, 'AGAINST the one per cent (1%) local sales and use tax', with appropriate squares so that each voter may designate his vote by his cross (x) mark.

The county board of elections shall fix the date of the special election; provided, however, that the special election shall not be held on the day of any biennial election for county officers, nor within sixty (60) days thereof, nor within one (1) year from the date of the last preceding special election under this division.

G. S. 105-164.49. Effect of election in counties levying local sales and use tax. No special election held pursuant to this Act shall have the effect of repealing or altering in any manner whatsoever any local sales and use tax adopted and levied pursuant to Chapter 1096 of the Session Laws of 1967, or pursuant to any other local Act heretofore or hereafter enacted.

G. S. 105-164.50. Effective date of tax. In the event a majority of those voting in a special election held pursuant to either G. S. 105-164.47 or G. S. 105-164.48 shall approve the levy of the local sales and use tax, the tax shall be levied beginning on the first day of the month following the expiration of ninety (90) days from the
date of the special election. Upon receipt of a certified statement from the county board of elections of the result of a special election held pursuant to either G. S. 105-164.47 or G. S. 105-164.48 approving the tax in a county, the Commissioner of Revenue shall proceed as authorized in this division to administer the tax in such county; provided, however, that the tax shall not be levied in Edgecombe County unless a majority of those voting in a special election in Edgecombe County and a majority of those voting in a special election in Nash County shall approve the levy of the tax, and the tax shall not be levied in Nash County unless a majority of those voting in a special election in Nash County and a majority of those voting in a special election in Edgecombe County shall approve the levy of the tax; provided, further, special elections in Edgecombe County or Nash County approving the levy of the tax need not have been held simultaneously.

G. S. 105-164.51. Sales tax imposed: Limited to items on which the State now imposes a 3% sales tax. The sales tax which may be imposed under this division is limited to a tax at the rate of one percent (1%) of: (1) the sale price of those articles of tangible personal property now subject to the three percent (3%) sales tax imposed by the State under G. S. 105-164.4(1); (2) the gross receipts derived from the lease or rental of tangible personal property where the lease or rental of such property is an established business now subject to the three percent (3%) sales tax imposed by the State under G. S. 105-164.4(2); (3) the gross receipts derived from the rental of any room or lodging furnished by any hotel, motel, inn, tourist camp or other similar public accommodations now subject to the three percent (3%) sales tax imposed by the State under G. S. 105-164.4(3); and (4) the gross receipts derived from services rendered by laundries, dry cleaners, cleaning plants and similar type businesses now subject to the three percent (3%) sales tax imposed by the State under G. S. 105-164.4(4).

The exemptions and exclusions contained in G. S. 105-164.13 shall apply with equal force and like manner to the local sales tax authorized to be imposed and levied under this division. The county shall have no authority, with respect to the local sales and use tax, imposed under this division, to change, alter, add or delete any exemptions or exclusions contained under G. S. 105-164.13.

The local sales tax authorized to be imposed and levied under the provisions of this division shall be applicable to such retail sales, leases, rentals, rendering of services, furnishing of lodging or accommodations and other taxable transactions which are made, furnished or rendered by retailers whose place of business is located within the taxing county. The tax so imposed and levied shall apply to the furnishing of rooms, lodging or other accommodations within the county which are rented to transients. For the purposes of this division, it is immaterial that the sale of tangible personal property is consummated by delivery in another county or that tangible personal property leased or rented is or may be located in another county; provided, however, no tax shall be imposed where the tangible personal property sold is delivered by the retailer or his agent to the purchaser at a point outside this State or to a common carrier for delivery to the purchaser at a point outside this State.

G. S. 105-164.52. Use tax imposed: Limited to items upon which the State now imposes a three percent (3%) use tax. The use tax which may be imposed under this division shall be at the rate of one percent (1%) of the cost price of each item or article of tangible personal property when the same is not sold but used, con-
sumed or stored for use or consumption in the taxing county, except that no tax
shall be imposed upon such tangible personal property when, if the property were
subject to the use tax imposed by G. S. 105-164.6, such property would be taxed
by the State of North Carolina at a rate less than three percent (3%).

Every retailer engaged in business in this State and in the taxing county and
required to collect the use tax levied by G. S. 105-164.6 shall also collect the one
percent (1%) use tax when such property is to be used, consumed or stored in the
taxing county, said one percent (1%) use tax to be collected concurrently with the
State's use tax; but no retailer not required to collect the use tax levied by G. S.
105-164.6 shall be required to collect the one percent (1%) use tax. The use tax
contemplated by this Section shall be levied against the purchaser, and his liability
for such use tax shall be extinguished only upon his payment of the use tax to
the retailer, where the retailer is required to collect the tax, or to the Commissioner
of Revenue, where the retailer is not required to collect the tax.

Where a local sales or use tax has been paid with respect to said tangible person-
al property by the purchaser thereof, either in another taxing county within the
State, or in a taxing jurisdiction outside the State where the purpose of the tax
is similar in purpose and intent to the tax which may be imposed pursuant to this
division, said tax may be credited against the tax imposed under this Section by
a taxing county upon the same property. If the amount of sales or use tax so paid
is less than the amount of the use tax due the taxing county under this Section,
the purchaser shall pay to the Commissioner of Revenue an amount equal to the
difference between the amount so paid in the other taxing county or jurisdiction
and the amount due in the taxing county hereunder. The Commissioner of Revenue
may require such proof of payment in another taxing county or jurisdiction as he
deems to be necessary and proper. The use tax levied hereunder shall not be subject
to credit for payment of any state sales or use tax not imposed for the benefit and
use of counties and municipalities.

G. S. 105-164.53. Collection and administration of local sales and use tax; autho-
rization to promulgate rules and regulations. The Commissioner of Revenue shall
collect the local sales and use tax imposed by any county pursuant to the provisions
of this division and shall be charged with the duty of administering the local sales
and use tax authorized to be imposed by this division. In addition to the present
statutory provisions authorizing the Commissioner of Revenue to adopt and promul-
gate rules and regulations pertaining to the administration and collection of taxes
under this Article, the Commissioner of Revenue is empowered to promulgate such
additional rules and regulations as are necessary and proper for the implementation
of this division.

G. S. 105-164.54. Retail bracket system; application to local sales and use tax.
For the convenience of the retailer in collecting the State sales and use tax due
at the rate of three percent (3%) and the county sales and use tax due at the rate
of one percent (1%), and to facilitate the administration of this Article, every retailer
making sales subject to the tax imposed and levied herein shall add to the sale
price, collect from the purchaser and remit to the Commissioner of Revenue on
all taxable sales an amount equal to the following:

No amount on sales of less than 10¢
1¢ on sales of 10¢ to 29¢
2¢ on sales of 30¢ to 59¢

1427
The use of the bracket system, set out above, shall not relieve the retailer from the duty and liability of collecting and remitting to the Commissioner of Revenue an amount equal to the tax imposed by the State and the taxing county under this Article.

G. S. 105-164.55. Retailer to collect tax. Every retailer having a place of business in any taxing county levying a sales and use tax under this division, shall on and after the effective date of the tax herein levied collect the one percent (1%) local sales and use tax provided by this division.

The tax to be collected under this division shall be collected as a part of the sales price of the item of tangible personal property sold, the cost price of the item of tangible personal property used, or as a part of the charge for the rendering of any services, renting or leasing of tangible personal property, or the furnishing of any accommodations taxable hereunder. The total taxes imposed under this Article shall be stated and charged separately from the sales price or cost price, shall be shown separately on the retailer's sales record, and shall be paid by the purchaser to the retailer as trustee for and on account of the county wherein the tax is imposed. It is the intent and purpose of this division that the local sales and use tax herein authorized to be imposed and levied by counties shall be added to the sales price and that the tax shall be passed on to the purchaser instead of being borne by the retailer. The Commissioner of Revenue shall design, print and furnish to all retailers the necessary forms for filing returns and instructions to insure the full collection from retailers, and the Commissioner may adapt the present form used for the reporting and collecting of the State sales and use tax to this purpose.

G. S. 105-164.56. Disposition and distribution of taxes collected; counties and municipalities to share with tax districts. The Commissioner of Revenue shall, on a quarterly basis, distribute to the taxing counties and to the municipalities therein the net proceeds of the tax collected under this division, which amount shall be determined by deducting taxes refunded, the cost to the State of collecting and administering the tax in the taxing counties and such other deductions as may be properly charged to the taxing counties, from the gross amount of the tax remitted to the Commissioner of Revenue from the taxing counties. The Commissioner shall determine the cost of collection and administration, and that amount shall be retained by the State before distribution of the net proceeds of the tax.

The amount distributable to each taxing county and to the municipalities therein from the net proceeds of the tax collected under this division shall be determined upon the following basis:

(a) One half (1/2) of the net proceeds collected in each taxing county shall be returned to that county, and the amounts so returned to each taxing county shall in turn be divided between the county and the municipalities therein in proportion to the total amount of ad valorem taxes levied by each during the fiscal year next preceding such distribution. For purposes of this Section, the amount of the ad valorem taxes levied by each county and municipality shall include any ad valorem taxes levied by such county or municipality in behalf of a taxing district or districts and collected by the county and municipality. In computing the amount of tax proceeds to be distributed to any county or municipality, the amount of any ad valorem
taxes levied but not substantially collected shall be ignored. Each county and municipality receiving a distributable share of the sale and use tax levied under this division shall in turn share the proceeds with any district or districts in behalf of which the county or municipality levied ad valorem taxes in the proportion that the district levy bears to the total levy of the county or municipality.

(b) The remainder of the net proceeds of the tax collected in the taxing counties shall be distributed to the taxing counties and to the municipalities therein upon a per capita basis according to the total population of all taxing counties, plus the total population of the municipalities therein. For this purpose, the Commissioner of Revenue shall determine a per capita figure by dividing the remainder of the net proceeds of the tax collected under this division for the preceding quarter within the taxing counties by the total population of the taxing counties plus the total population of all municipalities therein according to the most recent federal decennial census. The per capita figure thus derived shall be multiplied by the population of each respective taxing county and each respective municipality therein according to the most recent annual estimates of population as certified to the Commissioner of Revenue by the Director of the North Carolina Department of Administration. The Director of the North Carolina Department of Administration shall annually cause to be prepared and shall certify to the Commissioner of Revenue such reasonably accurate population estimates of all counties and municipalities in the State as may practicably be developed, and each respective product shall be the amount to be distributed to each taxing county and to each municipality therein.

G. S. 105-164.57. Definitions; Application of other provisions of Article 5; Construction of this division; Penalties. The definitions set forth in G. S. 105-164.3 shall apply to this division insofar as such definitions are not inconsistent with the provisions of this division, and all other provisions of Article 5 as the same relate to the North Carolina Sales and Use Tax Act shall be applicable to this division unless such provisions are inconsistent with the provisions of this division. In construing and interpreting the provisions of this division, the Commissioner of Revenue may uniformly apply the administrative interpretations which have heretofore been made by the Department of Revenue with respect to the North Carolina Sales and Use Tax Act. It is the intention of this division that the provisions of this division and the provisions of the North Carolina Sales and Use Tax Act, insofar as it is practicable, shall be harmonized.

The penalty provisions now applicable to the enforcement of the North Carolina Sales and Use Tax Act shall be applicable in like manner to the tax authorized to be levied and collected under this division."

Sec. 2. The provisions of Section 1 of this Act shall not be applicable with respect to any building materials purchased for the purpose of fulfilling any lump sum or unit price contract entered into or awarded, or entered into or awarded pursuant to any bid made, before the effective date of the tax imposed by a taxing county when, absent the provisions of this Section, such building materials would otherwise be subject to tax under the provisions of Section 1 of this Act.

Sec. 3. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 692

CHAPTER 1229

AN ACT AMENDING ARTICLE 9 OF CHAPTER 143 OF THE GENERAL STATUTES RELATING TO THE STATE BUILDING CODE COUNCIL AND THE STATE BUILDING CODE SO AS TO CLARIFY AND BRING UP TO DATE ITS PROVISIONS IN LIGHT OF OPERATIONAL EXPERIENCE.

The General Assembly of North Carolina do enact:

Section 1. Section 143-136 of the General Statutes, as the same appears in the 1967 Cumulative Supplement to Volume 3C, is amended by substituting the word "ten" for the word "nine" in line 3; by inserting the words "one registered architect or licensed general contractor specializing in residential design or construction," between the words "general contractor," and the word "one" in line 4; by inserting the words "or county" between the word "municipal" and the words "building inspector" in line 7; and by substituting the words "registered engineer on" for the words "representative of" in lines 8 and 9 of said section.

Sec. 2. Section 143-138 is amended by deleting the words in parentheses in lines 10-12 of subsection (b); by inserting the words "within its jurisdiction as defined in subsection (e) below" between the word "buildings" and the colon at the end of line 21 of subsection (b); by inserting the words "the American Insurance Association, formerly" between the words "Code of" and the words "the National Board" in line 6 of subsection (c); by inserting the words "Life Safety Code, formerly" between the word "the" and the words "Building Exits" in line 10 of subsection (c); by substituting the words "American Insurance Association" for the words "National Board of Fire Underwriters" in line 13 of subsection (c); by inserting the words "the United States of America Standards Institute, formerly" between the words "promulgated by" and the word "the" in line 14 of subsection (c).

Sec. 3. Subsection 143-138(b) is further amended by deleting the words "corporate limits" in lines 31 and 32 and substituting therefor the words "building-regulation jurisdiction."

Sec. 4. Subsection 143-138(e) is rewritten to read as follows:

"(e) Effect upon Local Building Codes. The North Carolina State Building Code shall apply throughout the State, from the time of its adoption. However, any political subdivision of the State may adopt a building code or building rules and regulations governing construction within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by a special or local act of the General Assembly, shall be as follows: municipal jurisdiction shall include all areas within the corporate limits of the municipality; county jurisdiction shall include all other areas of the county. No such building code or regulations shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. While it remains effective, such approval shall be taken as conclusive evidence that a local code or local regulations supersede the State Building Code in its particular political subdivision. Whenever the Building Code Council adopts an amendment to the State Building Code, it shall consider any previously-approved local regulations dealing with the same general matters, and it shall have authority to withdraw its approval
of any such local code or regulations unless the local governing body makes such appropriate amendments to that local code or regulations as it may direct. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local codes and regulations shall have no force and effect."

Sec. 5. Subsection 143-138(g) is amended by inserting the words "Judges of the Court of Appeals....1 each" and "Clerk of the Court of Appeals.....1" immediately after line 29; by substituting the words "Department of Administration" for the words "Budget Bureau" in line 25; by substituting the words "North Carolina State University at Raleigh" for the words "North Carolina State College of Agriculture and Engineering of the University of North Carolina" in lines 42 and 43; by deleting the words "Woman's College of the University of North Carolina...." 1" in line 44; by substituting the words "North Carolina Agricultural and Technical State University" for the words "A & T College at Greensboro" in line 45; and by adding the words "Chief Building Inspector of each incorporated municipality or county...." 1" immediately following line 52 of said subsection.

Sec. 6. Subsection 143-138(h) is amended by adding the following at the end thereof: "In case any building or structure is erected, constructed or reconstructed, or its purpose altered, so that it becomes in violation of the North Carolina State Building Code, either the local enforcement officer or the State Insurance Commissioner or other state official with responsibility under G.S. 143-139 may, in addition to other remedies, institute any appropriate action or proceedings (a) to prevent such unlawful erection, construction or reconstruction, or alteration of purpose, (b) to restrain, correct, or abate such violation, or (c) to prevent the occupancy or use of said building, structure, or land until such violation is corrected."

Sec. 7. Section 160-141 is repealed and the following new Section 143-143.2 is substituted therefor:

"G.S. 143-143.2. Electric Wiring of Houses. The electric wiring of houses or buildings for lighting or for other purposes shall conform to the requirements of the State Building Code, which includes the National Electric Code and any amendments and supplements thereto as adopted and approved by the State Building Code Council, and any other applicable state and local laws. In order to protect the property of citizens from the dangers incident to defective electric wiring of buildings, it shall be unlawful for any firm or corporation to allow any electric current for use in any newly erected building to be turned on without first having had an inspection made of the wiring by the appropriate official Electrical Inspector or Inspection Department and having received from that Inspector or Department a certificate approving the wiring of such building. It shall be unlawful for any person, firm, or corporation engaged in the business of selling electricity to furnish initially any electric current for use in any building, unless said building shall have first been inspected by the appropriate official Electrical Inspector or Inspection Department and a certificate given as above provided. In the event that there is no legally appointed Inspector or Inspection Department with jurisdiction over the property involved, the two preceding sentences shall have no force or effect."

Sec. 8. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Sec. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1230

S. B. 722

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE FEASIBILITY OF COMMENCING A PROGRAM TO TRAIN TEACHERS SO THAT THEY WILL BE PROPERLY PREPARED TO INSTRUCT AND CONDUCT COURSES IN ECONOMICS AND THE FREE ENTERPRISE SYSTEM, AND INTRODUCING INTO THE PUBLIC SCHOOL CURRICULUM COURSES OF INSTRUCTION IN ECONOMICS AND THE FREE ENTERPRISE SYSTEM.

WHEREAS, the Free Enterprise System is the strong foundation of our cherished system of government; and

WHEREAS, the Free Enterprise System has caused our State and Nation to become the strongest and most prosperous in the history of the world; and

WHEREAS, the United States of America is the last stronghold of our free and democratic system of government; and

WHEREAS, our freedom and system of government are constantly under attack by enemies dedicated to its destruction; and

WHEREAS, it is imperative that the future citizens of America completely understand our Free Enterprise System; and

WHEREAS, high school and college students are not being taught the fundamentals of our Free Enterprise System; and

WHEREAS, high school students in North Carolina are not receiving instruction in the Free Enterprise System and less than five percent (5%) of high school graduates in America have had any instruction in Economics; and

WHEREAS, through a survey students indicated that sixty-one percent (61%) understood that the profit incentive is not needed for our system, and eighty-two percent (82%) believed that under our system we have practically no competition in business; and

WHEREAS, the North Carolina Public School System is training the future leaders and citizens of our State and Nation; and

WHEREAS, the continued survival, prosperity, development and strength of the individual and nation demand that the Free Enterprise System and Economics be taught in our public schools by properly trained instructors;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The State Board of Education is directed to immediately study the need for, and is authorized to formulate plans for, the introduction into the curriculum of the Public School System courses of study in the Free Enterprise System and Economics and the basic economic philosophy of this State and Nation, and shall also study the need for, and is authorized to formulate plans for, the necessary action required to train teachers qualified to teach and instruct such courses in our public schools.

Sec. 2. In conducting this study, and in formulating and carrying out plans, the State Board of Education may use all State personnel and facilities reasonably required, and is hereby authorized to accept gifts and services from foundations, private individuals, and other sources in carrying out the provisions of this Resolution.
Sec. 3. The State Board of Education shall make a report of the results of its study and the recommendations to the Governor by July 1, 1970, and to the General Assembly by January 1, 1971.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified this the 2nd day of July, 1969.

S. B. 794

CHAPTER 1231

AN ACT TO REQUIRE SCHOOL BUSES, FOR HIRE PASSENGER VEHICLES, COMMON CARRIERS OF PASSENGERS, AND PROPERTY HAULING VEHICLES TRANSPORTING DANGEROUS CARGOS SUCH AS EXPLOSIVES, INFLAMMABLE MATERIALS AND POISONOUS SUBSTANCES TO STOP AT ALL UNPROTECTED RAILROAD GRADE CROSSINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-143 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is amended by deleting the language appearing in lines 13 and 14 which reads as follows: "Provided that all school trucks and passenger buses be required to come to a full stop at all railroad crossings".

Sec. 2. Chapter 20 of the General Statutes is amended by inserting immediately after G. S. 20-143 a new section to be designated G. S. 20-143.1 to read as follows:

"G. S. 20-143.1. Certain Vehicles Must Stop at All Railroad Grade Crossings. (a) The driver of every school bus, every motor vehicle carrying passengers for compensation and every property hauling motor vehicle licensed in excess of 10,000 pounds which is carrying explosives or any dangerous article as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 10 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for any signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. Upon proceeding, the driver of such vehicle shall cross only in such gear of the vehicle that there shall be no necessity for changing gears and the driver shall not change gears while crossing the track or tracks.

(b) The provisions of this Section shall not require the driver of a vehicle to stop:

1. At railroad tracks used exclusively for industrial switching purposes within a business district as defined in G. S. 20-38(1).
2. At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.
3. At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when such gate or flashing signal does not indicate the approach of a train.
4. At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.
5. At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing", which sign has been erected by or with the consent of the appropriate State or local authority."
(c) "Dangerous article" shall mean any flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances or radioactive materials as hereinafter defined.

1. 'Flammable liquids' shall mean any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open cup tester as used for test of burning oil) at or below a temperature of 80 degrees F.

2. 'Flammable solids' shall mean any solid substance which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from its manufacturing or processing.

3. Oxidizing materials' shall mean any substance such as chlorate, permanganate, peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

4. 'Corrosive liquids' shall mean those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action, or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals.

5. 'Compressed gas' shall mean any material or mixture having in the container either an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees F., or an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees F., or both, or any liquid flammable material having a Reid vapor pressure exceeding forty (40) pounds per square inch absolute at one hundred (100) degrees F.

6. 'Poisonous substances' shall mean liquids and gases of such nature that a very small amount of the gas or vapor of the liquid mixed with air is dangerous to life, or such liquid or solid substance as, upon contact with fire or when exposed to air, gives off dangerous or intensely irritating fumes or substances, which are chiefly dangerous by external contact with the body or by being taken internally.

7. 'Radioactive materials' shall mean any material or combination of materials that spontaneously emits ionizing radiation.

(d) It shall be unlawful to transport by motor vehicle upon the highways of this State any dangerous article without conspicuously marking or placarding such motor vehicle on each side and on the rear thereof with the word 'DANGEROUS' or the common or generic name of the article transported or its principal hazard. Additionally, the rear of every such vehicle shall be conspicuously marked with the words 'THIS VEHICLE STOPS AT ALL RAILROAD CROSSINGS.'

(3) The provisions of this Section shall not apply to taxicabs nor to vehicles subject to the rules and regulations adopted by the North Carolina Utilities Commission and the United States Department of Transportation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon September 1, 1969.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
S. B. 795  CHAPTER 1232

AN ACT TO AMEND G.S. 160-453.12 AND G.S. 160-453.24, RELATING TO MUNICIPAL ANNEXATION, SO AS TO REMOVE FRANKLIN COUNTY THEREFROM.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-453.12 and G.S. 160-453.24, as they appear in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, are hereby amended by deleting the word "Franklin" from each section.

Sec. 1 1 ⁄ 2. Any town board of commissioners in any incorporated town in Franklin County shall before undertaking to extend its present corporate limits adopt a resolution specifically designating the area proposed to be annexed and agree to a deadline for furnishing said area the services enumerated in G. S. 160-453.3. The commissioners of said town shall then call an election to determine if a majority of the qualified voters residing in the proposed area to be annexed are in favor of such annexation. The ballot in such election shall be in form as follows:

☐ FOR annexation
☐ AGAINST annexation

In the interest of time and economy, any town board of commissioners may, in lieu of an election after the provisions of the first sentence of this Section are complied with, annex an area upon receiving a petition properly signed by a majority of the qualified voters residing in the area proposed to be annexed. No area shall be annexed except as herein provided by a majority of those voting in favor of said annexation or by a majority of the qualified voters residing in a proposed area to be annexed signing a petition requesting such annexation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. B. 880  CHAPTER 1233

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PURCHASE PARTS, APPARATUS AND MATERIALS FOR MAINTENANCE AND REPAIR OF SPECIALIZED EQUIPMENT UPON RECEIPT OF INFORMAL BIDS.

The General Assembly of North Carolina do enact:

Section 1. Purchases of parts, apparatus and materials necessary to properly maintain and keep in repair specialized equipment of the City of Durham may be made after obtaining informal bids therefor, unless there is only one known manufacturer or supplier of such desired article, in which case an informal bid from such manufacturer or supplier shall be sufficient. This authority may be exercised without regard to the maximum limits or the requirement for advertising for bids as set forth in G. S. 143-129 and G. S. 143-131. It shall be the duty of the purchasing agent or other authorized employee or department to keep a record of all such informal bids submitted, and such record shall be subject to public inspection.

Sec. 2. This Act shall apply only to the City of Durham.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 891  CHAPTER 1234
AN ACT TO PERMIT THE ASHEBORO CITY BOARD OF EDUCATION TO CONVEY CERTAIN PROPERTY BY WARRANTY DEED.

The General Assembly of North Carolina do enact:

Section 1. The Asheboro City Board of Education is hereby authorized and empowered to execute and convey by warranty deed certain property located in Asheboro Township, Randolph County, North Carolina, consisting of 3.95 acres, more or less, bounded by South Fayetteville Street on the West, East Academy Street on the North and South Cox Street on the East.

Sec. 2. Members of the Asheboro City Board of Education are hereby relieved of any personal or individual liability by reason of the execution of such deed with covenants of warranty.

Sec. 3. This Section shall apply only to the Asheboro City Board of Education and only as to the conveyance of this specific piece of property.

Sec. 4. This Act will be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1019  CHAPTER 1235
AN ACT RELATING TO THE FINANCING OF RESIDENTIAL HOUSING FOR PERSONS AND FAMILIES OF LOWER INCOME AND CREATING THE NORTH CAROLINA HOUSING CORPORATION; DEFINING ITS DUTIES, POWERS AND RESPONSIBILITIES; AUTHORIZING THE ISSUANCE OF NOT IN EXCESS OF $200,000,000 BONDS TO ASSIST IN THE FINANCING OF SUCH HOUSING; CREATING THE HOUSING DEVELOPMENT FUND AND AUTHORIZING THE ISSUANCE OF FUND NOTES, NOT MORE THAN $5,000,000 FUND NOTES TO BE OUTSTANDING AT ANY ONE TIME, TO PROVIDE DEVELOPMENT COST, CONSTRUCTION COST AND DOWN PAYMENT MONEYS; AND PROVIDING FOR THE TERMS, SECURITY, PAYMENT AND TAXATION STATUS OF ALL SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Short title. This Act shall be known and may be cited as the "North Carolina Housing Corporation Act".

Sec. 2. Legislative findings and purposes. The General Assembly hereby finds and declares that as a result of the spread of slum conditions and blight to formerly sound urban and rural neighborhoods and as a result of actions involving highways, public facilities and urban renewal activities there exists in the State of North Carolina a serious shortage of decent, safe and sanitary residential housing available at low prices or rentals to persons and families of lower income. This shortage is severe in certain urban areas of the State, is especially critical in the rural areas, and is inimical to the health, safety, welfare and prosperity of all residents of the State and to the sound growth of North Carolina communities.

The General Assembly hereby finds and declares further that private enterprise and investment have not been able to produce, without assistance, the needed construction of decent, safe and sanitary residential housing at low prices or rentals.
which persons and families of lower income can afford, or to achieve the urgently needed rehabilitation of much of the present lower income housing. It is imperative that the supply of residential housing for persons and families of lower income affected by the spread of slum conditions and blight and for persons and families of lower income displaced by public actions or natural disaster be increased; and that private enterprise and investment be encouraged to sponsor, build and rehabilitate residential housing for such persons and families, to help prevent the recurrence of slum conditions and blight and assist in their permanent elimination throughout North Carolina.

The General Assembly hereby finds and declares further that the purposes of this Act are to provide financing for development costs, land development and residential housing construction, new or rehabilitated, for sale or rental to persons and families of lower income.

The General Assembly hereby finds and declares further that in accomplishing this purpose, the North Carolina Housing Corporation, a public agency and an instrumentality of the State, is acting in all respects for the benefit of the people of the State in the performance of essential public functions and serves a public purpose in improving and otherwise promoting their health, welfare and prosperity, and that the North Carolina Housing Corporation is empowered to act on behalf of the State of North Carolina and its people in serving this public purpose for the benefit of the general public.

Sec. 3. Definitions. The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "bonds" or "notes" means the bonds or bond anticipation notes authorized to be issued by the Corporation under this Act but shall not include any fund notes;

(2) "Corporation" means the North Carolina Housing Corporation created by this Act;

(3) "development costs" means the costs approved by the Corporation as appropriate expenditures which may be incurred by sponsors, builders and developers of residential housing, prior to commitment and initial advance of the proceeds of a construction loan or of a mortgage, including but not limited to:

(a) payments for options to purchase properties on the proposed residential housing site, deposits on contracts of purchase, or, with prior approval of the Corporation, payments for the purchase of such properties,

(b) legal and organizational expenses, including payments of attorneys' fees, project manager, clerical and other staff salaries, office rent and other incidental expenses,

(c) payment of fees for preliminary feasibility studies and advances for planning, engineering and architectural work,

(d) expenses for tenant surveys and market analyses, and

(e) necessary application and other fees;

(4) "fund notes" means the notes authorized to be issued by the Corporation under the provisions of Section 7 of this Act;

(5) "governmental agency" means any department, division, public agency, political subdivision or other public instrumentality of the State, the federal government, any other state or public agency, or any two or more thereof;
CHAPTER 1235         SESSION LAWS—1969

(6) "Housing Development Fund" means the housing development fund created by Section 7 of this Act;

(7) "insured construction loan" means a construction loan for land development or residential housing which is secured by a federally insured mortgage or which is insured by the United States or an instrumentality thereof, or for which there is a commitment by the United States or an instrumentality thereof to insure such a loan;

(8) "insured mortgage" or "insured mortgage loan" means a mortgage loan for residential housing insured or guaranteed by the United States or an instrumentality thereof or for which there is a commitment by the United States or an instrumentality thereof to insure such a mortgage;

(9) "land development" means the process of acquiring land primarily for residential housing construction for persons and families of lower income and making, installing or constructing non-residential housing improvements, including water, sewer and other utilities, roads, streets, curbs, gutters, sidewalks, storm drainage facilities and other installations or works, whether on or off the site, which the Corporation deems necessary or desirable to prepare such land primarily for residential housing construction;

(10) "obligations" means any bonds, bond anticipation notes or fund notes authorized to be issued by the Corporation under the provisions of this Act;

(11) "persons and families of lower income" means persons and families deemed by the Corporation to require such assistance as is made available by this Act on account of insufficient personal or family income, taking into consideration, without limitation, such factors as (a) the amount of the total income of such persons and families available for housing needs, (b) the size of the family, (c) the cost and condition of housing facilities available, (d) the eligibility of such persons and families for federal housing assistance of any type predicated upon a lower income basis and (e) the ability of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing, and deemed by the Corporation therefore to be eligible to occupy residential housing constructed and financed, wholly or in part, with insured construction loans or insured mortgages, or with other public or private assistance;

(12) "residential housing" means a specific work or improvement undertaken primarily to provide dwelling accommodations for persons and families of lower income, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, and such other non-housing facilities as may be incidental or appurtenant thereto; and

(13) "State" means the State of North Carolina.

Sec. 4. *North Carolina Housing Corporation.* There is hereby created a body politic and corporate to be known as the "North Carolina Housing Corporation" which shall be constituted a public agency and an instrumentality of the State for the performance of essential public functions. The Corporation shall be composed of nine members. The State Treasurer, Director of the Department of Administration, Director of the Department of Conservation and Development, Director of the Department of Local Affairs and the State Health Officer and their successors in office from time to time shall, by virtue of their incumbency in such offices and
without further appointment or qualification, be members of the Corporation. The Governor shall appoint the other four members of the Corporation who shall be residents of the State and shall not hold other public office. One of such appointees shall have had experience in real estate, one shall have had experience in banking, one shall have had experience in mortgage finance and another shall have had experience in insurance. The four members of the Corporation thus appointed shall continue in office for terms of one, two, three and four years, respectively, as designated by the Governor, and until their successors shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of four years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Corporation shall be eligible for reappointment. Each member of the Corporation appointed by the Governor may be removed by the Governor for misfeasance, malfeasance or wilful neglect of duty after reasonable notice and a public hearing, unless the same are in writing expressly waived. Each member of the Corporation appointed by the Governor before entering upon his duty shall take an oath of office to administer the duties of his office faithfully and impartially and a record of such oath shall be filed in the office of the Secretary of State. The Governor shall designate a member of the Corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the Corporation or a date six months after the expiration of the then current term of the Governor designating such chairman. The Corporation shall annually elect one of its members as vice chairman. The Corporation shall also elect or appoint, and prescribe the duties of, such other officers as the Corporation deems necessary or advisable, including an executive director and a secretary, and the Governor and the Advisory Budget Commission shall fix the compensation of such officers.

No part of the revenues or assets of the Corporation shall inure to the benefit of or be distributable to its members or officers or other private persons. The members of the Corporation shall receive no compensation for their services but shall be entitled to receive, from funds of the Corporation, for attendance at meetings of the Corporation or any committee thereof and for other services for the Corporation reimbursement for such actual expenses as may be incurred for travel and subsistence in the performance of official duties and, only as to the members appointed by the Governor, such per diem as is allowed by law for members of other State boards, commissions and committees.

The executive director shall administer, manage and direct the affairs and business of the Corporation, subject to the policies, control and direction of the members of the Corporation. The secretary of the Corporation shall keep a record of the proceedings of the Corporation and shall be custodian of all books, documents and papers filed with the Corporation, the minute book or journal of the Corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Corporation and to give certificates under the official seal of the Corporation to the effect that such copies are true copies, and all persons dealing with the Corporation may rely upon such certificates. Five members of the Corporation shall constitute a quorum and the affirmative vote of five members at a meeting of the members duly called and held shall be necessary for any action taken by the membership of the Corporation, except adjournment.
CHAPTER 1235  SESSION LAWS—1969

No vacancy in the membership of the Corporation shall impair the rights of a quorum to exercise all the rights and to perform all the duties of the Corporation.

Sec. 5. General powers. The Corporation shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but without limiting the generality of the foregoing, the power:

(1) to make or participate in the making of insured construction loans to sponsors of land development or residential housing; provided, however, that such loans shall be made only upon the determination by the Corporation that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(2) to make or participate in the making of insured mortgage loans to sponsors of residential housing; provided, however, that such loans shall be made only upon the determination by the Corporation that mortgage loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(3) to purchase or participate in the purchase of insured mortgage loans made to sponsors of residential housing or to persons of lower income for residential housing where the Corporation has given approval prior to the initial making of such loan; provided, however, that any such purchase shall be made only upon the determination by the Corporation that mortgage loans were, at the time such approval was given, not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions;

(4) to make temporary loans from the Housing Development Fund;

(5) to collect and pay reasonable fees and charges in connection with making, purchasing and servicing its loans, notes, bonds, commitments and other evidences of indebtedness;

(6) to acquire on a temporary basis real property, or an interest therein, in its own name, by purchase, transfer or foreclosure, where such acquisition is necessary or appropriate to protect any loan in which the Corporation has an interest and to sell, transfer and convey any such property to a buyer and, in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to rent or lease such property to a tenant pending such sale, transfer or conveyance;

(7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction, land development, mortgage or temporary loan of any type permitted by this Act;

(8) to procure insurance against any loss in connection with its operations in such amounts, and from such insurers, as it may deem necessary or desirable;

(9) to consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purposes, to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the Corporation is a party;

(10) to borrow money as herein provided to carry out and effectuate its corporate purposes and to issue its obligation as evidence of any such borrowing;

(11) to include in any borrowing such amounts as may be deemed necessary by the Corporation to pay financing charges, interest on the obligations for a period
not exceeding two (2) years from their date, consultant, advisory and legal fees and
such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules and regulations respecting its lending programs
and such other rules and regulations as are necessary to effectuate its corporate
purposes;

(13) to provide technical and advisory services to sponsors, builders and develop-
ers of residential housing and to residents thereof;

(14) to promote research and development in scientific methods of constructing
low cost residential housing of high durability;

(15) to make and execute agreements, contracts and other instruments necessary
or convenient in the exercise of the powers and functions of the Corporation under
this Act, including contracts with any person, firm, corporation, governmental agen-
cy or other entity, and each and any North Carolina governmental agency is hereby
authorized to enter into contracts and otherwise cooperate with the Corporation
to facilitate the purposes of this Act;

(16) to receive, administer and comply with the conditions and requirements
respecting any appropriation or any gift, grant or donation of any property or mon-
ey;

(17) to sue and be sued in its own name, plead and be impleaded;

(18) to maintain an office in the City of Raleigh and at such other place or places
as it may determine;

(19) to adopt an official seal and alter the same at pleasure;

(20) to adopt bylaws for the regulation of its affairs and the conduct of its business
and to prescribe rules, regulations and policies in connection with the performance
of its functions and duties; and

(21) to employ fiscal consultants, engineers, attorneys, real estate counselors,
appraisers and such other consultants and employees as may be required in the
judgment of the Corporation and to fix and pay their compensation from funds avail-
able to the Corporation therefor.

Sec. 6. Credit of State not pledged. Obligations issued under the provisions of
this Act shall not be deemed to constitute a debt, liability or obligation of the State
or of any political subdivision thereof or a pledge of the faith and credit of the
State or of any such political subdivision, but shall be payable solely from the reve-
enues or assets of the Corporation. Each obligation issued under this Act shall contain
on the face thereof a statement to the effect that the Corporation shall not be obligat-
ed to pay the same nor the interest thereon except from the revenues or assets
pledged therefor and that neither the faith and credit nor the taxing power of the
State or of any political subdivision thereof is pledged to the payment of the prin-
cipal of or the interest on such obligation.

Expenses incurred by the Corporation in carrying out the provisions of this Act
may be made payable from funds provided pursuant to this Act and no liability
shall be incurred by the Corporation hereunder beyond the extent to which moneys
shall have been so provided.

Sec. 7. Housing development fund. There is hereby created and established
a special revolving loan fund to be known as the "Housing Development Fund" and
to be administered by the Corporation as a trust fund separate and distinct from any other moneys or funds administered by the Corporation.

The Housing Development Fund shall be comprised of the proceeds of grants and contributions and of fund notes issued by the Corporation for the purpose of providing funds therefor. The Corporation is hereby authorized to receive and accept from any source whatever any grants or contributions for the Housing Development Fund. The Corporation is further authorized to provide for the issuance, at one time or from time to time, of Housing Development Fund notes for the purpose of providing funds for such Fund; provided, however, that not more than five million dollars ($5,000,000.00) fund notes shall be outstanding at any one time. The principal of and the interest on any such fund notes shall be payable solely from the Housing Development Fund. The fund notes of each issue shall be dated, shall mature at such time or times not exceeding ten years (10) from their date or dates, and may be made redeemable before maturity, at the option of the Corporation, at such price or prices and under such terms and conditions as may be determined by the Corporation. The Corporation shall determine the form and manner of execution of the fund notes, including any interest coupons to be attached thereto, and shall fix the denomination or denominations and the place or places of payment of principal and interest, which may be any bank or trust company within or without the State or any agent, including the lender. In case any officer whose signature or a facsimile of whose signature shall appear on any fund notes or coupons attached thereto shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The fund notes may be issued in coupon or in registered form, or both, as the Corporation may determine, and provision may be made for the registration of any coupon fund notes as to principal alone and also as to both principal and interest, and for the reconversion into coupon fund notes of any fund notes registered as to both principal and interest, and for the interchange of registered and coupon fund notes. Any such fund notes shall bear interest at such rate or rates as may be determined by the Corporation and may be sold in such manner, either at public or private sale, and for such price as the Corporation shall determine to be for the best interest of the Corporation and best effectuate the purposes of this Act.

The proceeds of any fund notes shall be used solely for the purposes for which issued and shall be disbursed in such manner and under such restrictions, if any, as the Corporation may provide in the resolution authorizing the issuance of such fund notes. The Corporation may provide for the replacement of any fund notes which shall become mutilated or shall be destroyed or lost.

Fund notes may be issued under the provisions of this Section without obtaining the consent of any department, division, commission, board, body, bureau or agency of the State, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions or things which are specifically required by this Act and the provisions of the resolution authorizing the issuance of such fund notes.

The purpose of the Housing Development Fund is to provide a source from which the Corporation may make temporary loans, and the Corporation is authorized to make temporary loans from the Housing Development Fund, at such interest rate or rates as may be determined by the Corporation to be for the best interest of the Corporation and best effectuate the purposes of this Act, and with such security
for repayment as the Corporation deems reasonably necessary and practicable, to
(1) defray development costs of sponsors, builders and developers of residential housing, or
(2) provide to persons and families of lower income who are applying for mortgages, the amounts required to make down payments and pay closing costs, or
(3) make or participate in the making of construction loans which are not federally insured to sponsors, builders and developers of land development or residential housing; provided, however, that such loans shall be made only upon the determination by the Corporation that construction loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions; and provided further that no such loan shall be made unless
(i) the United States or an instrumentality thereof has approved the subdivision planning and has agreed to insure the mortgage loan or loans, the proceeds of which shall be applied to the payment of all or any part of such construction loans, and
(ii) a North Carolina banking or lending institution has agreed to furnish not less than 20% of such construction loan, the security interest of the banking or lending institution under the loan to be subordinate in all respects to the Corporation's security interest in such loan.

No temporary loan shall be made by the Corporation from the Housing Development Fund except in accordance with a written agreement which shall include, without limitation, the following terms and conditions:
(a) the proceeds of such loan shall be used only for the purposes for which such loan shall have been made as provided in the agreement;
(b) such loan shall be repaid in full as provided in the agreement;
(c) all repayments in connection with a loan to defray development costs shall be made concurrent with receipt by the borrower of the proceeds of a construction loan or mortgage loan, as the case may be, or at such other times as the Corporation deems reasonably necessary or practicable; and
(d) such security for repayment shall be specified and shall be upon such terms and conditions as the Corporation deems reasonably necessary or practicable to insure all repayments.

No funds from the Housing Development Fund shall be used to carry on propaganda or otherwise attempt to influence legislation.

Sec. 8. Bonds and notes. The Corporation is hereby authorized to provide for the issuance, at one time or from time to time, of not exceeding two hundred million dollars ($200,000,000) bonds of the Corporation to carry out and effectuate its corporate purposes; provided, however, that not more than fifty million dollars ($50,000,000) bonds shall be issued prior to June 30, 1971. In anticipation of the issuance of such bonds, the Corporation also is hereby authorized to provide for the issuance, at one time or from time to time, of bond anticipation notes; provided, however, that prior to June 30, 1971 the total amount of bonds and bond anticipation notes outstanding at any one time shall not exceed fifty million dollars ($50,000,000.00) excluding therefrom any bond anticipation notes for the payment of which bonds shall have been issued. The principal of and the interest on such bonds or notes shall be payable solely from the funds herein provided for such payment. Any such notes may be made payable from the proceeds of bonds or renewal notes or, in the event bond or renewal note proceeds are not available, such notes
may be paid from any available revenues or assets of the Corporation. The bonds or notes of each issue shall be dated and may be made redeemable before maturity at the option of the Corporation at such price or prices and under such terms and conditions as may be determined by the Corporation. Any such bonds or notes shall bear interest at such rate or rates as may be determined by the Local Government Commission of North Carolina with the approval of the Corporation. Notes shall mature at such time or times not exceeding 10 years from their date or dates and bonds shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the Corporation. The Corporation shall determine the form and manner of execution of the bonds or notes, including any interest coupons to be attached thereto, and shall fix the denomination or denominations and the place or places of payment of principal and interest, which may be any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or notes or coupons attached thereto shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Corporation may also provide for the authentication of the bonds or notes by a trustee or fiscal agent. The bonds or notes may be issued in coupon or in registered form, or both, as the Corporation may determine, and provision may be made for the registration of any coupon bonds or notes as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds or notes of any bonds or notes registered as to both principal and interest, and for the interchange of registered and coupon bonds or notes. Upon the filing with the Local Government Commission of North Carolina of a resolution of the Corporation requesting that its bonds or notes be sold, such bonds or notes may be sold in such manner, either at public or private sale, and for such price as said Commission shall determine to be for the best interest of the Corporation and best effectuate the purposes of this Act provided that such sale shall be approved by the Corporation.

The proceeds of any bonds or notes shall be used solely for the purposes for which issued and shall be disbursed in such manner and under such restrictions, if any, as the Corporation may provide in the resolution authorizing the issuance of such bonds or notes or in the trust agreement hereinafter mentioned securing the same.

Prior to the preparation of definitive bonds, the Corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Corporation may also provide for the replacement of any bonds or notes which shall become mutilated or shall be destroyed or lost.

Bonds or notes may be issued under the provisions of this Act without obtaining, except as otherwise expressly provided in this Act, the consent of any department, division, commission, board, body, bureau or agency of the State, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions or things which are specifically required by this Act and the provisions of the resolution authorizing the issuance of such bonds or notes or the trust agreement securing the same.

Sec. 9. Trust agreement or resolution. In the discretion of the Corporation any obligations issued under the provisions of this Act may be secured by a trust agreement by and between the Corporation and a corporate trustee, which may be any
trust company or bank having the powers of a trust company within or without
the State. Such trust agreement or the resolution providing for the issuance of such
obligations may pledge or assign all or any part of the revenues or assets of the
Corporation, including, without limitation, mortgage loans, mortgage loan commit-
ments, construction loans, temporary loans, contracts, agreements and other securi-
ty or investment obligations, the fees or charges made or received by the Corpora-
tion, the moneys received in payment of loans and interest thereon and any other
moneys received or to be received by the Corporation. Such trust agreement or
resolution may contain such provisions for protecting and enforcing the rights and
remedies of the holders of any such obligations as may be reasonable and proper
and not in violation of law, including covenants setting forth the duties of the Corpo-
ration in relation to the purposes to which obligation proceeds may be applied, the
disposition or pledging of the revenues or assets of the Corporation, the terms and
conditions for the issuance of additional obligations, and the custody, safeguarding
and application of all moneys. It shall be lawful for any bank or trust company
incorporated under the laws of the State which may act as depositary of the proceeds
of obligations, revenues or other money hereunder to furnish such indemnifying
bonds or to pledge such securities as may be required by the Corporation. Any such
trust agreement or resolution may set forth the rights and remedies of the holders
of any obligations and of the trustee, and may restrict the individual right of action
by any such holders. In addition to the foregoing, any such trust agreement or reso-
lution may contain such other provisions as the Corporation may deem reasonable
and proper for the security of the holders of any obligations. All expenses incurred
in carrying out the provisions of such trust agreement or resolution may be paid
from the revenues or assets pledged or assigned to the payment of the principal
of and the interest on obligations or from any other funds available to the Corpora-
tion.

Sec. 10. Validity of any pledge. The pledge of any assets or revenues of the
Corporation to the payment of the principal of or the interest on any obligations
of the Corporation shall be valid and binding from the time when the pledge is
made and any such assets or revenues shall immediately be subject to the lien of
such pledge without any physical delivery thereof or further act, and the lien of
any such pledge shall be valid and binding as against all parties having claims
of any kind in tort, contract or otherwise against the Corporation, irrespective of
whether such parties have notice thereof. Nothing herein shall be construed to pro-
hibit the Corporation from selling any assets subject to any such pledge except to
the extent that any such sale may be restricted by the trust agreement or resolution
providing for the issuance of such obligations.

Sec. 11. Trust funds. Notwithstanding any other provisions of law to the con-
trary, all moneys received pursuant to the authority of this Act shall be deemed
to be trust funds to be held and applied solely as provided in this Act. The resolution
authorizing any obligations or the trust agreement securing the same may provide
that any of such moneys may be temporarily invested pending the disbursement
thereof and shall provide that any officer with whom, or any bank or trust company
with which, such moneys shall be deposited shall act as trustee of such moneys
and shall hold and apply the same for the purposes hereof; subject to such regula-
tions as this Act and such resolution or trust agreement may provide. Any such
moneys or any other moneys of the Corporation may be invested as provided in
G. S. 159-28.1.

1445
Sec. 12. Remedies. Any holder of obligations issued under the provisions of this Act or any coupons appertaining thereto, and the trustee under any trust agreement or resolution authorizing the issuance of such obligations, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or resolution, or under any other contract executed by the Corporation pursuant to this Act, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the Corporation or by any officer thereof.

Sec. 13. Negotiable instruments. Notwithstanding any of the foregoing provisions of this Act or any recitals in any obligations issued under the provisions of this Act, all such obligations and interest coupons appertaining thereto shall be and are hereby made negotiable instruments under the laws of this State, subject only to any applicable provisions for registration.

Sec. 14. Obligations eligible for investment. Obligations issued under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds, notes or obligations of the State is now or may hereafter be authorized by law.

Sec. 15. Refunding obligations. The Corporation is hereby authorized to provide for the issuance of refunding obligations for the purpose of refunding any obligations then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such obligations and, if deemed advisable by the Corporation, for any corporate purpose of the Corporation. The issuance of such obligations, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Corporation in respect of the same shall be governed by the provisions of this Act which relate to the issuance of obligations, insofar as such provisions may be appropriate therefor.

Refunding obligations may be sold or exchanged for outstanding obligations issued under this Act and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of such outstanding obligations. Pending the application of the proceeds of any such refunding obligations, with any other available funds, to the payment of the principal, accrued interest and any redemption premium on the obligations being refunded, and, if so provided or permitted in the resolution authorizing the issuance of such refunding obligations or in the trust agreement securing the same, to the payment of any interest on such refunding obligations and any expenses in connection with such refunding, such proceeds may be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America which shall mature or which shall be subject to redemption by the holders thereof, at the option of such holders, not later than the respec-
tive dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended.

Sec. 16. Annual reports. The Corporation shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, State Auditor, the General Assembly, the Advisory Budget Commission and the Local Government Commission. Each such report shall set forth a complete operating and financial statement of the Corporation during such year. The Corporation shall cause an audit of its books and accounts to be made at least once in each year by an independent certified public accountant and the cost thereof may be paid from any available moneys of the Corporation.

Sec. 17. Officers not liable. No member or other officer of the Corporation shall be subject to any personal liability or accountability by reason of his execution of any obligations or the issuance thereof.

Sec. 18. Authorization to accept appropriated moneys. The Corporation is authorized to accept such moneys as may be appropriated from time to time by the General Assembly for effectuating its corporate purposes including, without limitation, the payment of the initial expenses of administration and operation and the establishment of a reserve or contingency fund to be available for the payment of the principal of and the interest on any bonds or notes of the Corporation.

Sec. 19. Tax exemption. The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State, for their well being and prosperity and for the improvement of their social and economic conditions, and the Corporation shall not be required to pay any tax or assessment on any property owned by the Corporation under the provisions of this Act or upon the income therefrom.

Any obligations issued by the Corporation under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof), shall at all times be free from taxation by the State or any local unit or political subdivision or other instrumentality of the State, excepting inheritance or gift taxes.

Sec. 20. Conflict of interest. If any member, officer or employee of the Corporation shall be interested either directly or indirectly, or shall be an officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract with the Corporation, including any loan to any sponsor, builder or developer, such interest shall be disclosed to the Corporation and shall be set forth in the minutes of the Corporation, and the member, officer or employee having such interest therein shall not participate on behalf of the Corporation in the authorization of any such contract.

Sec. 21. Additional method. The foregoing Sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or notes under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds or notes.

Sec. 22. Act liberally construed. This Act, being necessary for the prosperity of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Sec. 23. Constitutional construction. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.
Sec. 24. Inconsistent laws inapplicable. Insofar as the provisions of this Act are inconsistent with the provisions of any general or special laws, or parts thereof, the provisions of this Act shall be controlling.

Sec. 25. Effective upon ratification. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1248

CHAPTER 1236

AN ACT TO EXTEND FOR TWO YEARS THE AUTHORITY OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE SERVICE AND AUXILIARY FACILITIES AND TO ISSUE REVENUE BONDS TO PAY THE COSTS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1078 of the Session Laws of 1961, as amended by Section 2 of Chapter 944 of the Session Laws of 1963, Section 2 of Chapter 1033 of the Session Laws of 1965, and Section 1 of Chapter 724 of the Session Laws of 1967, is hereby further amended by striking out the words and figures "not exceeding six per centum (6%)" in line 10 and inserting in lieu thereof the words and figures "not exceeding seven and one-half per centum (7.5%)"; and by striking out the words and figures "more than six per centum (6%) per annum" in line 35 and inserting in lieu thereof the words and figures "more than seven and one-half per centum (7.5%) per annum"; and by substituting a colon for the semicolon at the end of the first sentence of the section and adding the following words: "provided, further, the board shall have authority to issue revenue bonds under this section in an additional aggregate principal amount not to exceed three million five hundred thousand dollars ($3,500,000.00) during the biennium ending June 30, 1971."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1318

CHAPTER 1237

AN ACT FIXING THE SALARY OF THE DEPUTY REGISTER OF DEEDS OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Deputy Register of Deeds of Madison County shall be three thousand dollars ($3,000.00) annually until July 1, 1969. Said salary shall be retroactive to January 1, 1969. Beginning July 1, 1969 said annual salary shall be three thousand, nine hundred dollars ($3,900.00). All fees collected by the Register of Deeds of Madison County shall be deposited in the General Fund of the county and shall be appropriated by the Board of Commissioners in the manner prescribed by the County Fiscal Control Act as are other county revenues.

Sec. 2. The County Commissioners of Madison County shall pay the Deputy Register of Deeds in one voucher for all back salary due and shall thereafter pay said salary monthly.

1448
Sec. 3. The provisions of this Act shall not be interpreted to repeal or impair the provisions of Chapter 358 of the Session Laws of 1969 insofar as said Chapter is not in conflict with the provisions of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1386

CHAPTER 1238

AN ACT TO PROVIDE A DISCOUNT UPON SALES OF CIGARETTE TAX STAMPS TO DISTRIBUTORS.

WHEREAS, a Cigarette Tax Act may be enacted by the General Assembly of North Carolina, such Act being presently contained within the provisions of a bill denominated "House Bill 296 - Second Committee Substitute"; and

WHEREAS, it is desirable to make provision for a discount upon sales of cigarette tax stamps to distributors in a manner other than that provided in said bill;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. In the event of the passage of the aforesaid Cigarette Tax Act, the following section, G. S. 105-113.21, shall be inserted in lieu of any other provision relative to a discount upon sales of cigarette tax stamps and in particular, in lieu of that provision in the aforesaid "House Bill 296 - Second Committee Substitute" which is denominated "G. S. 105-113.21. Discount on sales of stamps", in said bill:

G. S. 105-113.21. Discount on sales of stamps. On sales of stamps, the Commissioner shall allow a discount of seven-twenty-fourths cent (7/24¢) per stamp as compensation for the services and expenses of the licensed distributor in handling and affixing such stamps to packages. No discount shall be allowed or given on any sales of stamps in amounts less than one hundred dollars ($100.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1391

CHAPTER 1239

AN ACT TO AMEND G. S. 18-81 (h) RELATING TO DISCOUNTS ON EXCISE TAX COLLECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Amend General Statutes of North Carolina, Chapter 18-81 (h) by striking out the words and figures "two per cent (2%)", and substituting in lieu thereof the words and figures "four per cent (4%)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

1449
CHAPTER 1240

H. B. 1400

CHAPTER 1240

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ORIENTAL.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Oriental, are hereby increased and extended to add the following described territory:

"Lying and being in Pamlico County, # 5 Township, North Carolina, Beginning at a point on the Neuse River which is the common corner of the Numa J. Kirkman and Miles C. Shorey property and running thence in an easterly direction along the Neuse River to Pierce Creek, thence in a northerly direction and up Pierce Creek 750 feet; thence in a westerly direction along a straight line to a point in the line of said Kirkman and Shorey property, said point being 750 feet north of the shore line of the Neuse River; thence in a southerly direction and with the Shorey and Kirkman line to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 854

CHAPTER 1241

AN ACT TO AMEND G. S. 119-41 TO DELETE A REQUIREMENT THAT THE WORD "GASOLINE" BE MARKED ON THE REAR OF VEHICLES TRANSPORTING MOTOR FUELS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 119-41, as the same appears in the 1964 Replacement Volume 3B of the General Statutes, is hereby rewritten to read as follows:

"G. S. 119-41. Persons engaged in transporting are subject to inspection laws. (a) The owner or operator of any motor vehicle using the highways of this State or the owner or operator of any boat using the waters of this State transporting into, out of or between points in this State any gasoline or liquid motor fuel taxable in this State and/or any liquid petroleum product that is or may hereafter be made subject to inspection laws of this State shall make application to the Commissioner of Agriculture on forms to be provided by him for a liquid fuel carrier's permit. Upon receipt of said application, together with a signed agreement to comply with the provisions of the act and/or acts relating to the transportation of petroleum products subject to the motor fuel tax and/or inspection laws, the Commissioner of Agriculture shall, without any charge therefor, issue a numbered liquid fuel carrier's permit to the owner or operator of each motor vehicle or boat intended to be used in such transportation. Said numbered liquid fuel carrier's permit shall show the motor number and license number of the motor vehicle and number or name of boat, and shall be prominently displayed on the motor vehicle or boat at all times.

(b) This Section shall not be construed to include the carrying of motor fuel in the supply tank of a vehicle when said supply tank is regularly connected with the carburetor of the engine of the vehicle, if said vehicle is operated by a franchise
carrier engaged solely in the transportation of passengers to, from and between points in North Carolina, or if said supply tank has a capacity of one hundred (100) gallons or less.

(c) Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars ($25.00) for each offense.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 931  CHAPTER 1242

AN ACT TO AMEND ARTICLE 3A OF CHAPTER 20 OF THE GENERAL STATUTES TO PROVIDE ADEQUATE COMPENSATION TO SAFETY EQUIPMENT INSPECTION STATIONS.

The General Assembly of North Carolina do enact:

Section 1. G.S. 20-183.7 as the same appears in the 1965 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words and figures "one dollar and fifty cents ($1.50)" appearing in line 3 thereof and inserting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 15, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1393  CHAPTER 1243

AN ACT AMENDING G.S. 113-152 RELATING TO THE ISSUANCE OF COMMERCIAL FISH BOAT LICENSES.

The General Assembly of North Carolina do enact:

Section 1. Lines 1 and 2 of G.S. 113-152(c) are rewritten as follows:

"Licenses are issued annually upon a calendar year basis for vessels of various lengths (length measured straight through the cabin and along the deck, from end to end, excluding the sheer) and types as follows for the fees indicated:"

Sec. 2. G.S. 113-152(c)(5) is rewritten to read as follows:

"Vessels engaged in menhaden fishing shall be taxed, based on tonnage, as prescribed in subsection (d)."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1244  SESSION LAWS—1969

H. B. 1395  CHAPTER 1244

AN ACT AMENDING G. S. 113-156, RELATING TO LICENSES FOR FISH DEALERS SO AS TO REQUIRE PROOF THAT THE APPLICANT FOR A LICENSE IS A RESIDENT OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-156(d) is amended by adding a sentence at the end thereof as follows:

"Fish dealers licenses are issued on a calendar year basis upon payment of a fee as set forth herein upon proof, satisfactory to the Commissioner, that the license applicant is a resident of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1407  CHAPTER 1245

AN ACT TO AMEND AND REWRITE CHAPTER 1004, SESSION LAWS OF 1949, AND CHAPTER 671, SESSION LAWS OF 1969, TO AUTHORIZE THE WAYNE COUNTY BOARD OF ALCOHOLIC CONTROL TO EXPEND FUNDS FOR EDUCATION AND REHABILITATION OF ALCOHOLICS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1004, Session Laws of 1949, as amended by Chapter 671, Session Laws of 1969, is hereby deleted in its entirety and a new Section 1 is substituted therefor as follows: "Section 1. The Wayne County Board of Alcoholic Control, if established pursuant to election duly called and held, is authorized in its discretion to expend up to five per cent (5%) of the total net profits derived from the county stores for education as to effects of the use of alcoholic beverages and for the rehabilitation of alcoholics, provided that, before any educational program may be instituted the same shall be subject to the approval of the Wayne County Board of Commissioners. The said Wayne County Board of Alcoholic Control is authorized and directed to turn over to each of the municipalities in Wayne County in which county liquor control stores are hereafter established fifty per cent (50%) of the net profits derived from the operation of the store or stores located in such municipality, provided that the Wayne County Board of Alcoholic Control shall spend not less than five per cent (5%) nor more than ten per cent (10%) of such net profits before a division thereof to pay officers employed by said board of services in enforcing the provisions of the Alcoholic Beverage Control Act. Said Wayne County Board of Alcoholic Control shall turn over the other half of the net profits from the operation of the County Liquor Control Stores in Wayne County, after the expenditure of the sums herein specified for the enforcement of the Alcoholic Beverage Control Act, to the General Fund of Wayne County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
H. B. 1408  CHAPTER 1246
AN ACT AMENDING G. S. 105-113.5 AND G. S. 105-113.10 RELATING TO TAX EXEMPTION OF SAMPLE CIGARETTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-113.5, as written by Second Committee Substitute for H. B. 296, Chapter 1075 of the 1969 Session Laws, is hereby amended by adding a second paragraph to read as follows:

"The tax hereby levied shall not apply to free distribution of sample cigarettes in packages containing five or fewer cigarettes nor to any package of cigarettes customarily donated free of charge by manufacturers of cigarettes to employees in factories where cigarettes are manufactured in this state where such packages of cigarettes are not taxed by the federal government."

Sec. 2. G. S. 105-113.10, as written by Second Committee Substitute for H. B. 296, Chapter 1075 of the 1969 Session Laws, is hereby amended by deleting the words: "when the package contains only five (5) or less cigarettes and" in line 150 of Chapter 1075.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective on and after the effective date of Section 2. of Chapter 1075 of the 1969 Session Laws.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1409  CHAPTER 1247
AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO PROVIDE AN ALTERNATE METHOD FOR MAKING AN EVIDENCING PAYMENT OF TAXES ON SOFT DRINK POWDERS.

The General Assembly of North Carolina do enact:

Section 1. In the event of the enactment of the soft drink tax Act incorporated in a bill denominated "H. B. 296, Second Committee Substitute", a new paragraph shall be added to G. S. 105-113.51, to read as follows:

"(c) Notwithstanding any other provision of this Act, the excise tax levied upon powders, as herein defined, may be made and evidenced in accordance with rules and regulations of the Commissioner."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1415  CHAPTER 1248
AN ACT TO ALLOW THE COUNTY COMMISSIONERS TO SET THE SALARIES OF MEMBERS OF THE BOARD OF EDUCATION OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective July 1, 1969, the salaries of the members of the Board of Education of Nash County may be altered by the Board of County Commissioners of Nash County but may be fixed no higher than twelve hundred dollars ($1,200.00)
for a total salary per annum. Effective July 1, 1969, the salary of the chairman of the Board of Education of Nash County may be altered by the Board of County Commissioners of Nash County but may be fixed no higher than eighteen hundred dollars ($1,800.00) for a total salary per annum. The necessary funds for said salaries, in excess of the amount provided annually by the State Board of Education on the salaries of said members, shall be provided for by the Board of Commissioners of Nash County in the same manner as said Board of Commissioners is now required to provide funds for the maintenance of plant, fixed charges and capital outlay with respect to public schools.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 877

CHAPTER 1249

AN ACT TO AMEND CERTAIN STATUTES RELATING TO THE APPOINTMENT OF A GENERAL BUSINESS MANAGER FOR THE DEPARTMENT OF MENTAL HEALTH AND THE APPOINTMENT OF BUSINESS MANAGERS FOR HOSPITALS AND RESIDENTIAL CENTERS FOR THE RETARDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 122-1.4, as the same appears in the 1964 Replacement Volume 3B of the General Statutes is hereby amended by deleting therefrom the third paragraph in its entirety.

Sec. 2. G. S. 122-25 is hereby amended and rewritten to read as follows:

"G. S. 122-25. Superintendents and Business Managers of Hospitals and Residential Centers for the Retarded; Personnel. The Commissioner of Mental Health, with the approval of the State Board of Mental Health, shall appoint a Medical Superintendent for each hospital. The Medical Superintendent shall be a medical doctor duly licensed in North Carolina with approved training and experience in psychiatry. The appointment shall be for a term of six (6) years. The Commissioner of Mental Health shall also, with the approval of the State Board of Mental Health, appoint for a term of six (6) years a Superintendent of each residential center for the retarded. Such Superintendent shall be a medical doctor duly licensed by the State of North Carolina with approved training and experience in pediatrics or psychiatry.

"The Superintendent of each institution under the jurisdiction of the Department of Mental Health shall be responsible for the employment of all personnel at the said institution, subject to the approval of the Commissioner of Mental Health.

"The Business Manager of each State mental hospital or residential center for the retarded shall be appointed by the Superintendent of the institution, with the approval of the General Business Manager, Commissioner of Mental Health and the State Board of Mental Health. The Business Manager shall be responsible to and subject to the supervision and direction of the Medical Superintendent of the institution in the over-all administration of the institution. The Business Manager will keep the General Business Manager informed regarding the fiscal management of the institution and the management of physical properties and equipment and cooperate with the General Business Manager in the performance of his duties as
pursuant to G. S. 122-1.4. The Business Manager of each institution should be a person of demonstrated executive ability who has had training and experience in fiscal administration and in the management of physical plants, properties and equipment of public institutions or comparable enterprises, and who is a person of good character, and otherwise qualified to discharge his duties."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 884

CHAPTER 1250

AN ACT TO AMEND CHAPTER 945 WITH RESPECT TO THE EFFECTIVE DATE OF THAT CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 945 of the Session Laws of 1969 is hereby amended by rewriting the same to provide as follows:

"Sec. 3. This Act shall apply to ad valorem taxes levied as of midnight, December 31, 1968."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 886

CHAPTER 1251

AN ACT TO PROVIDE AN ALTERNATE METHOD OF REMITTING TAXES UPON BOTTLED SOFT DRINKS AND TO PROVIDE FOR PAYMENT OF SUCH TAXES WITH RESPECT TO OCTOBER 1, 1969, INVENTORY.

WHEREAS, a Soft Drink Tax Act may be enacted by the General Assembly of North Carolina, such Act being presently contained within the provisions of a bill denominated "House Bill 296 - Second Committee Substitute"; and

WHEREAS, it is desirable to provide for an alternate method of collecting and remitting such tax to the State, and to make certain new provisions with respect to October 1, 1969, inventories;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. In the event of the enactment of the aforementioned Soft Drink Tax Act, a new section, G. S. 105-113.56A shall be inserted therein, to read as follows:

"G. S. 105-113.56A. Alternate Method of Payment of Tax.—Instead of paying the tax levied in this Article in the manner otherwise provided, any resident distributor or wholesale dealer, and any distributor or wholesale dealer having a commercial domicile in this State may pay the tax in the following manner, with respect to bottled soft drinks: Beginning with sales made on and after October 1, 1969, of bottled soft drinks subject to the tax, sales reports shall be made to the Commissioner on or before the fifteenth day of each succeeding month,
accompanies by payment of the tax due, determined as follows: for the first fifteen thousand gross of bottled soft drinks sold annually, seventy-two cents (72¢) per gross; for all in excess of fifteen thousand gross, one cent (1¢) per bottle. In addition, there shall be allowed a discount of eight per cent (8%) of the said tax to be remitted.

All persons paying the tax in this manner shall be subject to such rules and regulations as the Commissioner may prescribe, including the requirement that such persons furnish such bond as the Commissioner may deem advisable, in such amount and upon such conditions as in the opinion of the Commissioner will adequately protect the State in the collection of the taxes levied by this Article."

Sec. 2. In the event of the passage of the aforementioned Soft Drink Tax Act, the following section, G. S. 105-113.65, shall be inserted in lieu of any other provision relative to the tax with respect to October 1, 1969, inventory, and in particular, in lieu of that provision in the aforesaid "House Bill 296 - Second Committee Substitute" which is denominated "G. S. 105-113.65. Tax with respect to October 1, 1969, inventory", in said bill:

"G. S. 105-113.65. Tax with respect to October 1, 1969, inventory. Except as to bottled soft drinks held in inventory by a distributor or wholesale dealer who shall have elected to come within the provisions of G. S. 105-113.56A with respect to payment of tax on bottled soft drinks, every person subject to the taxes levied by this Article who, on October 1, 1969, has on hand any article, goods or merchandise taxed by this Article or with respect to which a tax is computed under this Article shall file a complete inventory thereof as of the opening of business on October 1, 1969, within twenty (20) days thereafter, and shall pay to the Commissioner at the time of filing such inventory a tax with respect thereto computed at the rates set forth in this Article. All the provisions of this Article relative to the collection, verification and administration of the taxes imposed by this Article shall, insofar as pertinent, be applicable to the tax imposed by this subsection, but the affixing of taxpaid stamps or taxpaid crowns as evidence of the payment of such tax by retail dealers shall not be necessary except as the Commissioner by regulation may require. However, the sale of any articles for resale shall not be permitted under this subsection until the appropriate taxes have been paid and the appropriate taxpaid stamps or crowns affixed unless the Commissioner permits otherwise.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
H. B. 1328

CHAPTER 1252

AN ACT TO REQUIRE THE NORTH CAROLINA AUTOMOBILE RATING BUREAU TO PRESENT STATISTICS AS TO THE EARNINGS FROM INVESTMENTS OF THE UNEARNED PREMIUM RESERVE OF AUTOMOBILE LIABILITY POLICIES AND REQUIRING THE INSURANCE COMMISSIONER TO CONSIDER SUCH INCOME IN REVIEWING AUTOMOBILE LIABILITY RATES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 58-246 is hereby amended by adding immediately after the present subsection (4) a new subsection to be designated as subsection (5) and reading as follows:

"(5) The Bureau shall maintain and furnish to the Insurance Commissioner on an annual basis the statistics on income derived by member companies from the investment of unearned premium reserves on automobile liability policies written in this State. Whenever the Bureau has propounded a rate under this Article, it shall prepare a separate exhibit for the experience years in question showing the combined earnings realized from the investment of such unearned premium reserves on policies written in this State. The Commissioner may require further information as to such earnings and may require calculations of the Bureau bearing on such earnings."

Sec. 2. G.S. 58-248 is hereby amended by adding at the end of the paragraph the following sentences: "The Insurance Commissioner in considering any rate compiled and promulgated by the Bureau may take into consideration the earnings of all companies writing automobile liability insurance in this State realized from the investment of unearned premium reserves on policies written in this State. The amount of earnings may in an equitable manner be included in the rate-making formula to arrive at a fair and equitable rate."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification and shall apply to all private passenger automobile liability rates made on or after September 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 885

CHAPTER 1253

AN ACT MAKING THE PROVISIONS OF G.S. 163-151(2)d., APPLICABLE TO MUNICIPAL ELECTIONS OF THE TOWN OF ENFIELD.

The General Assembly of North Carolina do enact:

Section 1. G.S. 163-151(2)d., as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes, is hereby amended by inserting immediately after the word "County" and before the word "Fremont" in line 3 thereof the following phrase: "Enfield in Halifax County,"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1254  
AN ACT TO PROVIDE THAT AN ADDITIONAL SEAT OF DISTRICT COURT BE LOCATED IN THE TOWN OF HAMLET, RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-133, as it appears in the 1967 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding in the table under the column heading "Additional Seats of Court", and opposite the word "Richmond", the word "Hamlet", to the end that an additional seat of the District Court shall be held in the Town of Hamlet, Richmond County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1121  
AN ACT TO AMEND CHAPTER 111 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA STATE COMMISSION FOR THE BLIND.

The General Assembly of North Carolina do enact:

Section 1. G. S. 111-1 is hereby amended by rewriting the Section in its entirety to read as follows:

"G. S. 111-1. Commission created; appointment by Governor; chairman. There is hereby established a State Commission, to be known as the North Carolina State Commission for the Blind, consisting of nine members, to be appointed by the Governor. Three members shall be appointed for terms of one year, three for terms of three years, and three for terms of five years. Upon the expiration of their terms, their successors shall be appointed for terms of five years. Any vacancy arising for any cause other than expiration of a term shall be filled by appointment by the Governor for the unexpired term. The Governor shall designate a chairman from among the membership of the Commission."

Sec. 2. G. S. 111-2 is hereby amended by rewriting the Section in its entirety to read as follows:

"G. S. 111-2. Meetings. The Commission shall meet at such times and places as the Commission may determine, but it shall hold at least one meeting every three months. The chairman shall have authority to call special meetings when he deems it desirable."

Sec. 3. G. S. 111-3 is hereby amended by rewriting the Section in its entirety to read as follows:

"G. S. 111-3. Director. The Commission shall appoint a director to serve as a chief administrative and executive officer who shall serve at the pleasure of the Commission and shall perform such duties and exercise such powers as the Commission may authorize and direct. The position of director shall be subject to all the provisions of the State Personnel Act."

Sec. 4. Chapter 111 of the General Statutes is hereby amended by inserting a new section immediately following G. S. 111-27.1, to be designated as G. S. 111-27.2, and to read as follows:
"G. S. 111-27.2. Blind vending stand operators: retirement benefits. The North Carolina State Commission for the Blind is authorized and empowered to continue and maintain, in its discretion, any existing retirement system providing retirement benefits for blind vending stand operators and to expend funds to provide necessary contributions to any existing retirement system for blind vending stand operators to the extent that the Commission determines such retirement system to be in the best interest of the blind vending stand operators."

Sec. 5. The North Carolina State Commission for the Blind is hereby directed to make findings of fact and recommendations by the opening date of the 1971 Session of the North Carolina General Assembly as to the permanent basis upon which blind vending stand operators should be classified and designated for personnel purposes and as to the most beneficial and preferable basis upon which to provide adequate retirement benefits for blind vending stand operators.

Sec. 6. The terms of all incumbent members of the present State Commission for the Blind shall expire on the effective date of this Act.

Sec. 7. (1) Blind Advisory Committee. There shall be a blind advisory committee composed of six (6) persons appointed by the Governor who are visually handicapped to the extent of being legally blind. The duty of this committee shall be to advise the Commission on the needs of the citizens of this State who are visually handicapped to the extent of being legally blind.

(2) Professional Advisory Committee. There shall be a professional advisory committee composed of six (6) persons, three (3) of whom shall be licensed physicians whose practice is limited to ophthalmology and three (3) optometrists appointed by the Governor from recommendations submitted by the Medical Society of North Carolina and the North Carolina State Optometric Society respectively. It shall be the duty of this committee to advise the Commission on matters concerning or pertaining to the procurement, utilization and rendering of professional services by said practitioners to the beneficiaries of the Commission's aid and services.

Of the committees appointed, on each committee two (2) members shall be appointed for a term of three (3) years, two (2) members appointed for a term of two (2) years and two (2) members appointed for a term of one (1) year. At the expiration of the term of any committee member, his successor shall be appointed for a term of three (3) years. The members of these committees shall receive no compensation for their services; but their traveling and other necessary expenses, incurred in the performance of their official duties, may be paid out of monies available for this purpose."

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 862

CHAPTER 1256

AN ACT TO AMEND CHAPTER 378 OF THE SESSION LAWS OF NORTH CAROLINA TO EXEMPT DUAL WHEEL TRAILERS FROM THE TREAD DEPTH REQUIREMENTS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 378 of the Session Laws of 1969 is hereby amended by striking out the colon immediately following the word "depth" as the same
appears in line 13 of the ratified bill, inserting a semi-colon in lieu thereof, and adding the following words:

"; provided, the two thirty-seCONDS (12/32) tread depth requirements of this Section shall not apply to dual wheel trailers. Provided further that as to trucks owned by farmers and operated exclusively in the carrying and transportation of the owner's farm products which are approved for daylight use only and which are equipped with dual wheels, the tread depth requirements of this Section shall not apply to more than one wheel in each set of dual wheels."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 78

CHAPTER 1257

AN ACT TO INCREASE THE SUBSISTENCE AND TRAVEL ALLOWANCE OF THE MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 120-3.1 is hereby amended by striking the present subsections (a) (b) and (c) and inserting new subsections as follows:

"(a) In addition to compensation for their services, members and presiding officers of the General Assembly shall also receive, while engaged in legislative duties, such subsistence and travel allowances as are limited and prescribed by subsections (b) and (c) of this Section.

"(b) The travel allowance authorized by subsection (a) of this Section shall be paid the members and presiding officers of the General Assembly while coming to the City of Raleigh and returning to their respective homes, the distance to be computed by the usual route of public travel. Such travel allowance shall be paid upon proper certification, only for travel expense based on actual mileage, and the expense of such mileage shall be deemed to be eight cents (8¢) per mile. This travel allowance shall be limited to a maximum of one (1) round trip each week during each regular or special session of the General Assembly.

"(c) In addition to the travel allowance authorized in subsection (b) of this Section, during any session of the General Assembly, whenever any member or presiding officer of either house of the General Assembly is directed by any committee of either house or by either house of the General Assembly to perform any legislative duties outside of the City of Raleigh when out of session, then in such event such member or presiding officer shall be paid subsistence allowances while engaged in such duties in the amount provided hereafter. Subsistence allowance for expenses incurred in connection with their duties in the General Assembly in the sum of twenty-five dollars ($25.00) per day shall be paid members and presiding officers for each day of the period during which the General Assembly remains in session."

Sec. 2. G. S. 120-4 is hereby repealed and rewritten as follows:

"Sec. 120-4. Speaker and President Pro Tempore. For each day spent in the service of the State at times when the General Assembly is not in session, the Speaker of the House of Representatives and the President Pro Tempore of the Senate each shall be entitled to receive subsistence and travel allowances at the rates prescribed in Sec. 120-3.1. The costs of clerical assistance, postage, and other office expenses incurred by the Speaker of the House of Representatives and the President Pro
Tempore of the Senate in the performance of their official duties when the General Assembly is not in session shall be a proper charge against the funds appropriated for the maintenance and operation of the Legislative Research Commission."

Sec. 2.1. The payment of subsistence as provided in this Act shall be made for each day the General Assembly has been in session since January 15, 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 231  

CHAPTER 1258

AN ACT TO REVISE AND AMEND THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of North Carolina is revised and amended to read as follows:

"CONSTITUTION OF NORTH CAROLINA

"PREAMBLE

"We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

"ARTICLE I

"DECLARATION OF RIGHTS

"That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

Section 1. The equality and rights of persons. We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights: that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

"Sec. 2. Sovereignty of the people. All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

"Sec. 3. Internal government of the State. The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.
"Sec. 4. Secession prohibited. This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

"Sec. 5. Allegiance to the United States. Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

"Sec. 6. Separation of powers. The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

"Sec. 7. Suspending laws. All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

"Sec. 8. Representation and taxation. The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

"Sec. 9. Frequent elections. For redress of grievances and for amending and strengthening the laws, elections shall be often held.

"Sec. 10. Free elections. All elections shall be free.

"Sec. 11. Property qualifications. As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

"Sec. 12. Right of assembly and petition. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

"Sec. 13. Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience.

"Sec. 14. Freedom of speech and press. Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

"Sec. 15. Education. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

"Sec. 16. Ex post facto laws. Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

"Sec. 17. Slavery and involuntary servitude. Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.
Sec. 18. Courts shall be open. All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

Sec. 19. Law of the land; equal protection of the laws. No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Sec. 20. General warrants. General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. Inquiry into restraints on liberty. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. Modes of prosecution. Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in noncapital cases.

Sec. 23. Rights of accused. In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. Right of jury trial in criminal cases. No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. Right of jury trial in civil cases. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. Jury service. No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. Bail, fines, and punishments. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. Imprisonment for debt. There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. Treason against the State. Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses.
to the same overt act, or on confession in open court. No conviction of treason or
attainder shall work corruption of blood or forfeiture.

"Sec. 30. Militia and the right to bear arms. A well regulated militia being neces-
sary to the security of a free State, the right of the people to keep and bear arms
shall not be infringed; and, as standing armies in time of peace are dangerous to
liberty, they shall not be maintained, and the military shall be kept under strict
subordination to, and governed by, the civil power. Nothing herein shall justify
the practice of carrying concealed weapons, or prevent the General Assembly from
enacting penal statutes against that practice.

"Sec. 31. Quartering of soldiers. No soldier shall in time of peace be quartered
in any house without the consent of the owner, nor in time of war but in a manner
prescribed by law.

"Sec. 32. Exclusive emoluments. No person or set of persons is entitled to exclu-
sive or separate emoluments or privileges from the community but in consideration
of public services.

"Sec. 33. Hereditary emoluments and honors. No hereditary emoluments, privile-
ges, or honors shall be granted or conferred in this State.

"Sec. 34. Perpetuities and monopolies. Perpetuities and monopolies are contrary
to the genius of a free state and shall not be allowed.

"Sec. 35. Recurrence to fundamental principles. A frequent recurrence to funda-
mental principles is absolutely necessary to preserve the blessings of liberty.

"Sec. 36. Other rights of the people. The enumeration of rights in this Article
shall not be construed to impair or deny others retained by the people.

"ARTICLE II

"LEGISLATIVE

"Section 1. Legislative power. The legislative power of the State shall be vested
in the General Assembly, which shall consist of a Senate and a House of Representa-
tives.

"Sec. 2. Number of Senators. The Senate shall be composed of 50 Senators, bien-
nially chosen by ballot.

"Sec. 3. Senate districts; apportionment of Senators. The Senators shall be elected
from districts. The General Assembly, at the first regular session convening after
the return of every decennial census of population taken by order of Congress, shall
revise the senate districts and the apportionment of Senators among those districts,
subject to the following requirements:

"(1) Each Senator shall represent, as nearly as may be, an equal number of inhab-
itants, the number of inhabitants that each Senator represents being determined
for this purpose by dividing the population of the district that he represents by
the number of Senators apportioned to that district;

"(2) Each senate district shall at all times consist of contiguous territory;

"(3) No county shall be divided in the formation of a senate district;

"(4) When established, the senate districts and the apportionment of Senators
shall remain unaltered until the return of another decennial census of population
taken by order of Congress.
Sec. 4. **Number of Representatives.** The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

Sec. 5. **Representative districts; apportionment of Representatives.** The Representatives shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the representative districts and the apportionment of Representatives among those districts, subject to the following requirements:

(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Representative represents being determined for this purpose by dividing the population of the district that he represents by the number of Representatives apportioned to that district;

(2) Each representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a representative district;

(4) When established, the representative districts and the apportionment of Representatives shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 6. **Qualifications for Senator.** Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election.

Sec. 7. **Qualifications for Representative.** Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

Sec. 8. **Elections.** The election for members of the General Assembly shall be held for the respective districts in 1972 and every two years thereafter, at the places and on the day prescribed by law.

Sec. 9. **Term of office.** The term of office of Senators and Representatives shall commence at the time of their election.

Sec. 10. **Vacancies.** Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

Sec. 11. **Regular sessions.** The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present.

Sec. 12. **Oath of members.** Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Sec. 13. **President of the Senate.** The Lieutenant Governor shall be President of the Senate and shall preside over the Senate, but shall have no vote unless the Senate is equally divided.

Sec. 14. **Other officers of the Senate.**
"(1) President Pro Tempore - succession to presidency. The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

"(2) President Pro Tempore - temporary succession. During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

"(3) Other officers. The Senate shall elect its other officers.

"Sec. 15. Officers of the House of Representatives. The House of Representatives shall elect its Speaker and other officers.

"Sec. 16. Compensation and allowances. The members and officers of the General Assembly shall receive for their services the compensation and allowances prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted.

"Sec. 17. Journals. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

"Sec. 18. Protests. Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and have the reasons of his dissent entered on the journal.

"Sec. 19. Record votes. Upon motion made in either house and seconded by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journal.

"Sec. 20. Powers of the General Assembly. Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

"Sec. 21. Style of the acts. The style of the acts shall be: "The General Assembly of North Carolina enacts:'.

"Sec. 22. Action on bills. All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

"Sec. 23. Revenue bills. No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.
"Sec. 24. Limitations on local, private, and special legislation.

(1) Prohibited subjects. The General Assembly shall not enact any local, private, or special act or resolution:
   (a) Relating to health, sanitation, and the abatement of nuisances;
   (b) Changing the names of cities, towns, and townships;
   (c) Authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys;
   (d) Relating to ferries or bridges;
   (e) Relating to non-navigable streams;
   (f) Relating to cemeteries;
   (g) Relating to the pay of jurors;
   (h) Erecting new townships, or changing township lines, or establishing or changing the lines of school districts;
   (i) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury;
   (j) Regulating labor, trade, mining, or manufacturing;
   (k) Extending the time for the levy or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;
   (l) Giving effect to informal wills and deeds;
   (m) Granting a divorce or securing alimony in any individual case;
   (n) Altering the name of any person, or legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of a felony.

(2) Repeals. Nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law; but the General Assembly may at any time repeal local, private, or special laws enacted by it.

(3) Prohibited acts void. Any local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void.

(4) General laws. The General Assembly may enact general laws regulating the matters set out in this Section.

**ARTICLE III**

**EXECUTIVE**

Section 1. Executive power. The executive power of the State shall be vested in the Governor.

Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.

(1) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to either of these two offices shall be eligible for election to the next succeeding term of the same office.
CHAPTER 1258  SESSION LAWS—1969

"Sec. 3. Succession to office of Governor.

"(1) Succession as Governor. The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

"(2) Succession as Acting Governor. During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

"(3) Physical incapacity. The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

"(4) Mental incapacity: The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

"(5) Impeachment. Removal of the Governor from office for any other cause shall be by impeachment.

"Sec. 4. Oath of office for Governor. The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of Governor.

"Sec. 5. Duties of Governor.

"(1) Residence. The Governor shall reside at the seat of government of this State.

"(2) Information to General Assembly: The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

"(3) Budget. The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

"(4) Execution of laws. The Governor shall take care that the laws be faithfully executed.

1468
"(5) *Commander in Chief.* The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

"(6) *Clemency.* The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

"(7) *Extra sessions.* The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

"(8) *Appointments.* The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

"(9) *Information.* The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

"Sec. 6. *Duties of the Lieutenant Governor.* The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He may perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

"Sec. 7. *Other elective officers.*

"(1) *Officers.* A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

"(2) *Duties.* Their respective duties shall be prescribed by law.

"(3) *Vacancies.* If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

"(4) *Interim officers.* Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.
"(5) Acting officers. During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

"(6) Determination of incapacity. The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

"Sec. 8. Council of State. The Council of State shall consist of the officers whose offices are established by this Article.

"Sec. 9. Compensation and allowances. The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

"Sec. 10. Seal of State. There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina", and signed by the Governor.

"ARTICLE IV

"JUDICIAL

"Section 1. Judicial power. The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

"Sec. 2. General Court of Justice. The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

"Sec. 3. Judicial powers of administrative agencies. The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

"Sec. 4. Court for the Trial of Impeachments. The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.
Sec. 5. Appellate division. The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.

Sec. 6. Supreme Court.

(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available may discharge those duties.

(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

Sec. 7. Court of Appeals. The structure, organization, and composition of the Court of Appeals shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe.

Sec. 8. Retirement of Justices and Judges. The General Assembly shall provide by general law for the retirement of Justices and Judges of the General Court of Justice, and may provide for the temporary recall of any retired Justice or Judge to serve on the court from which he was retired.

Sec. 9. Superior Courts.

(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

Sec. 10. District Courts. The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident
Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office.

"Sec. 11. Assignment of Judges. The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

"Sec. 12. Jurisdiction of the General Court of Justice.

"(1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court may issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts.

"(2) Court of Appeals. The Court of Appeals shall have such appellate jurisdiction as the General Assembly may prescribe.

"(3) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall prescribe by general law uniformly applicable in every county of the State.

"(4) District Courts; Magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

"(5) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

"(6) Appeals. The General Assembly shall by general law provide a proper system of appeals. Appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

"Sec. 13. Forms of action; rules of procedure.

"(1) Forms of Action. There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment thereof, shall be termed a criminal action.
"(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the Appellate Division. The General Assembly may make rules of procedure and practice for the Superior Court and District Court Divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court Divisions.

"Sec. 14. Waiver of jury trial. In all issues of fact joined in any court, the parties in any civil case may waive the right to have the issues determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

"Sec. 15. Administration. The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

"Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court. Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.

"Sec. 17. Removal of judicial officers.

"(1) Justices of Supreme Court, Judges of the Court of Appeals, and Judges of Superior Court. Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon. Removal from office for any other cause shall be by impeachment.

"(2) District Judges and Magistrates. The General Assembly shall provide by general law for the removal of District Judges and Magistrates for misconduct or mental or physical incapacity.

"(3) Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

"Sec. 18. Solicitors and solicitorial districts.

"(1) Solicitors. The General Assembly shall, from time to time, divide the State into a convenient number of solicitorial districts, for each of which a Solicitor shall
be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. The Solicitor shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

"(2) Prosecution in District Court Division. Criminal actions in the District Court Division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

"Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.

"Sec. 20. Revenues and expenses of the judicial department. The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

"Sec. 21. Fees, salaries, and emoluments. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of Judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

"ARTICLE V

"FINANCE

"Section 1. Capitation tax.

"(1) Capitation tax limited. The General Assembly may levy a capitation tax on every male inhabitant of the State over 21 and under 50 years of age, not in excess of two dollars, and cities and towns may levy a capitation tax on persons subject to the State tax not in excess of one dollar. No other capitation tax shall be levied. The governing boards of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

"(2) Proceeds. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one fiscal year shall more than 25 per cent thereof be appropriated to the latter purpose.
"Sec. 2. State and local taxation.

(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

(2) Classification. Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis. No class shall be taxed except by a uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other local taxing unit of the State. The General Assembly's power to classify property shall not be delegated.

(3) Exemptions. Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding $300, any personal property. The General Assembly may exempt from taxation not exceeding $1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other local taxing unit of the State. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

(4) Twenty-cent limitation. The total of the State and county tax on property shall not exceed 20 cents on the $100 value of property, except when the property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act. This limitation shall not apply to taxes levied for the maintenance of the public schools of the State. The State tax shall not exceed five cents on the $100 value of property.

(5) Necessary expense limitation. No tax shall be levied or collected by the officers of any county, city or town, or other unit of local government, except for the necessary expenses thereof, unless approved by a majority of the qualified voters who vote thereon in any election held for the purpose.

(6) Income tax. The rate of tax on incomes shall not in any case exceed ten per cent and there shall be allowed the following minimum exemptions, to be deducted from the amount of annual incomes: to the income-producing spouse of a married couple living together, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000; and there may be allowed other deductions, not including living expenses, so that only net incomes are taxed.

"Sec. 3. Limitations upon the increase of State debt.

(1) Authorized purposes; two-thirds limitation. The General Assembly may contract debts and pledge the faith and credit of the State for the following purposes:

To fund or refund a valid existing debt;

To borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding 50 percent of such taxes;

To supply a casual deficit;

To suppress riots or insurrections, or to repel invasions.
CHAPTER 1258

For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject is submitted to a vote of the people of the State. In any election held in the State under the provisions of this Section, the proposed indebtedness shall be approved by a majority of the qualified voters who vote thereon.

(2) Gift or loan of credit prohibited. The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State and is approved by a majority of the qualified voters who vote thereon.

(3) Certain debts barred. The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 or 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

Sec. 4. Limitations upon the increase of local debt.

(1) Authorized purposes; two-thirds limitation. The General Assembly may authorize counties, cities and towns, and other units of local government to contract debts and pledge their faith and credit for the following purposes:

To fund or refund a valid existing debt;

To borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding 50 per cent of such taxes;

To supply a casual deficit;

To suppress riots or insurrections.

For any purpose other than these enumerated, the General Assembly shall have no power to authorize counties, cities and towns, and other units of local government to contract debts, and counties, cities and towns, and other units of local government shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county, city or town, or other unit of local government shall have been reduced during the next preceding fiscal year, unless the subject is submitted to a vote of the people of the particular county, city or town, or other unit of local government and is approved by a majority of the qualified voters who vote thereon.

(2) Necessary expense limitation. No county, city or town, or other unit of local government shall contract any debt, pledge its faith, or lend its credit except for the necessary expenses thereof, unless approved by a majority of the qualified voters who shall vote thereon in any election held for that purpose.

(3) Certain debts barred. No county, city or town, or other unit of local government shall assume or pay, nor shall any tax be levied or collected for the payment of, any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of rebellion.
"Sec. 5. Acts levying taxes to state objects. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

"Sec. 6. Inviolability of sinking funds and retirement funds.

"(1) Sinking funds. The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created.

"(2) Retirement funds. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

"Sec. 7. Drawing public money:

"(1) State treasury. No money shall be drawn from the State treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be annually published.

"(2) Local government treasuries. No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

"ARTICLE VI

"SUFFRAGE AND ELIGIBILITY TO OFFICE

"Section 1. Who may vote. Every person born in the United States and every person who has been naturalized, 21 years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

"Sec. 2. Qualifications of voter.

"(1) Residence period for State elections. Any person who has resided in the State of North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election, and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.

"(2) Residence period for presidential elections. The General Assembly may reduce the time of residence for persons voting in presidential elections. A person made eligible by reason of a reduction in time of residence shall possess the other qualifications set out in this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

"(3) Disqualification of felon. No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that
also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

"Sec. 3. Registration. Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

"Sec. 4. Qualification for registration. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

"Sec. 5. Elections by people and General Assembly: All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. A contested election for any office established by Article III of this constitution shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law.

"Sec. 6. Eligibility to elective office. Every qualified voter in North Carolina, except as in this Constitution disqualified, shall be eligible for election by the people to office.

"Sec. 7. Oath. Before entering upon the duties of an office, a person elected or appointed to the office shall take and subscribe the following oath:

"I.........................., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as.................. so help me God."

"Sec. 8. Disqualifications for office. The following persons shall be disqualified for office:

"First, any person who shall deny the being of Almighty God.

"Second, with respect to any office that is filled by election by the people, any person who is not qualified to vote in an election for that office.

"Third, any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who has been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law.

"Sec. 9. Dual office holding.

"(1) Prohibitions. It is salutary that the responsibilities of self-government be widely shared among the citizens of the State and that the potential abuse of authority inherent in the holding of multiple offices by an individual be avoided. Therefore, no person who holds any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this State that is filled by election by the people. No person shall hold concurrently any two offices in this State that are filled by election of the people. No person shall hold concurrently any two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices.
or places of trust or profit, except as the General Assembly shall provide by general law.

"(2) Exceptions. The provisions of this Section shall not prohibit any officer of the military forces of the State or of the United States not on active duty for an extensive period of time, any notary public, or any delegate to a Convention of the People from holding concurrently another office or place of trust or profit under this State or the United States or any department thereof.

"Sec. 10. Continuation in office. In the absence of any contrary provision, all officers in this State, whether appointed or elected, shall hold their positions until other appointments are made or, if the offices are elective, until their successors are chosen and qualified.

"ARTICLE VII

"LOCAL GOVERNMENT

"Section 1. General Assembly to provide for local government. The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.

"Sec. 2. Sheriffs. In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the General Assembly are elected and shall hold his office for a period of four years, subject to removal for cause as provided by law.

"Sec. 3. Merged or consolidated counties. Any unit of local government formed by the merger or consolidation of a county or counties and the cities and towns therein shall be deemed both a county and a city for the purposes of this Constitution, and may exercise any authority conferred by law on counties, or on cities and towns, or both, as the General Assembly may provide.

"ARTICLE VIII

"CORPORATIONS

"Section 1. Corporate charters. No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering, organization, and powers of all corporations, and for the amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general acts may be altered from time to time or repealed. The General Assembly may at any time by special act repeal the charter of any corporation.

"Sec. 2. Corporations defined. The term "corporation" as used in this Section shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.
"ARTICLE IX

EDUCATION

Section 1. Education encouraged. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

Sec. 2. Uniform system of schools.

'(1) General and uniform system; term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

'(2) Local responsibility: The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

Sec. 3. School attendance. The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

Sec. 4. State Board of Education.

'(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

'(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

Sec. 5. Powers and duties of Board. The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

Sec. 6. State school fund. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.
'Sec. 7. County school fund. All moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

'Sec. 8. Higher education. The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly shall provide for the selection of trustees of The University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and the other public institutions of higher education.

'Sec. 9. Benefits of public institutions of higher education. The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense.

'Sec. 10. Escheats. All property that has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of The University of North Carolina.

'ARTICLE X

'HOMESTEADS AND EXEMPTIONS

'Section 1. Personal property exemptions. The personal property of any resident of this State, to a value fixed by the General Assembly but not less than $500, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

'Sec. 2. Homestead exemptions.

'(1) Exemption from sale; exceptions. Every homestead and the dwellings and buildings used therewith, to a value fixed by the General Assembly but not less than $1,000, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or town with the dwellings and buildings used thereon, and to the same value, owned and occupied by a resident of the State, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for its purchase.

'(2) Exemption for benefit of children. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of the owner's children, or any of them.

'(3) Exemption for benefit of widow. If the owner of a homestead dies, leaving a widow but no children, the homestead shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she is the owner of a homestead in her own right.

'(4) Conveyance of homestead. Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed
made by the owner of a homestead shall be valid without the signature and acknowledge ment of his wife.

"Sec. 3. Mechanics' and laborers' liens. The General Assembly shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming the exemption or a mechanic's lien for work done on the premises.

"Sec. 4. Property of married women secured to them. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed and conveyed by her, subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

"Sec. 5. Insurance. The husband may insure his own life for the sole use and benefit of his wife or children or both, and upon his death the proceeds from the insurance shall be paid to or for the benefit of the wife or children or both, or to a guardian, free from all claims of the representatives or creditors of the insured or his estate. Any insurance policy which insures the life of a husband for the sole use and benefit of his wife or children or both shall not be subject to the claims of creditors of the insured during his lifetime, whether or not the policy reserves to the insured during his lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured.

"ARTICLE XI

"PUNISHMENTS, CORRECTIONS, AND CHARITIES

"Section 1. Punishments. The following punishments only shall be known to the laws of this State: death, imprisonment, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

"Sec. 2. Death punishment. The object of punishments being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

"Sec. 3. Charitable and correctional institutions and agencies. Such charitable, benevolent, penal, and correctional institutions and agencies as the needs of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

"Sec. 4. Welfare policy; board of public welfare. Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. Therefore the General Assembly shall provide for and define the duties of a board of public welfare.
"ARTICLE XII

"MILITARY FORCES

"Section 1. Governor is Commander in Chief. The Governor shall be Commander in Chief of the military forces of the State and may call out those forces to execute the law, suppress riots and insurrections, and repel invasion.

"ARTICLE XIII

"CONVENTIONS; CONSTITUTIONAL AMENDMENT

AND REVISION

"Section 1. Convention of the People. No Convention of the People of this State shall ever be called unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and unless the proposition "Convention or No Convention" is first submitted to the qualified voters of the State at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast upon the proposition are in favor of a Convention, it shall assemble on the day prescribed by the General Assembly. The General Assembly shall, in the act submitting the convention proposition, propose limitations upon the authority of the Convention; and if a majority of the votes cast upon the proposition are in favor of a Convention, those limitations shall become binding upon the Convention. Delegates to the Convention shall be elected by the qualified voters at the time and in the manner prescribed in the act of submission. The Convention shall consist of a number of delegates equal to the membership of the House of Representatives of the General Assembly that submits the convention proposition and the delegates shall be apportioned as is the House of Representatives. A Convention shall adopt no ordinance not necessary to the purpose for which the Convention has been called.

"Sec. 2. Power to revise or amend Constitution reserved to people. The people of this State reserve the power to amend this Constitution and to adopt a new or revised Constitution. This power may be exercised by either of the methods set out hereinafter in this Article, but in no other way.

"Sec. 3. Revision or amendment by Convention of the People. A Convention of the People of this State may be called pursuant to Section 1 of this Article to propose a new or revised Constitution or to propose amendments to this Constitution. Every new or revised Constitution and every constitutional amendment adopted by a Convention shall be submitted to the qualified voters of the State at the time and in the manner prescribed by the Convention. If a majority of the votes cast thereon are in favor of ratification of the new or revised Constitution or the constitutional amendment or amendments, it or they shall become effective January first next after ratification by the qualified voters unless a different effective date is prescribed by the Convention.

"Sec. 4. Revision or amendment by legislative initiation. A proposal of a new or revised Constitution or an amendment or amendments to this Constitution may be initiated by the General Assembly, but only if three-fifths of all the members of each house shall adopt an act submitting the proposal to the qualified voters of the State for their ratification or rejection. The proposal shall be submitted at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective Janu-
CHAPTER 1258   SESSION LAWS—1969

any first next after ratification by the voters unless a different effective date is prescribed in the act submitting the proposal or proposals to the qualified voters.

*ARTICLE XIV
*MISCELLANEOUS

Section 1. Seat of government. The permanent seat of government of this State shall be at the City of Raleigh.

Sec. 2. State boundaries. The limits and boundaries of the State shall be and remain as they now are.

Sec. 3. General laws defined. Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to that subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every county, city and town, and other unit of local government, or in every local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act.

Sec. 4. Continuity of laws; protection of office holders. The laws of North Carolina not in conflict with this Constitution shall continue in force until lawfully altered. Except as otherwise specifically provided, the adoption of this Constitution shall not have the effect of vacating any office or term of office now filled or held by virtue of any election or appointment made under the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto.

Sec. 2. The revision and amendment of the Constitution of North Carolina set out in Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing general elections in this State.

Sec. 3. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

☐ FOR revision and amendment of the Constitution of North Carolina.
☐ AGAINST revision and amendment of the Constitution of North Carolina.

Those qualified voters favoring the amendment set out in Section 1 of this Act shall vote by making an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by making an X or a check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this Section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 4. If a majority of the votes cast thereon be in favor of the revision and amendment set out in Section 1 of this Act, the Governor shall certify that revision and amendment under the Great Seal of the State to the Secretary of State, who shall enroll that revision and amendment so certified among the permanent records of his office, and the revision and amendment shall become effective on July 1, 1971.
Sec. 5. All laws and clauses of laws in conflict with this Act are repealed.
Sec. 6. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1258 CHAPTER 1259
AN ACT TO PROTECT WILD OR FERAL HOGS IN JACKSON AND TRANSYLVANIA COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Wild or feral hogs are hereby declared to be game animals. It shall be unlawful to take any wild or feral hog between the effective date of this Act and October 15, 1971.

Beginning in 1971, the open season for taking wild or feral hogs shall be as follows: October 15 to January 1. The bag limit on wild or feral hogs shall be as follows: per day, one; per season, two; possession, two.

Sec. 2. A violation of this Act shall be a misdemeanor punishable by a fine not in excess of five hundred dollars ($500.00) or by imprisonment, or by both fine and imprisonment.

Sec. 3. This Act shall apply only to Jackson and Transylvania Counties.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1345 CHAPTER 1260
AN ACT TO AMEND CHAPTER 1254 SESSION LAWS OF 1967 SO AS TO PROVIDE STAGGERED TERMS FOR THE BOARD OF EDUCATION OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1254 Session Laws of 1967 is hereby amended by deleting from the third line of Section 1 thereof the words "April, 1969" and by inserting in lieu thereof the words "December, 1970."

Sec. 2. Chapter 1254 Session Laws of 1967 is amended by rewriting Section 2 thereof to read as follows:

"Sec. 2. At the general election to be held in Watauga County in 1970, the five members of the Watauga County Board of Education shall be elected. The two (2) candidates receiving the highest number of votes shall be elected for a term of four (4) years, and the three (3) candidates receiving the next highest number of votes shall be elected for a term of two (2) years. At the general election in 1972, and biennially thereafter, three members of the Board of Education shall be elected, and the two (2) candidates receiving the highest number of votes shall be elected for a term of four (4) years, and the candidate receiving the next highest number of votes shall be elected for a term of two (2) years."

Sec. 3. Section 3 of Chapter 1254 Session Laws of 1967 is hereby amended by deleting the last sentence thereof, and substituting in lieu thereof the following: "in the elections held in 1972 and biennially thereafter, a primary election shall
not be necessary if no more than six candidates file for membership on the Board of Education, and in the event more than six candidates file for membership, the six candidates receiving the highest number of votes in such primary election shall be the nominees to be voted on at the general election.

Sec. 4. Section 4 of Chapter 1254, Session Laws of 1967, is hereby deleted.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 551

CHAPTER 1261

AN ACT TO APPROPRIATE $50,000 FOR THE RENOVA-TION AND ENLARGE-
MENT OF THE CHAPEL AT THE STATE HOME AND INDUSTRIAL SCHOOL
FOR GIRLS PROVIDED MATCHING FUNDS ARE MADE AVAILABLE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State
to the State Home and Industrial School for Girls the sum of Fifty Thousand Dollars
($50,000), to be used for the renovation and enlargement of the Chapel at the State
Home and Industrial School for Girls, provided a like sum is made available in
matching funds in currency for such renovation and enlargement from sources other
than State appropriations. If matching funds have not become available by June
30, 1971, this appropriation shall revert to the General Fund.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July,
1969.

S. B. 562

CHAPTER 1262

AN ACT TO APPROPRIATE $85,000 FOR ASSISTING IN THE CONSTRUCTION
OF A CHAPEL AT THE STATE TRAINING SCHOOL FOR GIRLS, PROVIDED
MATCHING FUNDS ARE MADE AVAILABLE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State
to the State Training School for Girls a sum not to exceed fifty thousand dollars
($50,000.00) to be used in assisting in the construction of a Chapel at the State
Training School for Girls, provided a like sum is made available in matching funds
in currency for such construction from sources other than State appropriations.
If matching funds have not become available by June 30, 1971, this appropriation
shall revert to the General Fund.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July,
1969.
S. B. 566  

CHAPTER 1263

AN ACT TO AMEND G. S. 7-45(b) TO AUTHORIZE THE SIX REMAINING SUPERIOR COURT SOLICITORS TO ELECT TO BECOME FULL-TIME SOLICITORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-45(b) is amended in the first sentence by deleting the enumeration of districts after the colon, and inserting in lieu thereof the following:

"Districts one through twenty-one".
Sec. 2. All laws and parts of law in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective on ratification.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 572  

CHAPTER 1264

AN ACT TO APPROPRIATE $100,000 TO THE NORTH CAROLINA SCHOOL FOR THE DEAF AT MORGANTON TO CONSTRUCT A CHAPEL, PROVIDED MATCHING FUNDS ARE MADE AVAILABLE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the North Carolina School for the Deaf at Morganton the sum of fifty thousand dollars ($50,000.00) to be used to construct, equip and furnish a chapel at the School, provided a like or greater sum is made available in matching funds in currency for such purposes from sources other than State appropriations. If matching funds have not become available by June 30, 1971, this appropriation shall revert to the General Fund.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective July 1, 1969.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 843  

CHAPTER 1265

AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY AT RALEIGH TO BE USED, WITH OTHER FUNDS AVAILABLE, FOR COMPLETION OF THE PROJECT "ADDITION TO BROUGHTON HALL".

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to North Carolina State University at Raleigh, in addition to all other appropriations, the sum of two hundred thousand dollars ($200,000.00), to be used for completion of the project "Addition to Broughton Hall", provided a like sum, in addition to all funds already committed for the project, is made available for the project from sources other than state appropriations.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective on July 1, 1969.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1266

S. B. 890

CHAPTER 1266

AN ACT TO PROVIDE ADDITIONAL APPROPRIATIONS TO THE JUDICIAL DEPARTMENT FOR PAYMENT TO COUNSEL FOR INDIGENT DEFENDANTS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State, in addition to all other appropriations, the sum of five hundred thousand dollars ($500,000.00) to the Judicial Department for the biennium 1969-71, said sum to be used as required to supplement the funds provided in other appropriations for payment to counsel for indigent defendants.

Sec. 2. The appropriations for the biennium 1969-71 to Counsel for Indigent Defendants, Code 10091, are hereby transferred to the Judicial Department, Code 10065.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 504

CHAPTER 1267

AN ACT TO ESTABLISH THE POLICE INFORMATION NETWORK IN THE DEPARTMENT OF JUSTICE AND TO MAKE AN APPROPRIATION THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. G.S. 114-10 is hereby amended by renumbering sub-paragraphs (2), (3), and (4), to read (3), (4), and (5), and by inserting a new paragraph (2) to read as follows:

"(2) To collect, correlate, and maintain access to information that will assist in the performance of duties required in the administration of criminal justice throughout the State. This information may include, but is not limited to, motor vehicle registration, drivers' licenses, wanted and missing persons, stolen property, warrants, stolen vehicles, firearms registration, drugs, drug users and parole and probation histories. In performing this function, the Division may arrange to use information available in other agencies and units of State, local and Federal government, but shall provide security measures to insure that such information shall be made available only to those whose duties, relating to the administration of justice, require such information."

Sec. 2. Article 3 of Chapter 114 of the General Statutes is hereby amended by adding a new section immediately following G.S. 114-10, to be designated as "G.S. 114-10.1", and to read as follows:

"G.S. 114-10.1. Police Information Network. (a) The Division of Criminal Statistics is authorized to establish, devise, maintain and operate, under the control and supervision of the Attorney General, a system for receiving and disseminating to participating agencies information collected, maintained and correlated under authority of Section 114-10 of this Article. The system shall be known as the Police Information Network."
"(b) The Attorney General is authorized to cooperate with the Department of Motor Vehicles, Department of Administration, Department of Correction and other State, local and Federal agencies and organizations in carrying out the purpose and intent of this Act, and to utilize, in cooperation with other State agencies and to the extent as may be practical, computers and related equipment as may be operated by other state agencies.

"(c) The Attorney General, after consultation with participating agencies, shall adopt rules and regulations governing the organization and administration of the Police Information Network, including rules and regulations governing the types of information relating to the administration of criminal justice to be entered into the system, and who shall have access to such information. The Attorney General may call upon the Governor's Committee on Law and Order for advice and such other assistance that the Committee may be authorized to render."

Sec. 3. There is hereby appropriated, for the second year of the biennium, 1970-1971, from the General Fund of the State, to a Reserve Fund, the sum of $536,000 for the purpose of establishing said Police Information Network, to be allocated subject to the approval of the Governor and the Advisory Budget Commission. There is hereby appropriated, for the first year of the biennium, 1969, 1970, from the General Fund of the State, to the office of the Attorney General of the State, the sum of $50,000, for the purpose of employing the necessary personnel and making the necessary study and plans for the implementation of the Police Information Network for the year 1970.

Sec. 4. Article 36 of Chapter 143 of the General Statutes is hereby amended by adding a new subsection immediately following G. S. 143-340 (13) to read as follows:

"(14) To establish a coordinated system for transmission of information by communications between the various agencies, departments and institutions of the State, Local, and Federal Government, and to provide equipment, personnel and systems designed and operated in such manner as to achieve economical and effective transmission and receipt of information necessary to the duties and responsibilities imposed upon the various agencies of the State, including a network for transmission of information for use in the administration of criminal justice as administered by the Department of Justice."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1398

CHAPTER 1268

AN ACT TO AMEND SECTION 18-81 OF THE REVENUE CODE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 18-81 is amended by adding the following Sub-section:

"(ii) The Commissioner of Revenue shall promulgate rules and regulations to relieve licensed resided manufacturers from the liability of paying the excise taxes levied under this Section on beverages enumerated in G.S. 18-64(1), which are furnished free of charge to customers, visitors and employees on the manufacturers licensed premises for consumption on said premises."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.
CHAPTER 1268   SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1399   CHAPTER 1269

AN ACT TO FIX THE COMPENSATION AND PROVIDE FOR CERTAIN LEGISLATIVE EXPENSES OF MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of furthering the general welfare of the State, and in recognition of the public service rendered to the State and its citizens by the members of the General Assembly, there is hereby established a retirement fund to be designated as the "Legislative Retirement Fund", hereinafter referred to as the "Fund". The Fund shall be administered as set forth in this Act. This Fund is established to provide retirement allowances for eligible members of the General Assembly of the State who qualify for such allowances as hereinafter provided.

The Fund shall be administered by the Board of Trustees of the Teachers' and State Employees' Retirement System, hereinafter referred to as the Board.

Sec. 2. There is hereby created an office to be known as Director of the Legislative Retirement Fund. The Director of the Teachers' and State Employees' Retirement System of North Carolina shall serve ex officio as Director of the Fund at such additional salary as may be determined by the Board from time to time in its sole discretion.

Sec. 3. The Board shall have the power and duty to request the allocations necessary to carry out the provisions of this Act, which shall be provided from funds appropriated to the General Assembly, to employ necessary clerical and other assistance as it may require, to determine the acceptability of all applications for retirement allowances, to provide for the payment of allowances hereunder, to make all necessary rules and regulations not inconsistent with law for the government of said Fund, to expend funds in accordance with the provisions of this Act, and generally to exercise all other powers necessary for the administration of the Fund established by this Act.

Sec. 4. The State Treasurer shall be the custodian of the Retirement Fund for Members of the General Assembly of North Carolina. One-fourth of the annual allocation to the Fund shall be transferred quarterly to a special fund to be established in the State Treasurer's Office to be known as the Legislative Retirement Fund. The Board of Trustees shall have authority to manage and invest all monies in the Fund not immediately needed for retirement allowances in the same manner as provided for the Teachers' and State Employees' Retirement Fund. The interest on such investments shall be credited to this Fund. The State Treasurer shall serve as investment officer under authority granted by the Board of Trustees.

Sec. 5. "Member" shall mean any person who is elected at a general election or appointed as a member of the General Assembly and who serves in said General Assembly as a member thereof, as a result of said election or appointment. A "Full term" shall consist of any regular biennial session of the General Assembly. For the purposes of this Act, credit shall be given only for a full term, and no credit shall be given for any period of service in which the member (i) fails to complete serving the full term or (ii) serves such term or any portion of such term as a result of election thereto in other than a general election: Provided, however, a member who is otherwise eligible and assumes his duties as a member of the Gener-
al Assembly within one week after the convening of a regular session shall not be barred from credit for a full term.

Sec. 6. Any former member of the General Assembly who has at least four full terms of creditable service and who has attained the age of 65 shall be entitled to receive from the Fund a monthly retirement allowance of twenty-five dollars ($25.00) per each full term of service. Credit shall be given for each full term of service as an active member commencing with the 1969 term; and credit shall also be given for each full term of service rendered before the 1969 term, as to any member who serves a full term during the 1969 term or any full term subsequent to 1969. Credit shall be given to any member or elected officer serving in the 1969 Session who has attained the age of 70 years and has a total of three terms of creditable service, and the member qualifying shall be entitled to the retirement benefits provided for in this Act. Notwithstanding anything herein to the contrary, no person shall be entitled to receive a retirement allowance hereunder unless his service as a member of the General Assembly or as an employee of the State in another capacity shall have been terminated and he shall have retired from the service of the State. No survivor benefits shall be payable under this Act.

Sec. 7. Service retirement benefits shall be payable under this Act effective the first day of the month following retirement. Application therefor by an eligible member for such service retirement benefits shall be filed as rules and regulations of the Board may provide.

Sec. 8. If a member who has served not less than three full terms becomes physically disabled during a fourth or later term, and such disability application is approved by the Medical Board of the Teachers' and State Employees' Retirement System, such person shall be entitled to receive disability benefits at the same rate as service retirement benefits, irrespective of age. Application for disability benefits shall be filed as rules and regulations of the Board may provide.

Sec. 9. If a member has commenced to receive service retirement or disability benefits and thereafter serves as a member of the General Assembly, or becomes a teacher or State employee within the definition thereof of the Teachers' and State Employees' Retirement System Act, payment of benefits shall be suspended during the period when such member is being paid a salary as a member of the General Assembly or teacher or State employee.

Sec. 10. There is hereby allocated as of July 1, 1969, and annually thereafter, as an item of joint expense from funds appropriated for the support of the General Assembly, to the Legislative Retirement Fund, such sums as are determined by the Board to be necessary in order (i) to cover the cost of the allowances provided in this Act, and (ii) to cover any administrative expenses which the Board of Trustees may incur in the operation of the Fund.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect on and after the first day of the convening of the 1971 Session of the General Assembly.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

1491
CHAPTER 1270

S. B. 362

CHAPTER 1270

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE CONVENING OF EXTRA SESSIONS OF THE GENERAL ASSEMBLY UPON REQUEST OF THREE-FIFTHS OF THE MEMBERS OF EACH HOUSE.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of North Carolina, as revised and amended pursuant to An Act to Revise and Amend the Constitution of North Carolina, H. B. 231, enacted as Chapter 1258 of the Session Laws of 1969, is amended by rewriting Article II, Sec. 11. thereof to read as follows: "Sec. 11. Sessions. (1) Regular sessions. The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present. (2) Extra sessions on legislative call. The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives."

Sec. 2. The Constitution of North Carolina, as that document read on January 1, 1969, is amended by adding at the end of Article II, Sec. 2, thereof the following new paragraph: "The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives."

Sec. 3. The amendment set out in Sections 1 and 2 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing elections in this State.

Sec. 4. At that election, each qualified voter presenting himself to vote shall be provided a ballot on which shall be printed the following:

☐ FOR constitutional amendment permitting three-fifths of the members of the General Assembly to convene extra sessions of the General Assembly.

☐ AGAINST constitutional amendment permitting three-fifths of the members of the General Assembly to convene extra sessions of the General Assembly.

Those qualified voters favoring the amendment set out in Sections 1 and 2 of this Act shall vote by marking an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by making an X or a check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this Section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 5. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the revision and amendment submitted to the qualified voters by An Act to Revise and Amend the Constitution of North Carolina are in favor of that revision and amend-
ment, then the Governor shall certify the amendment set out in Section 1 of this Act under the Great Seal of the State to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and that amendment shall take effect as an amendment to the revised and amended Constitution of North Carolina on July 1 next after its ratification by the qualified voters.

Sec. 6. If a majority of the votes cast thereon are in favor of the amendment set out in Sections 1 and 2 of this Act, and if a majority of the votes cast on the revision and amendment submitted to the qualified voters by An Act to Revise and Amend the Constitution of North Carolina are against that revision and amendment, then the Governor shall certify the amendment set out in Section 2 of this Act under the Great Seal of the State to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and that amendment shall take effect as an amendment to the present Constitution of North Carolina on July 1 next after its ratification by the qualified voters.

Sec. 7. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 215

CHAPTER 1271

AN ACT TO APPROPRIATE FUNDS TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE A STATE ZOO.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the North Carolina Zoological Authority the sum of two hundred fifty thousand dollars ($250,000.00) for the biennium (1969-71), to be used by said Authority for the purpose of aiding said Authority in the establishment of a Zoological Garden in North Carolina, subject to the following conditions:

(a) Fifty thousand dollars ($50,000.00) of said funds shall be transferred to said Authority within ninety (90) days after said Authority is organized to enable the Board of Directors to use said funds, in combination with other available funds, to begin the selection of a site and the basic plan for said Zoological Garden.

(b) The balance of said appropriation shall be transferred upon the approval of the Governor and the Advisory Budget Commission, either as one sum or several sums, upon the condition that a reasonable plan is presented to said Governor and the Advisory Budget Commission, which will indicate public support of a Zoological Garden and the availability of a substantial amount of non-state funds for that purpose.

(c) It is a condition of this appropriation that the North Carolina Zoological Authority will not seek additional appropriations from the General Fund during future sessions of the General Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1272  SESSION LAWS—1969

H. B. 433  CHAPTER 1272

AN ACT TO AMEND G. S. 105-141(b) TO EXEMPT FROM TAXATION RETIREMENT BENEFITS RECEIVED BY CERTAIN RETIRED FEDERAL EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-141(b) (14) is amended by striking the words and figures "one thousand two hundred dollars ($1,200.00)" in lines one and two thereof and substituting in lieu thereof the following: "three thousand dollars ($3,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective with respect to income years beginning on or after January 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 653  CHAPTER 1273

AN ACT TO PROVIDE FINANCIAL ASSISTANCE FOR THE EDUCATION OF NORTH CAROLINIANS AT THE MEDICAL SCHOOLS OF DUKE UNIVERSITY AND WAKE FOREST UNIVERSITY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Board of Higher Education, out of the General Fund of the State, the sum of $100,000 for the fiscal year beginning July 1, 1969, and the sum of $250,000 for the fiscal year beginning July 1, 1970, these sums to be used for the education of physicians at the School of Medicine at Duke University and at the Bowman Gray School of Medicine at Wake Forest University. The funds shall be disbursed on certification of the respective school of medicine showing an increase in the number of North Carolina residents enrolled as first-year students in the school as of November 1, 1969, and the number of North Carolina residents enrolled as first- and second- year students in the school as of November 1, 1970. To the extent of the appropriation made herein, disbursement shall be made to the school in the amount of $2,500 for each such student, $250 of which shall be credited to the annual tuition of each such student. Any funds appropriated for the first fiscal year of the biennium but not expended in that year shall be available for expenditure in the second fiscal year of the biennium.

Sec. 2. The Board of Higher Education shall prescribe regulations for determining which students are residents of North Carolina. The Board shall also make such regulations as it may deem desirable to insure that these funds are used directly for instruction in the medical programs of the schools and not for religious or other non-public purposes. The Board shall encourage the two schools to orient students toward personal health care in North Carolina. It shall make any other rules or regulations which it may deem desirable in carrying out the purposes of this Act. The appropriation authorized by this Act shall be expended for purposes that will strengthen the practice of family and community medicine in North Carolina.

Sec. 25. This appropriation is limited to the biennium 1969-71, and is not intended to be a continuing appropriation, and any funds not expended during the biennium shall revert to the General fund.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1969.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 990

CHAPTER 1274

AN ACT TO PROTECT THE NEIGHBORHOOD SCHOOL SYSTEM AND TO PROHIBIT THE INVOLUNTARY BUSSING OF PUPILS OUTSIDE THE DISTRICT IN WHICH THEY RESIDE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a new Section of Chapter 115 of the General Statutes to be codified as G.S. 115-176.1 and to read as follows:

"G.S. 115-176.1. Assignment of pupils based on race, creed, color or national origin prohibited. No person shall be refused admission into or be excluded from any public school in this State on account of race, creed, color or national origin. No school attendance district or zone shall be drawn for the purpose of segregating persons of various races, creeds, colors or national origins from the community.

Where administrative units have divided the geographic area into attendance districts or zones, pupils shall be assigned to schools within such attendance districts; provided, however, that the board of education of an administrative unit may assign any pupil to a school outside of such attendance district or zone in order that such pupil may attend a school of a specialized kind including but not limited to a vocational school or school operated for, or operating programs for, pupils mentally or physically handicapped, or for any other reason which the board of education in its sole discretion deems sufficient. No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origins. Involuntary bussing of students in contravention of this Article is prohibited, and public funds shall not be used for any such bussing.

The provisions of this Article shall not apply to a temporary assignment due to the unsuitability of a school for its intended purpose nor to any assignment or transfer necessitated by overcrowded conditions or other circumstances which, in the sole discretion of the School Board, require assignment or reassignment.

The provisions of this Article shall not apply to an application for the assignment or re-assignment by the parent, guardian or person standing in loco parentis of any pupil or to any assignment made pursuant to a choice made by any pupil who is eligible to make such choice pursuant to the provisions of a freedom of choice plan voluntarily adopted by the board of education of an administrative unit."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. If part of the Act is held to be in violation of the Constitution of the United States or North Carolina, such part shall be severed and the remainder shall remain in full force and effect.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1275  

H. B. 1394  

CHAPTER 1275

AN ACT AMENDING G. S. 113-157 SO AS TO REPEAL THE TAX ON NORTH CAROLINA OYSTERS SHIPPED IN THE SHELL OUT OF STATE AND LEVying A TAX ON CERTAIN GREEN SHRIMP.

The General Assembly of North Carolina do enact:

Section 1. The sentence immediately following G. S. 113-157(d)(6), which reads as follows, "An additional tax of fifty cents (50c) per bushel is levied upon all oysters taken in North Carolina which are shipped in the shell to any place outside the State." is repealed.

Sec. 2. G. S. 113-157(d) is amended by adding after (6) the following:

"(7) Shrimp, green, heads on, ten cents (10c) per one hundred pounds."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1422  

CHAPTER 1276

AN ACT TO AMEND CHAPTER 886 OF THE 1969 SESSION LAWS TO CORRECT AN EFFECTIVE DATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 886 of the 1969 Session Laws is hereby amended by striking the figures "July 1, 1969" as it appears in Section 3 and inserting in lieu thereof "January 1, 1970".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1428  

CHAPTER 1277

AN ACT TO PROVIDE FOR THE ALLOCATION OF SALES AND USE TAX PROCEEDS TO BE DISTRIBUTED TO RICHMOND COUNTY AND MUNICIPALITIES THEREIN IF RICHMOND COUNTY ELECTS TO IMPOSE THE LOCAL OPTION 1% SALES AND USE TAX.

The General Assembly of North Carolina do enact:

Section 1. The tax proceeds which shall be distributed to Richmond County from the proceeds collected under the provisions of the Local Option Sales and Use Tax Act, in the event Richmond County elects to impose such tax as provided in said Act, shall be used only for public school capital outlay expenses and for debt service in connection with the retirement of school bonds. The tax proceeds which shall be distributed to the incorporated municipalities in Richmond County from the proceeds collected under the provisions of the Local Option Sales and Use Tax Act, in the event Richmond County elects to impose such tax as provided in said Act, may be used for any public purpose.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

1496
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 160

CHAPTER 1278

AN ACT TO FIX THE COMPENSATION AND PROVIDE FOR CERTAIN LEGISLATIVE EXPENSES OF MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Sec. 1. G. S. 120-3 is hereby rewritten in its entirety to read as follows:

"G. S. 120-3. Pay of members and presiding officers of the General Assembly. (a) Each member of the General Assembly, except the Speaker of the House, shall be paid for his services an annual salary of two thousand four hundred dollars ($2,400.00), payable monthly, and an expense allowance of fifty dollars ($50.00) per month. The Speaker of the House shall receive an annual salary of four thousand dollars ($4,000.00), payable monthly, and an expense allowance of one hundred dollars ($100.00) per month. Such salary and expense allowance for each member and for the Speaker of the House shall be in addition to any per diem compensation and any subsistence and travel allowance authorized by any other law with respect to any regular or extra session of the General Assembly, and service on any state board, agency, commission, standing committee and study commission.

(b) The additional compensation of the presiding officers of the two houses shall be twenty dollars ($20.00) per day for each day of the session and for each day of any extra or special session.

(c) Members of the General Assembly wishing to be paid on an annual or semi-annual basis shall notify, in writing, the State Disbursing Officer, Department of Administration, by December 15 of the calendar year preceding the year in which payment is to be made."

Sec. 2. G. S. 120-4 is hereby rewritten in its entirety to read as follows:

"G. S. 120-4. Speaker and president pro tempore. For each day spent in the service of the State at times when the General Assembly is not in session, the President pro tempore of the Senate shall be entitled to receive subsistence and travel allowances at the rates prescribed in G. S. 138-5(b). The costs of clerical assistance, postage, and other office expenses incurred by the Speaker of the House of Representatives and the President pro tempore of the Senate in the performance of their official duties when the General Assembly is not in session shall be a proper charge against the funds appropriated for the maintenance and operation of the Legislative Research Commission."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after the first day of the convening of the 1971 Session of the General Assembly.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
H. B. 1054

CHAPTER 1279

AN ACT TO ELIMINATE REFERENCES TO RACE FROM THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The General Statutes are amended as follows:

(1) By deleting the second sentence of G. S. 58-267.

(2) By repealing G. S. 65-38.

(3) By deleting from G. S. 90-212 the word "white" wherever it appears, and the clause "and the bodies of all such Negro prisoners dying under similar conditions shall be equally distributed among the Negro funeral homes in Raleigh."

(4) By deleting from G. S. 105-323(a), the word "four" and substituting therefor the word "two"; by deleting therefrom the word "white" in paragraph (1), by deleting paragraphs (2) and (3) in their entirety, and by renumbering paragraph (4) as paragraph (2).

(5) By deleting from G. S. 105-323(b) the word "four" and substituting in lieu thereof the word "two".

(6) By repealing G. S. 115-274 through 115-295.

(7) By deleting the last sentence of G. S. 115-323.

(8) By deleting from G. S. 115-325 the word "white" and the phrase "and in the department of colored all colored deaf-mutes and blind children."

(9) By deleting the word "white" from G. S. 115-336.

(10) By deleting the word "white" from G. S. 115-341.

(11) By deleting the word "white" from G. S. 115-345.

(12) By deleting the word "colored" from G. S. 115-347.

(13) By repealing G. S. 134-21.

(14) By deleting the word "white" from G. S. 134-69.

(15) By deleting the word "Negro" from G. S. 134-79.

(16) By deleting the word "Negro" from G. S. 134-82.

(17) By deleting the word "Negro" from G. S. 134-84.

(18) By deleting the word "Negro" from the title to Article 6A of Chapter 134.

(19) By deleting the word "Negro" from G. S. 134-84.1.

(20) By deleting the word "Negro" from G. S. 134-84.2.

(21) By deleting the word "Negro" from G. S. 134-84.4 wherever it appears.

(22) By deleting the word "Negro" from G. S. 134-84.7.

(23) By deleting the word "Negro" from G. S. 134-84.9.

(24) By deleting the word "Negro" from G. S. 134-85.

(25) By deleting the word "Negro" from G. S. 134-87.
(26) By deleting from G. S. 134-91 the word "Negro", wherever it appears, and by deleting the second and third sentence of the third paragraph.

(27) By deleting from Sec. 153-201, in the caption the words "races and" and in the body the words "and races".

(28) By deleting from Sec. 105-335, on line 7, the words "white and Negro", and from line 8 the word "separately."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 487 CHAPTER 1280
AN ACT TO BRING G. S. 163-153(2) IN CONFORMANCE WITH G. S. 163-45.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-153(2), as the same appears in the 1967 Cumulative Supplement to Volume 3D of the General Statutes is hereby amended by inserting therein a new sub-paragraph to be designated as (g.) and to read as follows:

"(g.) Watchers appointed under the provisions of G. S. 163-45."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall not apply to the following counties: Alamance, Lenoir, Mecklenburg, Onslow, Wayne, Martin, Dare, Beaufort, Tyrrell, Hyde, Gaston, Cumberland, Guilford, Stanly and Randolph.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 606 CHAPTER 1281
AN ACT APPROPRIATING FUNDS TO THE BREVARD MUSIC CENTER.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State of North Carolina to the Brevard Music Center, in addition to all other appropriations, the sum of fifteen thousand dollars ($15,000.00) for the biennium 1969-71.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 658 CHAPTER 1282
AN ACT TO AMEND G. S. 105-228.17 TO CHANGE DATE OF EXCISE TAX PAYMENTS OF BANKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-228.17 is hereby amended by inserting the word and figure "March 15" in lieu of the word and figure "June 1" in line two (2) of said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 581  CHAPTER 1283

AN ACT TO ALLOW JUDGES TO ISSUE LIMITED DRIVING PERMITS TO PERSONS CONVICTED OF FIRST OFFENSES OF DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

The General Assembly of North Carolina do enact:

Section 1. G.S. 20-179 as the same appears in the 1967 Supplement to the 1965 Replacement Volume 1C of the General Statutes is amended by designating the existing paragraph thereof as "(a)" and by adding a new paragraph at the end thereof to be designated "(b)" to read as follows:

"(b) Upon a first conviction only, the trial judge may when feasible as a condition of a suspended sentence, allow a limited driving privilege or license to the person convicted for proper purposes reasonably connected with the health, education and welfare of the person convicted and his family. The judge may impose upon such limited driving privilege any restrictions as in his discretion are deemed advisable including, but not limited to, conditions of days, hours, types of vehicles, routes, geographical boundaries and specific purposes for which limited driving privilege is allowed. Any such limited driving privilege allowed and restrictions imposed thereon shall be specifically recorded in a written judgment which shall be as near as practical as that hereinafter set forth and shall be signed by the trial judge and shall be affixed with the seal of the court and shall be made a part of the records of the said court. A copy of said judgment shall be transmitted to the Department of Motor Vehicles along with any operator's or chauffeur's license in the possession of the person convicted and a notice of the conviction. Such permit issued hereunder shall be valid for such length of time as shall be set forth in the judgment of the trial judge. Such permit shall constitute a valid license to operate motor vehicles upon the streets and highways of this or any other state in accordance with the restrictions noted thereon and shall be subject to all provisions of law relating to operator's or chauffeur's license, by their nature, rendered inapplicable.

Sec. 2. The Judgment issued by the trial judge as herein permitted shall as near as practical be in form and contents as follows:

STATE OF NORTH CAROLINA
COUNTY OF

RESTRICTED DRIVING PRIVILEGES

This cause coming on to be heard and being heard before the Honorable_____________, Judge presiding, and it appearing to the Court that the defendant,___________________, has been convicted of the offense of operating a motor vehicle while under the influence of intoxicating beverages, and it further appearing to the Court that the defendant should be issued a restrictive driving license and is entitled to the issuance of a restrictive driving privilege under and by the authority of General Statutes 20-179 Subsection D;

Now, therefore, it is ordered, adjudged and decreed that the defendant be allowed to operate a motor vehicle under the following conditions and under no other circumstances.

1500
Name: ______________________________  Race: ______________________________
Height: ______________________________  Weight: ______________________________
Color of Hair: ______________________________  Color of Eyes: ______________________________
Birth Date: ______________________________
Drivers License Number: ______________________________
Signature of Licensee: ______________________________

Conditions of Restriction (Indicate if none)
Type of Vehicle: ______________________________
Geographic Restrictions: ______________________________
Hours of Restriction: ______________________________
Other Restrictions: ______________________________

This limited license shall be effective from ______________________________ to ______________________________
subject to further orders as the Court in its discretion may deem necessary and proper.

This the ______ day of ______________________________, 1969.

Judge Presiding

Sec. 3. Upon conviction of such offense outside the jurisdiction of this state the person so convicted may apply to the resident judge of the Superior Court of the district in which he resides for limited driving privileges hereinbefore defined. Upon such application the judge shall have the authority to issue such limited driving privileges in the same manner as if he were the trial judge.

Sec. 4. Any violation of the restrictive driving privileges as set forth in the judgment of the trial judge allowing such privileges shall constitute the offense of driving while license have been suspended and revoked as set forth in G.S. 20-28. Whenever a person is charged with operating a motor vehicle in violation of the restrictions, the limited driving privilege shall be suspended pending the final disposition of the charge.

Sec. 5. This action is supplemental and in addition to existing law and shall not be construed so as to repeal any existing provision contained in the General Statutes of North Carolina.

Sec. 6. This Act shall become effective upon its ratification, and shall expire at midnight on June 30, 1971; provided, that the expiration of this Act shall not affect the orders or judgments of any court rendered during the effective period of this Act.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 662

AN ACT TO PROVIDE BASIC PROPERTY INSURANCE FOR PROPERTY OWNERS IN URBAN AREAS OF NORTH CAROLINA; TO PROVIDE A FACILITY FOR THE PLACEMENT OF ESSENTIAL PROPERTY INSURANCE IN RIOT-POTENTIAL AREAS, AND TO PROVIDE FOR PARTICIPATION IN THE FAIR ACCESS OF INSURANCE REQUIREMENTS (FAIR PLAN OF INSURANCE).

The General Assembly of North Carolina do enact:

Section 1. Subchapter 3 of Chapter 58 of the General Statutes is hereby amended by adding at the end thereof a new article to be designated as Article 18B and reading as follows:
"Article 18B

"Fair Access to Insurance Requirements.

"Section 58-173.17. Purpose of Act. It is the purpose of this Act to provide a program whereby adequate basic property insurance may be made available to property owners having insurable property in urban areas of the State and to enable insurers doing business in the State to participate in the Federal reinsurance provisions or Public Law 90-448, 90th Congress, August 1, 1968. It is further the purpose of this Act to encourage the improvement of properties located in urban areas of the State and to arrest the decline of properties located in such areas."

"Section 58-173.18. Organization of Underwriting Association. All insurers licensed to write and writing property insurance in this State on a direct basis are authorized, subject to the approval and regulation by the Commissioner, to establish and maintain a FAIR Plan (Fair Access to Insurance Requirements) and to establish and maintain an Underwriting Association and to formulate, and from time to time, to amend the plans and articles of the association and rules and regulations in connection therewith, and to assess and share on a fair and equitable basis all expenses, income and losses incident to such FAIR Plan and Underwriting Association in a manner consistent with the provisions of this Article and in conformity with the Urban Property Protection and Reinsurance Act of 1968. (Title XI of Housing and Urban Development Act of 1968, Public Law 90-448, 90th Congress, August 1, 1969)."

"Section 58-173.19. Participation in association. Every insurer authorized to write basic property insurance in this State except town and county mutual insurance associations and assessable mutual companies as authorized by G.S. 58-77(5)b, G.S. 58-77(5)d and G.S. 58-77(7)b shall be required to become and remain a member of the Plan and Underwriting Association and comply with the requirements thereof as a condition of its authority to transact basic property insurance business in the State of North Carolina. The premiums paid by insurers of North Carolina property to the National Insurance Development Fund for re-insurance, shall be used for the payment of losses occurring in this State and shall, to the extent not so used, be credited to the participation of such insurers in the re-insurance facility provided by this Act and the Federal Act."

"Section 58-173.20. Requirements of Plan and Authority of Association. The Association formed pursuant to the provisions of this Article shall have authority on behalf of its members to cause to be issued basic property insurance policies, to reinsure in whole or in part, any such policies, and to cede any such reinsurance. The Plan adopted, pursuant to the provision of this Article, shall provide, among other things, for the perils to be covered, the geographical areas of coverage, compensation and commissions, assessments of members, the sharing of expenses, income and losses on an equitable basis, cumulative weighted voting for the Board of Directors of the Association, the administration of the Plan and Association and any other matter necessary or convenient for the purpose of assuring fair access to insurance requirements, provided the same permits each member insurer thereof to qualify for federal insurance under the Urban Property Protection and Reinsurance Act of 1968."

"Section 58-173.21. Authority of Commissioner. (a) Within 90 days following the effective date of this Chapter, and before August 1, 1969, the directors of the Association shall submit to the Commissioner of Insurance for his review, a proposed FAIR Plan and Articles of the Association consistent with the provisions of this Chapter;
“(b) The FAIR Plan and Articles of Association shall be subject to approval by the Commissioner and shall take effect 10 days after having been approved by him. If the Commissioner disapproves all or any part of the proposed Plan and Articles, the directors of the Association shall within 30 days submit for review an appropriately revised Plan and Articles and if the directors fail to do so, the Commissioner shall thereafter promulgate such Plan and Articles not inconsistent with the provisions of this Article.”

“Section 58-173.22. Temporary Directors of Association. Within 10 days after the effective date of this Act, the Commissioner shall appoint a temporary board of directors of the Association, which temporary board of directors may prepare and submit a Plan of operation and Articles of Association in accordance with Section 58-173.22.”

“Section 58-173.23. Appeals; judicial review. The Association shall provide reasonable means, to be approved by the Commissioner, whereby any person or insurer affected by any act or decision of the administrators of the Plan or Underwriting Association, may be heard in person or by authorized representative, before the governing board of the Association or a designated committee. Any person or insurer aggrieved by any decision of the governing board or designated committee, may be appealed to the Commissioner within 30 days from the date of such ruling or decision. The Commissioner, after hearing held pursuant to the procedure set forth in G.S 58-9.2, shall issue an order approving or disapproving the act or decision with respect to the matter which is the subject of appeal. The Commissioner is authorized to appoint a member of his staff as Deputy Commissioner for the purpose of hearing such appeals and a ruling based on such hearing shall have the same effect as if heard by the Commissioner personally. All persons or insurers or their representatives aggrieved by any order or decision of the Commissioner may appeal as provided by the provisions of G.S. 58-9.3.”

“Section 58-173.24. Reports of inspection made available; immunity from liability. All reports of inspection performed by or on behalf of the Association shall be made available to the members of the Association, applicants and the Commissioner. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commissioner, any of his staff, the Association or any of its agents or employees, or against any participating insurer for any inspections made hereunder or any statements made in good faith by them in any reports or communications concerning risks submitted to the Association, or at any administrative hearing conducted in connection therewith under the provisions of this Article.”

“Section 58-173.25. Riot reinsurance reimbursement fund; assessment of insurers. In the event it shall become necessary because of loss occasioned in this State at any time since August 1, 1968, to reimburse the Secretary of the Department of Housing and Urban Development under the provisions of Section 1223(a)(1) of the Urban Property Protection and Reimbursement Act of 1968, the Insurance Commissioner shall assess all insurers engaged in the business of writing property insurance in the State in an amount sufficient to pay any unpaid reimbursements to the Secretary of the Department of Housing and Urban Development. Provided, that the amount assessed each insurer shall be in the same proportion that the premiums earned by each such insurer in this State bears to the aggregate premiums earned in this State by all insurance companies on those lines of property insurance for which reinsurance was available in this State from the Secretary
of the Department of Housing and Urban Development during the preceding calendar year. All assessments made by the Insurance Commissioner under this Section shall be payable to the Treasurer of the State of North Carolina and he shall maintain a special fund designated as the "Riot Reinsurance Reimbursement Fund". All moneys received by the Treasurer pursuant to an assessment under this Section shall be deposited in such special fund.

"Whenever the Insurance Commissioner shall certify to the Governor, the Council of State and the Treasurer of the State of North Carolina that it has become necessary to reimburse the Secretary of the Department of Housing and Urban Development under the provisions of the Urban Property Protection and Reinsurance Act of 1968, because of losses occasioned in this State since August 1, 1968, the Treasurer is hereby authorized and is directed to pay such amounts certified by the Insurance Commissioner out of the Riot Reinsurance Reimbursement fund to an extent, not exceeding in the aggregate for any one year, five percent (5%) of the aggregate property insurance premiums earned in this State during the preceding calendar year on those lines of insurance reinsured by the Secretary of Housing and Urban Development in this State during the current year. Nothing herein shall be construed to pledge the faith and credit of the State to any obligation or obligations."

"Section 58-173.26. Assessment; inability to pay. In the event any insurer fails by reason of insolvency to pay any assessment as provided herein, the amount assessed each insurer, as computed under Section 58-173.25, shall be immediately recalculated excluding therefrom the insolvent insurer so that its assessment is, in effect, assumed and redistributed among the remaining insurers. Such an assessment against an insolvent insurer shall not be a charge against any special deposit fund held under the provisions of Article 20 of Chapter 58 for the benefit of policyholders."

"Section 58-173.27. Termination: outstanding obligations. This Act shall expire on December 31, 1974, or after the expiration of the Urban Property Protection and Reimbursement Act of 1968, whichever shall first occur, except that rights and obligations incurred by the Association and its members to be established pursuant to the provisions of this Chapter shall not be impaired by the expiration of this Act, and such Association shall be continued for the purpose of performing such obligations."

"Section 58-173.28. Recoupment by insurers. Any insurer assessed under the provisions of this Act may add to the premiums applicable to the lines on which the assessment is levied an amount to be approved by the Commissioner of Insurance sufficient to recover within not more than three years an amount assessed under Section 58-173.25 of this Article during the preceding calendar year, together with the amounts, costs and expenses reasonably attributable to such assessment and recovery thereof. Every insurer adding to the premiums of its policyholders to make a recoupment under the provisions of this Section, shall keep separate records as to the costs and expenses and as to the amounts collected and shall file copies of such records with the Insurance Commissioner in the year following such recoupment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1285

AN ACT TO FURNISH COURT OF APPEALS REPORTS TO THE ATTORNEY GENERAL'S OFFICE GRATUITOUSLY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45, as the same appears in the 1967 Cumulative Supplement to the 1964 Replacement Volume 3C, is hereby amended by adding at the end thereof a new sentence to read as follows:

"The Office of the Attorney General shall receive from the Administrative Office of the Courts eleven (11) copies of the Court of Appeals Reports and advance sheets of the Court of Appeals Reports at no cost to the Attorney General's Office."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

CHAPTER 1286

AN ACT CONFERRING UPON THE CITY OF ROXBORO AND PERSON COUNTY THE POWER AND AUTHORITY TO MERGE CERTAIN BRANCHES OR DEPARTMENTS OF COUNTY GOVERNMENT WITH SIMILAR BRANCHES OR DEPARTMENTS OF THE GOVERNMENT OF THE CITY OF ROXBORO AND TO PROVIDE FOR THE MAINTENANCE AND OPERATION OF ANY GOVERNMENTAL DEPARTMENTS SO MERGED.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of providing for a more economical administration of certain functions of government of the City of Roxboro and the County of Person, the City of Roxboro and the County of Person are hereby empowered to merge any branch or department of the government of the City of Roxboro with similar branches or departments of government of the County of Person.

Sec. 2. Such merger of departments or functions of government shall take place only when approved by a majority of the City Council of the City of Roxboro, as a unit, and a majority of the Board of Commissioners of the County of Person, as a unit, and the operation and control of such merged departments or joint governmental units shall at all times be under the joint direction and control of the City Council of the City of Roxboro and the Board of Commissioners of Person County.

Sec. 3. The governing body of the City of Roxboro and the governing body of the County of Person shall in joint session, each voting as a unit, determine the location or locations of the headquarters of the governmental departments merged by virtue hereof, and shall likewise in joint session, each voting as a unit, appoint the head or heads of such merged governmental departments, determine the length of the term of office of all department heads and assistants or other employees of any governmental department or departments merged hereunder and shall also in joint session, each voting as a unit, appoint all assistants, collectors, clerks, and all other employees in all governmental departments merged hereunder, and also in joint session, each voting as a unit, determine the salaries to be paid to the heads of all governmental departments so merged and of all assistants, clerks, or other employees in such departments.
Sec. 4. The governing body of the City of Roxboro and the governing body of the County of Person shall in joint session, each voting as a unit, determine the proportion of the costs of operation of any departments merged hereunder which shall be paid by the City of Roxboro and the County of Person, respectively.

Sec. 5. If any provisions of this Act or the application thereof to any person or governmental department or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. This Act shall apply only to the City of Roxboro and Person County.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 907

CHAPTER 1287

AN ACT TO AMEND CHAPTER 1228 OF THE SESSION LAWS OF 1969 RELATING TO DISTRIBUTION OF TAXES COLLECTED UNDER THE LOCAL OPTION SALES AND USE TAX ACT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1228 of the Session Laws of 1969 is hereby amended by rewriting the second sentence of G. S. 105-164.56(b) as the same appears therein, to read as follows:

"For this purpose, the Commissioner of Revenue shall determine a per capita figure by dividing the remainder of the net proceeds of the tax collected under this division for the preceding quarter within the taxing counties by the total population of the taxing counties plus the total population of all municipalities therein according to the most recent annual estimates of population as certified to the Commissioner of Revenue by the Director of the North Carolina Department of Administration."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 908

CHAPTER 1288


The General Assembly of North Carolina do enact:

Section 1. It is hereby found, determined and declared that Chapter 995 of the 1969 Session Laws, entitled: AN ACT TO AMEND SECTION 160-383 OF THE GENERAL STATUTES, BEING A PART OF THE MUNICIPAL FINANCE ACT, 1921, CONCERNING THE LIMITATION ON THE INCURRING OF DEBT inadvertently omitted the percentage limitation on the incurring of debt purported to be established by said Chapter, and that said Chapter is therefore null and void and without effect and does not amend or repeal any provision of law purported
to be amended or repealed thereby.

Sec. 2. Chapter 995 of the 1969 Session Laws is hereby repealed but this Act does not amend or repeal any provision of law purported to be amended or repealed by said Chapter 995.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 909

CHAPTER 1289


The General Assembly of North Carolina do enact:

Section 1. It is hereby found, determined and declared that Chapter 996 of the 1969 Session Laws, entitled: AN ACT TO AMEND SECTIONS 153-83, 153-84, 153-86 and 153-87 OF THE GENERAL STATUTES, BEING A PART OF THE COUNTY FINANCE ACT, CONCERNING THE LIMITATIONS ON THE INCURRING OF DEBT inadvertently omitted the percentage limitation on the incurring of debt purported to be established by said Chapter, and that said Chapter is therefore null and void and without effect and does not amend or repeal any provision of law purported to be amended or repealed thereby.

Sec. 2. Chapter 996 of the 1969 Session Laws is hereby repealed but this Act does not amend or repeal any provision of law purported to be amended or repealed by said Chapter 996.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 397

CHAPTER 1290

AN ACT TO APPROPRIATE FUNDS TO THE HAYWOOD TECHNICAL INSTITUTE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State to the Department of Community Colleges the sum of fifty thousand dollars ($50,000.00) for the biennium 1969-71 to be used for operating funds for said Department.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1291

H. B. 511

AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT AND CONSTRUCTION OF A MUSEUM-VISITOR CENTER FOR THE CONFEDERATE GUNBOAT C.S.S.NEUSE.

WHEREAS, the C.S.S. Neuse was built about twenty miles west of Kinston on the Neuse River in 1861 and later moved to Kinston where it was sunk in 1865; and

WHEREAS, the C.S.S. Neuse has been removed from the Neuse River and placed on State property at the Governor Richard Caswell Memorial Site just west of the City of Kinston for public exhibition and permanent preservation; and

WHEREAS, the City of Kinston and the County of Lenoir have each allocated $13,500.00 for this project; and

WHEREAS, The Richardson Foundation has allocated $7,000.00 for this project; and

WHEREAS, the General Assembly of North Carolina has allocated $90,000.00 for this project; and

WHEREAS, there was allocated $10,000.00 in 1964 from the Governor’s Contingency and Emergency fund for this project; and

WHEREAS, there is now available approximately $26,000.00 left after the cost of construction of a suitable protective building over the Gunboat; and

WHEREAS, a Museum-Visitor Center is needed in order to display a large collection of artifacts taken from the C.S.S. Neuse hull during salvage operation; and

WHEREAS, appropriations previously made for the purposes cited above has proved insufficient;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. In order to construct a Museum-Visitor Center to display the artifacts recovered from the C.S.S. Neuse the sum of thirty thousand dollars ($30,000.00) is hereby appropriated from the General Fund of the State to the State Department of Archives and History.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 560

CHAPTER 1292

AN ACT TO APPROPRIATE FUNDS FOR THE BELHAVEN MEMORIAL MUSEUM.

WHEREAS, the Belhaven Memorial Museum has been incorporated as a non-profit educational institution for the purpose of preserving and interpreting a comprehensive collection of artifacts donated by the estate of the late Eva Blount Way; and
WHEREAS, it is proposed to preserve this collection of artifacts in order to establish data and focus attention on the historical background of the Matchapungo Basin Area; and

WHEREAS, the City of Belhaven now provides a marina and serves as a recreational area for thousands of visitors who arrive annually via the Inland Waterway and other routes;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The sum of two thousand five hundred dollars ($2,500.00) per year for the biennium is hereby appropriated to the State Department of Archives and History for cataloging, filing and planning for the Belhaven Memorial Museum.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 585

CHAPTER 1293

AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION TO PROVIDE SCHOOL BUS SERVICE FOR SPECIAL EDUCATION PUPILS NOT PRESENTLY TRANSPORTED.

The General Assembly of North Carolina do enact:

Section 1. The funds appropriated from the General Fund to the State Board of Education for the transportation of special education pupils for the biennium 1969-71 shall be used for the purpose of providing innovations and changes in transportation practices that heretofore excluded the physically and mentally handicapped, thus providing public school bus transportation for children with special needs and who are enrolled in Special Education classes and/or special vocational or occupational programs in the North Carolina Public School System.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 632

CHAPTER 1294

AN ACT TO AMEND CHAPTER 115A OF THE GENERAL STATUTES RELATING TO EQUITABLE DISTRIBUTION OF CAPITAL OUTLAY FUNDS TO INSTITUTIONAL UNITS OF THE COMMUNITY COLLEGE SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 115A-5, Paragraph 3, by inserting after the words "financial support for" the words "matching capital outlay and for, ".

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
CHAPTER 1295

AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE HOME OF GENERAL WILLIAM LENOIR IN CALDWELL COUNTY.

WHEREAS, General William Lenoir came as a young man to the Yadkin Valley in 1775, became a General in the Revolutionary War, served as a leader in state government for many years and was President of the Board of Trustees of the University of North Carolina; and

WHEREAS, the well-preserved home of General Lenoir has been acquired by the Caldwell County Historical Society and is now being restored; and

WHEREAS, the State appropriated $20,000 in 1965 and $14,400 in 1967 toward the acquisition, repair and restoration of this house; and

WHEREAS, the Richardson Foundation has made a grant of $5,000 in 1965 and made available $5,000 in 1969 for the repair and restoration of the Lenoir House; and

WHEREAS, the aforesaid Caldwell County Historical Society is ready and willing to raise the additional sum of $40,000 for the restoration of this house; and

WHEREAS, the William Lenoir home is one of the very earliest historic shrines in the northwestern part of the State;

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the State Department of Archives and History for the repair and restoration of the William Lenoir House in Caldwell County the sum of fifteen thousand dollars ($15,000.00), upon the condition that forty thousand dollars ($40,000.00) be raised in non-state matching funds by the Caldwell County Historical Society.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1200

CHAPTER 1296

AN ACT TO REQUIRE THE STATE OF NORTH CAROLINA TO ASSUME COSTS IN POST-CONVICTION PROCEEDINGS PRESENTLY BORNE BY THE VARIOUS COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Article 22 of Chapter 15 of the General Statutes is hereby amended as follows:

(a) G. S. 15-220 as the same appears in Volume 1-C of the General Statutes is hereby amended by striking the word "county" as it appears in the fourth line of the second paragraph and in lieu thereof the "State of North Carolina" is substituted.

(b) G. S. 15-222 as the same appears in the 1967 Supplement to Volume 1-C of the General Statutes is hereby amended by striking the word "county"
as it appears in the third line of the second paragraph and in lieu thereof
the "State of North Carolina" is substituted.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act
are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1969.
In the General Assembly read three times and ratified, this the 2nd day of July,
1969.

H. B. 1319

CHAPTER 1297

AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA DEPART-
MENT OF PUBLIC INSTRUCTION TO SUPPLEMENT THE PROGRAMS OF
THE DIVISION OF VOCATIONAL REHABILITATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated, in addition to the appropriation set
forth in the current operation fund (Committee Substitute for HB20), to the North
Carolina Department of Public Instruction for use by the Division of Vocational
Rehabilitation, the sum of twenty-eight thousand dollars ($28,000.00) during the
fiscal year 1969-70 and the additional sum of twenty-eight thousand dollars
($28,000.00) during the fiscal year 1970-71.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. The effective date of this Act shall be July 1, 1969.
In the General Assembly read three times and ratified, this the 2nd day of July,
1969.

H. B. 1411

CHAPTER 1298

AN ACT TO AMEND CERTAIN REFUND PROVISIONS OF CHAPTER 105 OF
THE GENERAL STATUTES WITH RESPECT TO SALES AND USE TAX AND
GASOLINE TAX.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-164.14 is hereby amended by adding a new subsection (d),
immediately after subsection (c) thereof, to read as follows:

"(d) Refunds made pursuant to applications filed after the dates specified in sub-
sections (b) and (c) above shall be subject to the following penalties for late filing:
Applications filed within thirty days after said dates, 25%; applications filed after
thirty days but within six months after said dates, 50%. However, refunds which
are applied for after six months following said dates shall be barred."

Sec. 2. G. S. 105-439 is hereby amended by deleting the proviso appearing at
the end of said section, which reads, "Provided, that any claims for such rebate,
which are not filed with the Commissioner of Revenue in accordance with forms
to be provided by the Commissioner of Revenue within sixty days after the payment
of said tax, shall be deemed to have been waived." and substituting therefor the
following:

"Provided, that any claims for rebate which are not made upon forms provided
by the Commissioner of Revenue and filed within sixty days after payment of
the tax shall be subject to the following late filing penalties; claims filed after
sixty days but within ninety days, 25%; claims filed after ninety days but within
two hundred forty days, 50%; claims filed after two hundred forty days shall be barred."

Sec. 3. G. S. 105-446 (1) is hereby amended by adding a new sentence at the end thereof, to read as follows:

"Refunds made pursuant to applications filed after April 15th of the year following the year in which the tax was paid shall be subject to the following late filing penalties: Applications filed within thirty days after said date, 25%; applications filed after thirty days but within six months after said date, 50%; but refunds applied for after six months following said date shall be barred."

Sec. 4. G. S. 105-446.1 is hereby amended by deleting the last sentence thereof and substituting the following two sentences therefor:

"All claims for refunds for tax or taxes for motor fuels under the provisions of this Section shall be filed with the Commissioner of Revenue on forms to be prescribed by him, on or before the last day of January, April, July and October of each year, and shall cover only the motor fuels so used during the quarterly period immediately preceding the month in which such application is filed. Refunds made pursuant to claims filed after the dates above specified shall be subject to the following late filing penalties: claims filed within thirty days after said dates, 25%; claims filed after thirty days but within six months after said dates, 50%; but refunds claimed after six months following said dates shall be barred."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on and after January 1, 1970, but shall not have the effect of reviving any claims or applications for tax refunds previously barred.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1420

CHAPTER 1299

AN ACT TO APPROPRIATE FUNDS TO EAST CAROLINA UNIVERSITY FOR THE SCHOOL OF ALLIED HEALTH PROFESSIONS.

The General Assembly of North Carolina do enact:

Section 1. East Carolina University is hereby authorized to expend from funds appropriated to Code 18181 the sum of two hundred thirty-seven thousand six hundred five dollars ($237,605.00) for the operating budget of the School of Allied Health Professions. Said sum is hereby allocated as follows:

For the Fiscal year beginning July 1, 1969,
and ending June 30, 1970..........................$113,660.00;
For the Fiscal year beginning July 1, 1970,
and ending June 30, 1971.......................... 123,945.00.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
S. B. 216

CHAPTER 1300

AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR THE ERECTION AND OPERATION OF A REGIONAL DIAGNOSTIC LABORATORY FOR WESTERN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the North Carolina Department of Agriculture, in addition to all other appropriations, out of the General Fund, the sum of one hundred twenty-five thousand dollars ($125,000.00) for the building and equipping of a regional diagnostic laboratory for and in Western North Carolina; provided, the sum of twenty-five thousand dollars ($25,000.00) is made available in matching funds for such building and equipment from sources other than State appropriations. The location of the laboratory is to be determined by the Department of Agriculture. If matching funds have not become available by June 30, 1971, this appropriation shall revert to the General Fund.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 576

CHAPTER 1301


The General Assembly of North Carolina do enact:

Section 1. Chapter 248, Session Laws of 1969 (House Bill 378), is amended by inserting a new Sec. 3 therein and renumbering the succeeding sections accordingly, as follows:

"Sec. 3. Unless otherwise provided by local act, elections shall be held in 1970 to fill terms of office expiring under this Act in 1971, and in 1972 to fill terms of office expiring under this Act in 1973. Those elections shall be conducted as provided by Chapter 115, Article 5, of the General Statutes. Persons elected in 1970 to succeed persons appointed in this Act to terms of office expiring in 1971 shall take office on the first Monday in April 1971, and persons elected in 1972 to succeed persons appointed in this Act to terms of office expiring in 1973 shall take office on the first Monday in April 1973. Candidates elected to terms of two years in 1970 shall serve until the first Monday in December of 1972, and candidates elected to terms of four years in 1970 shall serve until the first Monday in December of 1974. Candidates elected to terms of two years in 1972 shall serve until the first Monday in December of 1974 and candidates elected to terms of four years in 1972 shall serve until the first Monday in December of 1976.

"Provided, in counties having three-member boards and subject to this act, persons appointed herein for terms of two years, persons appointed to four-year terms by the 1967 General Assembly, and persons appointed to six-year terms by the 1965 General Assembly shall hold office until the first Monday in December, 1970, and until their successors are elected and qualified, and persons appointed herein for
four-year terms and persons appointed to six-year terms by the 1967 General Assembly shall hold office until the first Monday in December, 1972, and until their successors are elected and qualified. Candidates hereafter elected in these counties shall take office on the first Monday in December following their election."

Sec. 2. Section 1 of Chapter 972, Session Laws of 1967, is rewritten to read as follows:

"Sec. 115-18. How constituted. The County board of education in each county shall consist of five members elected by the voters of the county at large for terms of four years."

Section 2 of Chapter 972, Session Laws of 1967, is rewritten to read as follows:

"Sec. 115-19. How elected. The County Boards of Education shall be elected on a nonpartisan basis at the time of the primary election in 1970 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation and any qualified voter residing in the county shall be entitled to vote such ballots. Except as otherwise provided herein, the election shall be conducted according to the provisions of Chapter 163 of the General Statutes then governing primary elections, and any local acts amendatory thereto."

"The terms of office of the members shall be staggered so as nearly equal to one-half as possible shall expire every two years. If the appointments heretofore made by the General Assembly are for terms of office which comply with the preceding sentence, elections shall be held in 1970, 1972, and biennially thereafter to fill vacancies as they occur for terms of four years. If the appointments heretofore made by the General Assembly are for terms which all expire in the same year, at the first election held hereunder the three members receiving the highest number of votes shall be elected for terms of four years and the two members elected with the next highest number of votes shall be elected for terms of two years. Thereafter, all candidates shall be elected for terms of four years. If the appointments heretofore made by the General Assembly are for terms of office which do not comply with the first sentence of this paragraph but do not all expire in the same year, and/or if the board consists of any number of members other than five, the board shall, on or before the fourteenth day before the deadline for filing notice of candidacy for county offices in 1970, adopt a resolution designating the term of office to be served by members elected to fill vacancies occurring in 1970 and 1972, which terms shall be either two years or four years, in order that the board shall consist of five members with as nearly equal to one-half as possible of the terms of office expiring every two years thereafter. Any such resolution shall be filed with the county board of elections, the State Board of Elections, and the State Board of Education."

Sec. 3. "Section 2, Chapter 248, Session Laws of 1969 is hereby amended by deleting the words "the first Monday in April, 1969," in the first sentence and inserting in lieu thereof the following: "the first Monday in June, 1969."

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed, except local acts providing for the election of county boards of education by the people.

Sec. 5. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
H. B. 1429  
CHAPTER 1302
AN ACT TO AMEND CHAPTER 1033, SESSION LAWS OF 1969, RELATING TO THE APPOINTMENT OF THE JUSTICES OF THE PEACE OF SEVERAL COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1033, Session Laws of 1969, is hereby amended by inserting in the list of names under the word "Caswell" the following:

W. L. Gunn   Yanceyville Township
M. S. Angle   Milton Township
Erma P. Fowlkes Penham Township
J. O. Evans   Penham Township

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 285  
CHAPTER 1303
AN ACT TO AMEND THE GENERAL STATUTES RELATING TO INTEREST AND CHARGES ON BORROWED MONEY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 24 of the General Statutes of North Carolina as the same appears in 1965 Replacement Volume 1D is hereby amended by adding a new Section immediately following G. S. 24-1 to be designated G. S. 24-1.1 to read as follows:

*G. S. 24-1.1. Contract rates. Except as otherwise provided in this Chapter or other applicable law, the parties to a loan, purchase money loan, advance or forbearance may contract in writing for the payment of interest not in excess of:

(a) Eight per cent (8%) per annum where the principal amount is fifty thousand dollars ($50,000.00) or less and is secured by a first mortgage or first deed of trust on real property; or
(b) Ten per cent (10%) per annum where the principal amount is more than fifty thousand dollars ($50,000.00) but not more than one hundred thousand dollars ($100,000.00) and is a business property loan; or
(c) Nine per cent (9%) per annum where the principal amount is one hundred thousand dollars ($100,000.00) or less and is not a transaction set forth in (a) or (b) above; provided, a minimum charge of ten dollars ($10.00) or one dollar ($1.00) per payment may be agreed to and charged in lieu of interest; or
(d) Twelve per cent (12%) per annum where the principal amount is more than one hundred thousand dollars ($100,000.00) but not more than three hundred thousand dollars ($300,000.00); or
(e) Any rate agreed upon by the parties where the principal amount is more than three hundred thousand dollars ($300,000.00).
As used in this Section, a 'business property loan' is a loan, purchase money loan, advance or forbearance secured by real property of the borrower which is held or acquired for sale, lease or use in connection with the borrower's trade, business or profession other than farming and livestock operations, and the proceeds of which are to be used for the purpose of either acquiring, refinancing or improving such real property or in connection with such trade, business or profession of the borrower. A written statement of the borrower's intention to use the loan proceeds for such purpose, signed by the borrower and accepted in good faith by the lender, shall be conclusive evidence of the purpose for which the loan is made. As used in this Section, interest shall not be deemed in excess of the rates provided where interest is computed monthly on the outstanding principal balance and is collected not more than thirty-one (31) days in advance of its due date.

Sec. 2. Chapter 24 of the General Statutes of North Carolina as the same appears in 1965 Replacement Volume 1D is hereby amended by adding a new section immediately following G. S. 24-1.1 to read as follows:

"G. S. 24-1.2. Installment Rates.

(a) On installment loans which shall not be for periods of less than six (6) months nor for more than one hundred twenty (120) months and which are repayable in substantially equal consecutive monthly payments, the parties to a loan may contract in writing for payment of rates of interest which shall not be collected in advance and which shall be computed monthly on the outstanding principal balance, on loans having an original principal amount of five thousand dollars ($5,000.00) or less and which shall not be secured in any manner or to any degree by real property, an interest rate of fifteen per cent (15%) per annum; provided, a minimum charge of ten dollars ($10.00) or one dollar ($1.00) per payment may be agreed to and charged in lieu of interest. The borrower may prepay all or any part of the loan without penalty. The due date of the first monthly payment shall not be more than forty-five (45) days following the disbursement of funds under any such installment loan.

(b) On installment loans not exceeding three hundred thousand dollars ($300,000.00) not secured by a first security instrument on real property, payable at least quarterly in substantially equal payments of principal and interest, or substantially equal payments of principal, upon a written agreement signed by the parties, the rate of interest shall not exceed twelve per cent (12%) per annum computed on the outstanding balance, provided a minimum charge of ten dollars ($10.00) or one dollar ($1.00) per payment may be agreed to and charged in lieu of interest. The borrower may prepay all or any part of the loan without penalty. No lender or lending agent which holds or makes a loan secured by a first security instrument on real property shall make within the first year from the date of the making of the loan secured by the first security instrument a loan secured by a subordinate security instrument on the same property which shall exceed twenty per cent (20%) of the original amount of the loan secured by the first security instrument on such real property. Under the provisions of this Section, a first security instrument is a first mortgage or first deed of trust on real property securing a loan payable in equal installments of principal and interest or equal installments of principal over a period of at least ten (10) years, such installments to have been paid at least annually. The maturity date of loans made under this Section shall not be less than one (1) year from the date of the advance."
Sec. 3. G. S. 24-2 is amended by striking from the first and second lines the words "six per centum per annum" and inserting in lieu thereof, "permitted by this Chapter or other applicable law." G. S. 24-2 is further amended by deleting the semicolon (:) following the word "thereof" in line 21 and substituting in its place a period (.). The remainder of said paragraph is deleted.

Sec. 4. G. S. 24-4 is amended by striking from the seventh line the word "legal" and inserting in lieu thereof the word "lawful".

Sec. 5. G. S. 24-8 is hereby deleted in its entirety, and in lieu thereof the following section is substituted:

"No lender shall charge or receive from any borrower or require in connection with a loan any borrower, directly or indirectly, to pay, deliver, transfer or convey or otherwise confer upon or for the benefit of the lender or any other person, firm or corporation any sum of money, thing of value or other consideration other than that which is pledged as security or collateral to secure the repayment of the full principal of the loan, together with fees and interest provided for in Chapter 24 or Chapter 53 of the North Carolina General Statutes, where the principal amount of a loan is not in excess of three hundred thousand dollars ($300,000.00); provided, this Section shall not prevent a borrower from selling, transferring, or conveying property other than security or collateral to any person, firm or corporation for a fair consideration so long as such transaction is not made a condition or requirement for any loan; provided that this shall not prevent the lender from collecting from the borrower for remittance to others, money in payment of taxes, assessments, cost of upkeep, recording fees, surveys, attorneys fees, fire, title, life and mortgage insurance premiums and other such fees and costs, nor from receiving the proceeds from any insurance policies where a loss occurs under the terms of such policies. This Section shall not be applicable to any corporation licensed as a 'Small Business Investment Company' under the provisions of the United States Code Annotated, Title 15, Section 661, et seq. nor shall it be applicable to the sale or purchase of convertible debentures, nor to the sale or purchase of any debt security with accompanying warrants, nor to the sale or purchase of other securities through an organized securities exchange."

Sec. 6. G. S. 24-10 is hereby deleted in its entirety and in lieu thereof the following section is substituted:

"G. S. 24-10. Maximum fees on loans secured by real property."

(a) No lender on loans made under G. S. 24-1.1. shall charge or receive from any borrower or any agent for a borrower, or from any agent, seller or broker, which inures to the benefit of the lender, any fees or discounts, in addition to the provisions of G. S. 24-10(b) or in addition to lawful interest in connection with any loan where the principal amount is less than three hundred thousand dollars ($300,000.00) and is secured by real property, which fees or discounts in the aggregate shall exceed two per cent (2%) if a construction loan on other than a one or two family dwelling, one per cent (1%) if a construction loan on a one or two family dwelling, and one per cent (1%) if other than a construction loan; provided where a single lender makes the construction loan and the permanent loan utilizing one note, the lender may collect the fees herein provided for construction loans and the fees for other than construction loans.

(b) Any loan made under G. S. 24-1.1 in an original principal amount of one hundred thousand dollars ($100,000.00) or less may be prepaid in part or in full,
after thirty (30) days notice to the lender, with a maximum prepayment fee of two per cent (2%) of the outstanding balance at any time within three (3) years after the first payment of principal and thereafter there shall be no prepayment fee, provided that there shall be no prepayment fee charged or received in connection with any repayment of a construction loan; and except as herein provided, any lender and any borrower may agree on any terms as to prepayment of a loan.

(c) 'Construction loan' means a loan which is obtained for the purpose of financing fully, or in part, the cost of constructing buildings or other improvements upon real property and the proceeds of which, under the terms of a written contract between a lender and a borrower, are to be disbursed periodically as such construction work progresses; and such loan shall be payable in full not later than eighteen (18) months in case of a loan made under the provisions of G. S. 24-1.1(a) or thirty-six (36) months in case of any other construction loan made after the execution of the note by the borrower. A construction loan may include advances for the purchase price of the property upon which such improvements are to be constructed.

Sec. 7. G. S. 24-11. Certain revolving credit charges. (a) On the extension of credit under an open-end credit or similar plan (including revolving credit card plans, and revolving charge accounts, but excluding any loan made directly by a lender under a check loan, check credit or other such plan) under which no service charge shall be imposed upon the consumer or creditor if the account is paid within twenty-five (25) days from the billing date, there may be charged and collected interest, finance charges or other fees at a rate in the aggregate not to exceed one and one-half per cent (1 1/2%) per month on the unpaid balance of the previous month. Such extension of credit may not be secured by real or personal property or any other thing of value. No person, firm or corporation may charge a discount or fee in excess of four per cent (4%) of the principal amount of the account acquired from or through any vendor or others providing services who participate in such plan.

(b) On revolving credit loans (including check loans, check credit or other revolving credit plans whereby a bank, banking institution or other lending agency makes direct loans to a borrower), if agreed to in writing by the borrower, such lender may collect interest and service charges which shall not exceed one and one-fourth per cent (1 1/4%) per month computed on the average balance outstanding of the previous month. Such loans, exclusive of interest, may not at any time exceed five thousand dollars ($5,000.00), and may not be secured by real or personal property or any other thing of value.

Sec. 8. Subdivision (1) of G. S. 53-43 is amended by deleting the last sentence and in lieu thereof the following sentence is substituted:

"Such corporation at the time of making loans may not take and receive interest or discounts in advance where the effective rates of interest or discounts collected shall exceed the maximum rates of interest provided under this Section, G. S. 24-1.1 and G. S. 24-1.2 if such interest or discount had not been collected in advance."

Sec. 9. Subdivision (6) of G. S. 53-43 is deleted in its entirety and the remaining subdivisions are renumbered accordingly.

Sec. 10. Subdivision (1) of G. S. 53-141 is rewritten as follows:

"(1) To discount and negotiate promissory notes, drafts, bills of exchange and other evidences of indebtedness, and to loan money on real or personal security,
and to purchase notes, bills of exchange, acceptances or other choses in action, and
to take and receive interest or discounts subject to G. S. 53-43(1)."

Sec. 11. Subdivision (2) of G. S. 53-141 is deleted and the remaining subdivisions
renumbered accordingly.

Sec. 12. Subdivision (3) of G. S. 53-141 is rewritten as follows:

"(3) To make loans and charge and receive interest at rates not exceeding the
rates of interest provided in G. S. 24-1.1 and 24-1.2."

Sec. 12.1. G. S. 53-176 is amended by striking lines 4, 5, 6, 7 and that portion
of line 8 through and substituting therefor the following: 'in installments
not exceeding five thousand dollars ($5,000.00) and which shall not be repayable
in less than six (6) months or more than sixty (60) months and which shall not
be secured by first deeds of trust or first mortgages on real estate and which are
repayable in substantially equal consecutive monthly payments and to charge and
collect interest in connection therewith which shall not exceed an effective rate
of fifteen per cent (15%) per annum upon the outstanding balance: provided, howev-
er, a minimum charge of ten dollars ($10.00) or one dollar ($1.00) per payment may
be agreed to and charged in lieu of interest. The due date of the first monthly
payment shall not be more than forty-five (45) days following the disbursement
of funds under any such installment loan. A borrower under this Section may prepay
all or any part of a loan made under this Section without penalty.'

Sec. 13. G. S. 53-166(a), G. S. 53-173, G. S. 53-176, G. S. 53-179, and G. S. 53-
190 as the same appear in the 1965 Replacement Volume 2B, are amended by delet-
ing therefrom the words and figures "six hundred dollars ($600.00)" wherever they
appear and inserting in lieu thereof the words and figures "nine hundred dollars
($900.00)".

Sec. 14. G. S. 53-166(a) is amended by striking from the fifth and sixth lines
thereof the words "six per cent (6%) per annum" and inserting in lieu thereof the
words "permitted by G. S. 24-1.1."

Section 14.1. G. S. 53-174 is amended by deleting in lines 2 and 20 the word
'two' and inserting in lieu thereof the word 'three'.

Sec. 15. Subsection (c) of G. S. 53-168 is rewritten to read as follows:

"(c) Existing business. Notwithstanding the provisions of this Section, any person,
firm or corporation not presently licensed under this Article, but holding a license
on January 1, 1969, issued pursuant to the provisions of G. S. 105-88, shall upon
application within not more than sixty (60) days of the effective date of this subsec-
tion, receive a license under this Article if the person shall meet the requirements
of subdivisions (2) and (3) of subsection (a) of this Section, and during such sixty-
day period such person shall be deemed a licensee under this Article.

Sec. 16. A new Section, designated as G. S. 53-176.1, shall be inserted immedia-
tely following G. S. 53-176 as follows:

"Motor Vehicle Lenders. (a) Notwithstanding the provisions of G. S. 53-168, any
person, firm or corporation not presently licensed under this Article, but holding
a license on January 1, 1969, issued pursuant to the provisions of G. S. 105–88,
shall upon application within not more than sixty (60) days of the effective date of
this Section, receive a license under this Article as a motor vehicle lender if
the person shall meet the requirements of subdivisions (2) and (3) of Subsection
(a) of G. S. 53-168, and during such sixty (60) day period, such person shall be deemed
a licensee as a motor vehicle lender under this Article. Following such sixty (60)
day period, any person applying for a license as a motor vehicle lender shall meet
all the requirements of G. S. 53-168. A 'motor vehicle lender' shall mean any person, firm or corporation licensed under this Article to make loans to borrowers, as authorized in this Section, secured by a security interest in a motor vehicle, and whose license shall indicate on the face thereof that such licensee is a motor vehicle lender. A motor vehicle lender is permitted to make loans only under the provisions of this Section. No office holding a license under the provisions of this Section and making loans secured by motor vehicles may make loans under the provisions of G. S. 53-166, G. S. 53-173, G. S. 53-180, or G. S. 53-141, nor shall such office allow or permit loans under the other provisions of this Article to be made on its premises or any connecting premises. All other provisions of this Article not inconsistent with this Section shall apply to a 'motor vehicle lender'.

"(b) A motor vehicle lender may make loans in any amount at rates not exceeding fifteen dollars ($15.00) per hundred dollars per annum on that part of the cash advance not exceeding five hundred dollars ($500.00); eleven dollars ($11.00) per one hundred dollars per annum on that part of the cash advance exceeding five hundred dollars ($500.00) but not exceeding one thousand dollars ($1,000.00); and nine dollars ($9.00) per one hundred dollars per annum on that part of the cash advance exceeding one thousand dollars ($1,000.00) but not exceeding fifteen hundred dollars ($1,500.00). Rates on any cash advance in excess of fifteen hundred dollars ($1,500.00) shall not exceed the equivalent of sixteen per cent (16%) simple interest per annum on the entire amount of the cash advance provided, that loans made pursuant to this Section shall not exceed the sum of five thousand dollars ($5,000.00) and shall not exceed a term of forty-eight (48) months, and shall be secured solely by motor vehicles."

Sec. 17. G. S. 53-173 is amended by inserting in line three thereof between the word "amount" and the word "as" the words "repayable in substantially equal consecutive monthly installments."

Sec. 18. Subsection (1) of G. S. 53-173 is rewritten as follows:

"(1) The charge for payment according to schedule may be computed on the amount of the cash advance for the full term of the contract without regard to the requirement for installment payments at rates not exceeding eighteen dollars ($18.00) per one hundred dollars ($100.00) per annum on that part of the amount of cash advance not exceeding three hundred dollars ($300.00), ten dollars ($10.00) per one hundred dollars ($100.00) per annum on that part of the cash advance exceeding three hundred dollars ($300.00) but not exceeding six hundred dollars ($600.00), eight dollars ($8.00) per one hundred dollars ($100.00) per annum on that part of the cash advance exceeding six hundred dollars ($600.00) but not exceeding nine hundred dollars ($900.00)."

Sec. 19. Subsection (2) of G. S. 53-173 is amended by deleting the words and figures "seventy-five dollars ($75.00)" wherever they appear therein and inserting in lieu thereof the words and figures "ninety-five dollars ($95.00)."

Sec. 20. Subsection (3) of G. S. 53-173 is amended by inserting the following sentence at the beginning of the subsection: "The charge for payment according to schedule shall be computed at the time the loan is made and when computed shall be added to the cash advance," and by adding the following sentence to the end of said subsection: "All payments made on account, except those applied to default or deferment charges, shall be applied to the unpaid installments in the order in which they are due."
Sec. 21. Subsection (4) of G. S. 53-173 is amended by adding the following sentence to the end thereof: "The charge for the extra days may be added to the amount of the first installment and shall be excluded in computing any rebate."

Sec. 22. G. S. 53-173 is amended by adding a new subdivision which will follow subdivision (5) and will be designated subdivision (6) as follows:

"(6) If, as of an installment due date the payment dates of all unpaid installments are deferred for one or more full months and the maturity of the contract is extended for a corresponding period, the licensee may charge and collect a deferment charge, which shall not exceed that portion of the charge for payment according to schedule originally added to the cash advance attributable under the rule of Seventy-eights (78's) or the sum of the digits principle to the first of the deferred monthly installment periods multiplied by the number of months in which no schedule payment has been made or in which no payment is required by reason of the deferment. The Banking Commission may promulgate any further rules and regulations which may be necessary with regard to the provisions of this subsection."

Sec. 23. Subsection (b) of G. S. 53-175 is amended by deleting from the first and second lines thereof the words "of the original contract" and inserting in lieu thereof the words "as originally scheduled or as deferred".

Sec. 24. G. S. 53-180 is rewritten to read as follows:

"G. S. 53-180. Time and payment limitation. Except as otherwise provided in this Chapter, no licensee shall enter into any contract of loan under this Article providing for any scheduled repayment of principal more than twenty-five months from the date of making the contract if the cash advance is six hundred dollars ($600.00) or less, nor more than thirty (30) months from the date of making the contract if the cash advance is in excess of six hundred dollars ($600.00). Every loan contract shall require payment of cash advance and charges, as aggregated, in installments which shall be payable at approximately equal monthly intervals. No installment contracted for shall be substantially larger than any preceding installment except as authorized by this Article."

Sec. 25. Subsection (e) of G. S. 53-189 is deleted in its entirety, and the same is rewritten to read as follows:

"(e) Credit Life and Property Loss Insurance No licensee shall, directly or indirectly, receive any commission, premium or profit from the sale of credit insurance except when issued in connection with a loan made pursuant to the provisions of this Article, nor shall any licensee directly or indirectly receive any commission, premium or profit from the sale of any property loss insurance except on property used as collateral to secure any such loan; provided, where a licensee requires any such insurance, the borrower may, if he chooses, purchase such insurance from a source other than the licensee; provided further, that property loss insurance can be required only on a loan secured by a motor vehicle or improved real estate."

Sec. 26. G. S. 53-191 is amended by deleting from the second, third and fourth lines thereof the following: "firm or corporation engaged solely in the business of making loans of fifty dollars ($50.00) or more secured by motor vehicles nor to any persons."

Sec. 27. This Act shall be in full force and effect upon ratification; provided, this Act shall not affect pending litigation, nor shall the provisions of this Act apply to any loan made prior to the effective date of this Act. Notwithstanding any other provisions of this Act, Sections 13, 18, 19 and 24 of this Act shall become effective on August 1, 1969.
CHAPTER 1303    SESSION LAWS—1969

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. B. 536          CHAPTER 1304
AN ACT TO AMEND THE CHARTER OF THE CITY OF KINGS MOUNTAIN, CHAPTER 360 OF THE PRIVATE LAWS OF 1909.
The General Assembly of North Carolina do enact:

Section 1. Chapter 360 of the Private Laws of 1909 is hereby amended by striking out all of Section 30 appearing after the word "by" in line 7 thereof and all of Sections 31 through 37 and by inserting in lieu thereof the following: "either Article 2 or Article 3 of Chapter 40 of the General Statutes; Provided that nothing herein shall be construed to enlarge the power of the City of Kings Mountain to condemn property already devoted to public use. Provided further that the provisions of this Act do not apply to any condemnation actions already instituted, nor shall this Act apply to any condemnation actions hereinafter instituted concerning the Kings Mountain Buffalo Creek Water and Lake Project."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective January 1, 1970.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. B. 1414          CHAPTER 1305
AN ACT TO AMEND CHAPTER 1073 OF THE SESSION LAWS OF 1959 RELATING TO PISTOL PERMITS SO AS TO MAKE THE SAME APPLICABLE TO MECKLENBURG COUNTY.
The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1073 of the Session Laws of 1959 is amended by striking out the word "Mecklenburg".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on January 1, 1970.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
RESOLUTIONS

S. R. 1

RESOLUTION 1


WHEREAS, after the election of the Honorable Robert W. Scott as Governor of North Carolina in the General Election of November 5, 1969, the oath of office as Governor was administered to the Honorable Robert W. Scott by the Honorable R. Hunt Parker, Chief Justice of the Supreme Court of North Carolina on January 3, 1969, in the city of Raleigh, North Carolina;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. A Committee of two on the part of the Senate and three on the part of the House of Representatives shall be appointed to notify His Excellency, Robert W. Scott, Governor of North Carolina, that the General Assembly is organized and now ready to proceed with public business and to invite him to deliver an address to the Joint Session of the General Assembly at 12:30 P.M., Wednesday, January 22, 1969, and further invite him to deliver such other messages as he may desire from time to time, in person or in writing.

Sec. 2. The full text of the Governor's message of January 22, 1969, shall be carried in the appendix of the House and Senate Journals of this Session of the General Assembly and two thousand (2,000) copies of this address shall be forthwith printed and delivered to the Governor's office for such distribution of same as he may desire to make.

Sec. 3. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of January, 1969.

S. R. 51

RESOLUTION 2

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILBUR HOKE CURRIE, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, Wilbur Hoke Currie, a former distinguished Senator and Representative from Moore County in the General Assembly, died at his home in Carthage, Moore County, North Carolina, on the 14th day of January, 1969; and

WHEREAS, in the passing of Wilbur Hoke Currie, North Carolina and Moore County lost one of its most beloved and respected citizens; and

WHEREAS, Wilbur Hoke Currie served with honor and distinction in the Senate representing the Twelfth District in 1947, 1957, and 1959, and the Special Session of 1956, and as the Representative from Moore County in the House in 1945; and

WHEREAS, Wilbur Hoke Currie was from a family of staunch Presbyterians, being the oldest son of the late John McLauchlin Currie and Mary Belle Mclver
RESOLUTIONS—1969

Currie, prominent Carthage citizens; and he was seventy-two years of age at his death; and

WHEREAS, Wilbur Hoke Currie gave of his time and unusual talents as he served faithfully, diligently and effectively in so many public posts of honor and trust in Moore County and the State, among them being director and president many years of Moore Memorial Hospital at Pinehurst, N. C., Sunday School Superintendent for forty-three years, a deacon and a ruling elder in the Carthage Presbyterian Church, a devoted member of the Board of Trustees at the University of North Carolina, St. Andrews College, Laurinburg, N. C., and Flora McDonald College; and he served with honor as a member of the board and mayor of his home town of Carthage, and for twelve years, 1930-1942, as chairman of the Board of Commissioners of Moore County, and he was one of the founders, a director, and at one time was president of The Carolina Bank of Moore and Lee Counties; and

WHEREAS, Wilbur Hoke Currie served with great efficiency and dedication as Moderator of the Fayetteville Presbytery, and he received the coveted Builder's cup by the Sandhill Kiwanis Club in 1959; he was a Mason, member and one time president of the local Rotary Club, and he was a baseball pitcher on the Carolina team when he was there as a student. He was a member of the Morehead Scholarship Committee, and he was a large farmer, timber grower, businessman, banker and Church man; and

WHEREAS, he is survived by his widow, Margaret W. Currie, three sons, and five daughters; and

WHEREAS, the General Assembly desires to honor the memory of Wilbur Hoke Currie and express its sympathy to the surviving members of his family;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly recognizes and expresses its appreciation for the public service rendered by Wilbur Hoke Currie, with full knowledge that for many years he rendered able and valuable services in his native county to his business associates and in a large sense to the State of North Carolina, with a devotion to duty and outstanding character of the highest degree, and with kindness and courtesy to all who had the pleasure of knowing him in his personal, business, social, and political life.

Sec. 2. That this resolution shall become a part of the public records of the 1969 General Assembly of North Carolina, and the Secretary of State shall cause a certified copy to be transmitted to Mrs. Wilbur Hoke Currie, his widow.

Sec. 3. This resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 3rd day of February, 1969.

S. R. 8

RESOLUTION 3

A JOINT RESOLUTION AUTHORIZING AN OFFICIAL DELEGATION TO REPRESENT THE GENERAL ASSEMBLY AT THE FUNERAL OF THE HONORABLE T. CLARENCE STONE.

WHEREAS, the Honorable T. Clarence Stone passed away on the 16th day of January, 1969; and

1524
WHEREAS, the Honorable T. Clarence Stone has served as President of the Senate and has served in the House of Representatives during seven sessions of the General Assembly; and

WHEREAS, the General Assembly desires to honor the memory of T. Clarence Stone and desires to have an official delegation of the General Assembly and Staff attend the funeral;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the President of the Senate and the Speaker of the House of Representatives shall appoint an official delegation to represent both houses of the General Assembly at the funeral of T. Clarence Stone.

Sec. 2. That this Resolution shall become a part of the public records of the 1969 Session of the General Assembly of North Carolina.

Sec. 3. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 22nd day of January, 1969.

S. R. 10          RESOLUTION 4

A JOINT RESOLUTION CONGRATULATING THE GREENSBORO, NORTH CAROLINA JAYCEES.

WHEREAS, the Greensboro Jaycees have recently been recognized by the United States Jaycees as the outstanding local Chapter in the entire United States, having received among other awards the Harold A. Marx Memorial Award; and, have more recently been recognized by the Jaycee Chapter International as the most outstanding local Chapter in the entire world, having been awarded the Minneapolis Award; and

WHEREAS, the Greensboro Jaycees previously received both of these high honors and awards in 1965, and, it is the only Jaycee Chapter in the entire world to have ever received said honors and awards on two occasions, and it is the only local Chapter in the United States which has been recognized as the outstanding Chapter in the world; and

WHEREAS, the people of the State of North Carolina are indeed justly proud of the accomplishments, the awards, and recognitions of the Greensboro Jaycees;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That James A. (Jay) Brame, immediate past President of the Greensboro Jaycees, and the Greensboro Jaycees, are hereby congratulated on their most recent achievements and do hereby encourage Charles A. Whitehurst, current President of the Greensboro Jaycees and the Greensboro Jaycees themselves to continue to represent the people of the State of North Carolina in such an exemplary manner, and does hereby wish them all continued success for the future.

Sec. 2. That this resolution shall become a part of the public records of the 1969 Session of the General Assembly of North Carolina.

Sec. 3. This resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 22nd day of January, 1969.
S. R. 11

RESOLUTION 5

A JOINT RESOLUTION HONORING THE MEMORY OF AN ACTIVE AND GRACIOUS LADY, MRS. O. MAX GARDNER.

WHEREAS, Fay Lamar Webb was born in Shelby on September 7, 1885, and died on January 16, 1969, after a lifetime of devotion and inspiration to her husband, the late Governor O. Max Gardner and family; dedicated service to her community; to her State and to her Nation; and

WHEREAS, in the death of "Miss Fay" the State has suffered the loss of a gracious and active former First Lady who served this State well not only as helpmate to her husband, but because, in the words of the then First Lady of North Carolina, Mrs. Luther Hodges, "of the kind of life you have lived. You have been cheerful amidst adversity, you have been courageous when others were cowering, you have been beautiful when others were careless"; and

WHEREAS, Mrs. O. Max Gardner, as First Lady, contributed to the beautification of the Executive Mansion when upon exploring the attic of the Executive Mansion, she rediscovered many antiques, restored them and used them in the Mansion; established a Library of North Carolina Authors in the Executive Mansion, and as she said, "a thousand dollars at the time" secured an appropriation of $10,000 to acquire linens, china and furnishings to further beautify the Executive Mansion. Unable to acquire a silver service, she used her ingenuity in borrowing from relatives and friends; and

WHEREAS, her social functions in the Executive Mansion were always a delight since as a woman of rare charm and exquisite presence she was the perfect hostess whether the gathering was for one or for a few hundred; and

WHEREAS, upon moving to the Nation's Capitol as wife of the Assistant Secretary of the Treasury, she was known by society as one of the loveliest of ladies—a perfect hostess; and

WHEREAS, after her husband's sudden death, Mrs. O. Max Gardner distinguished herself as the owner and manager of business property, as a member of the Board of Trustees of Gardner-Webb College and the Board of North Carolina Orthopedic Hospital, the Tryon Palace Commission, the North Carolina Library and Historical Society, the North Carolina Art Society, the North Carolina Society for the Preservation of Antiquities, the North Carolina Symphony and many other public service boards and commissions; and

WHEREAS, she was a State Democratic Committee woman and attended two national Democratic Conventions; and

WHEREAS, some of the tokens of the high regard with which she was held within her own right were the receipt of an Honorary Degree of Humanity from the University of North Carolina at Greensboro, and a dinner honoring her for her achievements in Washington, D. C., on November 19, 1959, attended by North Carolina notables in national and state politics as well as by others of national prominence;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of Mrs. O. Max Gardner the State of North Carolina has truly suffered the loss of an active and gracious lady.
Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Mrs. O. Max Gardner.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 28th day of January, 1969.

H. R. 16

RESOLUTION 6

A JOINT RESOLUTION RECOGNIZING THE EAST RUTHERFORD HIGH SCHOOL BAND.

WHEREAS, in 1967 the Cavalier Band of East Rutherford High School in Forest City, North Carolina was selected to represent the United States at the Canadian World Expo in Montreal, Canada; and

WHEREAS, this band was selected to represent the State of North Carolina at the Junior Chamber of Commerce national convention in Baltimore, Maryland in June 1967; and

WHEREAS, The East Rutherford High School Band was designated by Governor Moore as the official band of North Carolina to represent this state at the St. Petersburg, Florida Festival of States in 1968 where the band won first place in both precision marching and playing, which was the first time in the history of that event a band won both the Governor's Trophy and the Mayor's Cup, and as a result the band was further honored by a full page color picture on the front page of the St. Petersburg daily newspaper; and

WHEREAS, in the words of former Governor Dan Moore this band has been "Ambassadors of Goodwill for the people of North Carolina" bringing special recognition to our great state from Canada to Florida by their personal appearances and recognition throughout the United States from their appearance on national television marching in the Charlotte Carrousel Parade on Thanksgiving Day 1968; and

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. Let it be known that the 1969 General Assembly is proud of the East Rutherford High School Cavalier Band and appreciates the honor and publicity that this band has brought to the great state of North Carolina during the past two years.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 28th day of January, 1969.

H. R. 2

RESOLUTION 7

A JOINT RESOLUTION HONORING MRS. JOHN B. SPILMAN, SR., FOR HER OUTSTANDING SERVICE AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA MENTAL HEALTH ASSOCIATION.

WHEREAS, Mrs. John B. Spilman, Sr., a distinguished resident of Greenville, North Carolina, was appointed executive Director of the North Carolina Mental Health Association in 1957; and
WHEREAS, her appointment came at the summit of a career of public service including notable successes in the field of education as Assistant Treasurer of East Carolina University; in North Carolina politics as State Democratic Party Vice-Chairman; in North Carolina state government as a member of the North Carolina Employment Commission, the State Resource Use Education Commission, and the State Committee for the Aging; and in civic affairs as the North Carolina representative to the International Federation of Business and Professional Women's Clubs; and

WHEREAS, her eleven years of service as Executive Director of the North Carolina Mental Health Association until her retirement on September 30, 1968, were marked by great strides forward and numerous accomplishments in the fields of mental health service and education, many of which were directly attributable to her dedication, perseverance and devotion;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina do hereby express with great pride its profound appreciation to Mrs. John B. Spilman, Sr., and commend her for her many years of service to her community, her State and the nation.

Sec. 2. That this Resolution shall become a part of the records of the 1969 Session of the General Assembly and copies shall be duly certified by the Secretary of State and transmitted by him to this distinguished North Carolinian, Mrs. John B. Spilman, Sr., and to her son, Mr. John B. Spilman, Jr., of Greenville, and her daughter, Mrs. Frances Spilman Facci of Montreal, Canada.

Sec. 3. That this Resolution shall become effective on the date of its adoption.

In the General Assembly read three times and ratified, this the 28th day of January, 1969.

H. R. 27

RESOLUTION 8

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF J. WILBUR BUNN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, J. Wilbur Bunn died on January 11, 1969; and

WHEREAS, he was born in Wake County, North Carolina, on the 24th day of March, 1883, and received his education in the Wake County Schools and Wake Forest College, where he received an LL.B. degree in 1907; and

WHEREAS, in the death of J. Wilbur Bunn the State has lost a highly capable attorney who devoted his time, energy and talents to the betterment of the State, serving in the House of Representatives in 1913 and in the North Carolina Senate in 1917; as President of the North Carolina Prison Board from 1929 through 1933; member of the North Carolina Board of Conservation and Development from 1941 through 1949; and

WHEREAS, J. Wilbur Bunn, in addition to his service to the State, he actively participated in the life of his community, he was a founder of Hayes Barton Baptist Church and served as a Life Deacon; was one of the organizers of the Raleigh Civitan Club and served as President 1923-1924; as President of the Raleigh Chamber of Commerce; as president of the Wake County Bar Association; and, whereas, in addition to his public service, J. Wilbur Bunn was a devoted family man with the highest
degree of integrity and dealt with kindness and courtesy to all who knew him in his public and personal life, as well as his social and political life; and

WHEREAS, the General Assembly desires to honor the memory of J. Wilbur Bunn and express its sympathy to the surviving members of his family.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

**Section 1.** That the General Assembly recognizes and expresses its appreciation for the public service rendered by J. Wilbur Bunn which has contributed to the betterment of the State of North Carolina.

**Sec. 2.** That this Resolution shall become a part of the public records of the 1969 Session of the General Assembly of North Carolina, and the Secretary of State shall cause a certified copy to be transmitted to Mrs. J. Wilbur Bunn.

**Sec. 3.** That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 28th day of January, 1969.

H. R. 28

**RESOLUTION 9**

A JOINT RESOLUTION HONORING THE STATESVILLE SENIOR HIGH SCHOOL BAND.

WHEREAS, the Statesville Senior High School Band consisting of approximately 168 members and directed by Mr. James Calabrese is well known in the State of North Carolina and enjoys a fine reputation for its showmanship and musical ability; and

WHEREAS, the Band was recently honored by the request that it participate in the Presidential Inaugural Parade in Washington, D. C.; and

WHEREAS, it is altogether fitting and proper that the General Assembly of North Carolina pay tribute to this fine Band and its Director;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

**Section 1.** That in the Director and Members of the Statesville Senior High School Band, North Carolina and Statesville have a group of which they are genuinely proud and which the General Assembly honors by this Resolution.

**Sec. 2.** That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the Statesville Senior High School Band.

**Sec. 3.** This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 30th day of January, 1969.

H. R. 39

**RESOLUTION 10**

A JOINT RESOLUTION HONORING THE MEMORY OF A DISTINGUISHED SERVANT OF THE PEOPLE OF NORTH CAROLINA, DR. FREDERICK P. BROOKS.

WHEREAS, Frederick P. Brooks of Greenville, who was a native of Kinston, North Carolina, has practiced the art and science of Medicine in the City of Greenville for the past 35 years in a most dedicated manner; and
WHEREAS, he was a former member of the medical faculty of the University of North Carolina; and

WHEREAS, Dr. Frederick P. Brooks is survived by a lovely wife and distinguished family; and

WHEREAS, he was the father of the Honorable John C. Brooks, the first and present administrative officer of this 1969 General Assembly.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Dr. Frederick P. Brooks, the State of North Carolina has sustained the loss of an outstanding citizen and physician, and that a copy of this Resolution be spread upon the minutes of both the Senate and House of Representatives, and that a copy of this Resolution be duly certified by the Secretary of State and transmitted by him to the family of Dr. Frederick P. Brooks, and that this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 30th day of January, 1969.

H. R. 70

RESOLUTION 11

A JOINT RESOLUTION EXPRESSING THE GRATITUDE OF THE GENERAL ASSEMBLY TO MRS. ANNIE E. COOPER FOR HER SERVICES TO THE STATE.

WHEREAS, Mrs. G. B. (Annie E.) Cooper served diligently and well for many years as Principal Clerk of the North Carolina House of Representatives and, before assuming the important position of Principal Clerk, as a Clerk in the House of Representatives; and

WHEREAS, "Miss Annie," as she is affectionately known, contributed more to the effective functioning of the North Carolina House of Representatives over the years than any other person in the history of North Carolina; and

WHEREAS, by her untiring and devoted public service to the North Carolina House of Representatives, she contributed immeasurably to the constructive progress of the State of North Carolina; and

WHEREAS, she was a devoted wife until the death of her fine husband; she is a wonderful mother and grandmother; she is active in many worthwhile charitable, religious and community causes and she is a lady of great love and compassion for all her fellowmen;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly does extend to our beloved "Miss Annie" our heartfelt thanks for her great service to the State of North Carolina.

Sec. 2. A copy of this Resolution shall be sent to Mrs. Annie E. Cooper.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 5th day of February, 1969.
H. R. 74

RESOLUTION 12

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANKLIN WILLS HANCOCK, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY OF NORTH CAROLINA AND THE UNITED STATES HOUSE OF REPRESENTATIVES.

WHEREAS, Franklin Wills Hancock, Jr. was born in Oxford, North Carolina on November 1, 1894 to Franklin W. Hancock and Lizzie Hobgood Hancock; and

WHEREAS, he attended Horner Military Academy and public and private schools in Oxford and Warrenton, North Carolina and the University of North Carolina and its Law School at Chapel Hill; and

WHEREAS, he received his law license in 1916 and practiced law in Greensboro and Oxford, North Carolina and with the United States Department of Justice in Cheyenne, Wyoming and served as Judge of the Recorder's Court in Granville County; and

WHEREAS, he served his party with distinction as chairman of the Democratic Executive Committee of Granville County and once as a presidential elector from his congressional district; and

WHEREAS, he served his State as a member of the House of Representatives in 1929 and 1943 and as a State Senator in 1927, contributing substantially to the development of the public school system in North Carolina through the sponsorship and passage of a school bill which still bears his name; and

WHEREAS, he rendered outstanding service to his State and to his country in the United States Congress as Representative from the then Imperial Fifth Congressional District, serving continuously in this capacity from 1930 until 1938, distinguishing himself for his sponsorship of legislation establishing the Federal Home Loan Bank System, the Federal Housing Administration Act, the Homeowners Loan Corporation, the act insuring bank deposits, the tobacco grading bill and other far reaching and significantly beneficial legislation; and

WHEREAS, after an unsuccessful bid for the United States Senate in 1938, he again returned to public duty and responsibilities by serving as a member of the Federal Home Loan Bank Board in Washington, D. C., relinquishing this position when war economies consolidated this agency into the single National Housing Authority in 1942—such a move being publicly endorsed by him; by service as President and administrative head of the Commodity Credit Corporation; as administrator of the Farm Security Administration and as a special representative of the Reconstruction Finance Corporation and Defense Plant Corporation; and

WHEREAS, he served for several years as a member of the Board of Trustees of the Greater University of North Carolina; and

WHEREAS, after a long life of public service he contributed substantially with time and effort to numerous activities adding to the growth, development and welfare of his town, his State and his nation with significant benefaction in the area of public health and the promotion of home ownership; and

WHEREAS, in all of his positions of leadership and administration he gave unstintingly of his time to those who cared to discuss their problems, their views and press for their requests; and
RESOLUTIONS—1969

WHEREAS, he was married to Lucy Landis of Oxford, North Carolina on May 12, 1917 and this union was blessed with four sons, three daughters, twenty-five grandchildren and four great-grandchildren; and

WHEREAS, the General Assembly wishes to record its appreciation of the full and rewarding life and service of Frank Wills Hancock, Jr. to his community, State and nation, and to express its sympathy to his family;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Frank Wills Hancock, Jr., the State of North Carolina lost one of its most able and conscientious and useful citizens and public servants.

Sec. 2. That the General Assembly does hereby express its appreciation and gratitude for the life and career of and contributions made by Frank Wills Hancock, Jr.

Sec. 3. That the General Assembly extends its sincere sympathy to the family of Frank Wills Hancock, Jr. in the loss of its distinguished and outstanding member.

Sec. 4. That this Resolution shall be a part of the public records of this Session of the General Assembly and that a copy shall be duly certified by the Secretary of State and transmitted to the family of Frank Wills Hancock, Jr.

Sec. 5. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 5th day of February, 1969.

H. R. 91

RESOLUTION 13

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WESLEY UMSTEAD, JR.

WHEREAS, John Wesley Umstead, Junior, a native of Durham County and long a resident of Orange County, humanitarian, legislator, and businessman, died on August 21st, 1968, in his eightieth year, after a long and constructive life of public service, it is proper that this General Assembly in which he served so long and ably take note of his eminent contributions to North Carolina;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that:

Section 1. As a Senator in the General Assemblies of 1931 and 1939 and a Representative in the General Assemblies of 1941 through 1963, John Umstead established a sound reputation as an effective legislative leader. While his legislative interests and contributions ranged widely, his special concerns were education and mental health. In 1943, he led the successful battle to extend the public school term to nine months. As the "spokesman of those who could not speak for themselves," he led numerous legislative efforts to improve the facilities and programs for the mentally ill.

The Hospitals Board of Control (forerunner of the State Department of Mental Health) was created through his efforts. For many years as Chairman of that Board, he gave enlightened and vigorous leadership to the upbuilding of the State system of mental health care. The institution at Camp Butner that now bears his name
and the youthful offenders' camp and alcoholic rehabilitation center also located there are but a few of the permanent legacies of his service in this capacity.

John Umstead was a proud son and faithful servant of The University of North Carolina. As a graduate of the Class of 1909, he was one of a cohort of men distinguished in the public service and professional life of this State, among them Frank P. Graham, Kemp D. Battle, Francis E. Winslow, and Oscar J. Coffin. He served the University as a trustee from 1939 until his death, and for most of that time was a leading member of the Executive Committee of the Board of Trustees. His services to the University and to the cause of education included many private benefactions to students whom he took into his home and helped to obtain an education that would otherwise have been denied them.

Success in private business gave John Umstead both independence and the means to help others less fortunate than himself.

In all of his endeavors, his courage, compassion, and intelligence, vigorously exercised in the service of his fellowman, earned John Umstead the respect of all who served with him in these halls and in other public endeavors and the gratitude of thousands who may never know his name.

Sec. 2. The General Assembly acknowledges for itself and for the people of North Carolina a deep sense of gratitude for the life and public services of John Wesley Umstead, Junior, and records its profound respect for his memory.

Sec. 3. Copies of this Resolution, duly certified, shall be transmitted to the members of the immediate family of Mr. Umstead.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of February, 1969.

S. R. 80

RESOLUTION 14


Be it resolved by the Senate, the House of Representatives concurring:

Section 1. His Excellency, the Governor, is hereby invited to address a Joint Session of the General Assembly at 12:30 P.M. on February 12, 1969.

Sec. 2. A committee of two from the Senate shall be appointed by the President and three from the House of Representatives shall be appointed by the Speaker to extend this invitation.

Sec. 3. The full text of the Governor's message of February 12, 1969, shall be carried in the Senate and House Journals of this Session of the General Assembly and two thousand (2,000) copies of this address shall be forthwith printed and delivered to the Governor's office for such distribution of same as he may desire to make.

Sec. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1969.
H. R. 103

RESOLUTION 15

A JOINT RESOLUTION OPPOSING THE FEDERAL COMMUNICATIONS COMMISSION'S REGULATION PROHIBITING CIGARETTE ADVERTISING ON RADIO AND TELEVISION.

WHEREAS, under its rule-making procedure, the Federal Communications Commission has proposed a regulation prohibiting the advertisement of cigarettes on radio and TV; and

WHEREAS, it is the judgment of the General Assembly of North Carolina that said proposed regulation was based upon information not completely verified by medical fact; and

WHEREAS, said regulation is discriminatory among industries, products, and to the advertising media; and

WHEREAS, the enforcement of said regulation would cause serious economic damage to major industries and agricultural products of North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the North Carolina General Assembly urgently requests the Members of Congress from North Carolina and their colleagues in the U. S. Congress to exercise diligent effort to oppose the proposed regulation of the Federal Communications Commission prohibiting advertising cigarettes on radio and television, and to inquire into the constitutional and legal authority of the Federal Communications Commission’s rule-making procedures and authority to impose such regulation.

Sec. 2. That copies of this Resolution be immediately forwarded to the Members of Congress from North Carolina and to the Federal Communications Commission by the Secretary of State of North Carolina.

Sec. 3. This Resolution shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1969.

H. R. 105

RESOLUTION 16

A JOINT RESOLUTION HONORING THE MEMORY OF BENJAMIN EAGLES FOUNTAIN, FORMER LEGISLATOR.

WHEREAS, Benjamin Eagles Fountain, a native of Edgecombe County, died on January 31, 1969, at the age of 72; and

WHEREAS, Benjamin Fountain served ably in the General Assembly from 1943 to 1955; and

WHEREAS, Benjamin Fountain was well-known and highly regarded in professional and academic areas of Rocky Mount and Edgecombe County as an attorney and was a former trustee of the University of North Carolina and former city alderman;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Ben Fountain, North Carolina, Edgecombe County and Rocky Mount have suffered the loss of a distinguished citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution
RESOLUTIONS—1969

shall be duly certified by the Secretary of State and by him transmitted to the family of Benjamin Fountain.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 12th day of February, 1969.

S. R. 81

RESOLUTION 17

A JOINT RESOLUTION COMMEMORATING THE LIFE AND MEMORY OF S. RAY BYERLY.

WHEREAS, S. Ray Byerly was born in Lee County, North Carolina, on the 21st day of June, 1903, and died unexpectedly at the age of 64 years on the 5th day of November 1967 after a lifetime of unselfish and distinguished service to his native County of Lee and the State of North Carolina; and

WHEREAS, Mr. Byerly was a graduate of Wake Forest College and the Wake Forest Law School; and

WHEREAS, Mr. Byerly was an outstanding member of the Lee County Bar and the North Carolina Bar Associations: and

WHEREAS, Mr. Byerly served as Judge of the Lee County Recorders Court for 18 years; and

WHEREAS, Mr. Byerly was an active member of the First Baptist Church of Sanford and gave freely of his time and talents in numerous community projects: and

WHEREAS, Mr. Byerly was Principal Clerk of the Senate of the State of North Carolina continuously from 1937 until the time of his death on the 5th day of November, 1967; and

WHEREAS, Mr. Byerly was highly regarded as a parliamentarian and contributed immeasurably to the work of the State Senate; and

WHEREAS, by his untiring and devoted public service to the North Carolina Senate, Mr. Byerly contributed immeasurably to the constructive progress of the State of North Carolina; and

WHEREAS, in the death of Mr. Byerly, the State of North Carolina has suffered the loss of an outstanding citizen, attorney and public servant; and

WHEREAS, the Senate wishes to record its appreciation of his life and his contribution to this body and to the State of North Carolina and to express its sympathy to his family;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of S. Ray Byerly the State of North Carolina and Lee County have lost an outstanding public servant, an eminently able parliamentarian, and an outstanding, useful, loyal citizen.

Sec. 2. That the Senate has sustained an incalculable loss.

Sec. 3. That the General Assembly does hereby express its appreciation of S. Ray Byerly as a devoted public servant and citizen, and does hereby extend its sympathy to his family for the loss of its distinguished member.
Sec. 4. That this Resolution shall become a part of the Public Record of the 1969 Session of the General Assembly, and a copy shall be duly certified by the Secretary of State and forthwith transmitted to the family of Mr. Byerly.

Sec. 5. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 12th day of February, 1969.

H. R. 163

RESOLUTION 18

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL HERMAN THOMPSON WHO SERVED HIS STATE AND COUNTY WITH HONOR, DEVOTION AND DISTINCTION.

WHEREAS, This Body has learned with extreme regret of the death of the Honorable Paul Herman Thompson of Robeson County, on January 15, 1969; and

WHEREAS, Paul Herman Thompson was born in the Fairmont Community of Robeson County on May 14, 1904, received his primary education in the public schools of Robeson County, and thereafter attended the University of North Carolina at Chapel Hill where he earned his degree in pharmacy; and

WHEREAS, following graduation from college, he returned to Fairmont where he became a successful druggist, merchant and farmer; and

WHEREAS, Paul Herman Thompson has been a distinguished citizen of his County, State and Nation, having served Robeson County in the House of Representatives in 1935, and having served as a Commissioner of the Town of Fairmont and for many years as a member of the Board of Health of Robeson County; and

WHEREAS, Paul Herman Thompson served his community in many worthwhile capacities and was a devoted churchman, serving for more than thirty years as Treasurer and Deacon of the First Baptist Church of Fairmont; and

WHEREAS, the General Assembly of North Carolina desires to commemorate the life of the Honorable Paul Herman Thompson and his services to his County and his State and to express its deep sorrow sustained by his death;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of the Honorable Paul Herman Thompson both the State of North Carolina and the County of Robeson have lost an able, loyal and devoted citizen and the General Assembly, by this Resolution, wishes to give formal expression of its deep and sincere appreciation of his life and character and its gratitude for his public service.

Sec. 2. That the Secretary of State is directed to forward a certified copy of this Resolution to members of his family at Fairmont, North Carolina.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 19th day of February, 1969.
H. R. 167  

RESOLUTION 19

A JOINT RESOLUTION DESIGNATING FEBRUARY 18, 1969, AS JAYCEE DAY IN THE GENERAL ASSEMBLY.

WHEREAS, February 18, 1969, has been designated Jaycee Day in the General Assembly; and

WHEREAS, designated leaders of the North Carolina Jaycees, both past and present, are visiting in the General Assembly on February 18, 1969; and

WHEREAS, there are currently 11,000 members of the Jaycees in 211 clubs in North Carolina; and

WHEREAS, these officers, members and clubs have been honored in numerous ways in recent years, including the following particulars: Pfafftown's club was number one in the nation in its first year; East Bend's club was number one in the nation in its first year; in 1967 and 1968 Greensboro was the number one club in the nation and in the world; in 1967 and 1968 the North Carolina Jaycees received more national awards than any combination of three other states; in 1966 we elected a national president, Bill Suttle; in 1968 we were first in the nation with election returns and the last three years North Carolina Jaycees have spearheaded mental health development and leadership along with legislative action projects;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That this General Assembly does hereby welcome our Jaycee guests today and proclaim this date as Jaycee day in the General Assembly and is happy to congratulate the North Carolina Jaycees for all their many outstanding accomplishments.

Sec. 2. That this General Assembly wishes for the North Carolina Jaycees many more years of good and faithful service to the people of North Carolina from their new State Headquarters Building in Asheboro and through all their local clubs.

Sec. 3. That a copy of this Resolution be forwarded to the North Carolina Jaycees at their headquarters in Asheboro, North Carolina.

Sec. 4. This resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 19th day of February, 1969.

H. R. 172  

RESOLUTION 20

A JOINT RESOLUTION HONORING THE MEMORY OF CLIFTON LINWOOD BELL, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES FROM HYDE COUNTY.

WHEREAS, Clifton Linwood Bell was born February 2, 1891, and died January 1, 1969, after a lifetime of distinguished and honorable service to his State and to his county of Hyde; and

WHEREAS, in the death of Mr. Bell the State has lost a highly capable citizen who devoted his time, energy and talents to the betterment of the State, serving as a Representative from Hyde County in the 1921, 1945 and 1947 Sessions of the General Assembly; and
WHEREAS, Mr. Bell was a heroic veteran of World War I, having served a year overseas as an infantryman on the Western Front, and having fought in the battles of Ypres, Bellicourt and Azincourt; and

WHEREAS, in his home county Mr. Bell was a lawyer, and for eight years served as Clerk of Superior Court; and

WHEREAS, Mr. Bell, during a long and successful career, set a very high standard of personal conduct, evidencing in both his personal and private life unquestioned integrity, loyalty to the Democratic Party, unflagging interest in justice and the well-being of all people, and conducted himself as a great and charming gentleman;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of Clifton Linwood Bell, North Carolina, the County of Hyde, and the Town of Swan Quarter have lost an able legislator, an outstanding citizen, and a dedicated lawyer, whose affection and devotion for his own people were expressed in a lifetime of public service.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Clifton Linwood Bell.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1969.

H. R. 89

RESOLUTION 21

A JOINT RESOLUTION HONORING THE MEMORY OF ISAAC PETER DAVIS.

WHEREAS, Isaac Peter Davis was born in Wanchese on August 16, 1888 and died at the age of 80 on January 9, 1969; and

WHEREAS, Isaac Peter Davis represented Dare County in the General Assembly in 1917; and

WHEREAS, "Ike" Davis also served his State well as a member of the Board of Trustees of the University of North Carolina from 1917 to 1919 and from 1933 to 1945, as a County Superintendent of Public Welfare from 1936 to 1961 for Dare and then Hertford Counties, and as a member of Governor Sanford's Commission to Study Public Welfare; and

WHEREAS, he was Secretary of the Roanoke Island Historical Association from 1943 to 1951 and was an honorary vice-chairman and lifetime member; and

WHEREAS, even after retirement he remained active in church affairs and other civic activities:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Isaac Peter Davis the State has suffered the loss of a distinguished citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Isaac Peter Davis.
H. R. 92

RESOLUTION 22

A JOINT RESOLUTION HONORING THE MEMORY OF ZEBULON VANCE NORMAN.

WHEREAS, Zebulon Vance Norman was born in Tyrrell County on February 2, 1888 and died at the age of 80 on October 12, 1968; and

WHEREAS, Zebulon Vance Norman served with distinction in the Session of 1931 of the General Assembly as Representative of Washington County; and

WHEREAS, he served his community as Mayor of Plymouth, as founder and officer of the Plymouth Savings and Loan Association, as President of the Plymouth Country Club, as an able attorney, former Judge and Prosecutor; and

WHEREAS, he was a member of the North Carolina State Board of Law Examiners and a member emeritus of same; and

WHEREAS, in 1925 he began working for the building of a bridge over the Roanoke River connecting Washington and Bertie Counties, and the bridge costing $2,000,000 was named in his honor a week before his death;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Zebulon Vance Norman, the State, his beloved Washington County and the legal profession have truly suffered the loss of an outstanding citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Zebulon Vance Norman.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.

H. R. 95

RESOLUTION 23

A JOINT RESOLUTION HONORING THE MEMORY OF B. C. BROCK, FORMER LEGISLATOR.

WHEREAS, Burr Coley Brock was born in Farmington, N. C., on November 26, 1891, and died on December 17, 1968, at the age of 77; and

WHEREAS, Burr Coley Brock ably served as the Representative from Davie County in the General Assemblies of 1917, 1933, 1935, 1951, 1957 and 1959 and was minority leader in 1933 and 1957; and

WHEREAS, Burr Coley Brock served with devotion as Senator in the General Assemblies of 1937, 1943, 1949, 1955 and 1961; and

WHEREAS, Burr Coley Brock was a respected member of the Bar, practicing law in Winston-Salem from 1916 to 1925 and since that time in Mocksville; and
WHEREAS, in further service to the State and his community, he was appointed trustee of Appalachian State University, served on the State Republican Executive Committee from 1937 to 1959, and was active in church affairs;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of B. C. Brock the State and Davie County have suffered the loss of an outstanding citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Burr Coley Brock.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of February, 1969.

S. R. 151

RESOLUTION 24

A JOINT RESOLUTION RECOGNIZING THE DISASTER CONDITIONS CREATED ON FEBRUARY 16, 1969, IN CERTAIN AREAS OF NORTH CAROLINA BY AN ICE STORM.

WHEREAS, on February 16, 1969, in certain areas of Anson, Hoke, Richmond, Moore, Scotland, and Robeson Counties, there was extensive damage to property occasioned by an accumulation of ice; and

WHEREAS, this ice storm caused power failures and the falling of limbs and trees resulting in widespread destruction of property and extended loss of power to many communities;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. Many areas and communities in Anson, Hoke, Richmond, Moore, Scotland, and Robeson Counties are disaster areas and all available services of the State of North Carolina designed for such situations should be made available to these areas and communities.

Sec. 2. The Federal Government should make a careful investigation to determine what assistance should be given to these areas and communities.

Sec. 3. A copy of this Resolution shall be sent to the United States Senators and Representatives of North Carolina and they are hereby requested to offer all assistance they may deem appropriate.

Sec. 4. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1969.

H. R. 256

RESOLUTION 25

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES VIVIAN WHITFIELD.

WHEREAS, James Vivian Whitfield, a native of Seven Springs and longtime resident of Wallace, farmer, businessman, educator, diplomat, legislator, and leader in the clean streams movement died on November 19, 1968, in his 75th year after a long and dedicated life of public service, it is fitting that the General Assembly,
which witnessed some of his most notable service, should take note of his contributions to North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that:

Section 1. Senator J. Vivian Whitfield, the father of the North Carolina Stream Sanitation Law, for fourteen years the Chairman of the State Stream Sanitation Committee, and the first Chairman of the State Board of Water and Air Resources, was a strong and guiding force in the clean streams movement of North Carolina for over two decades. His firm imprint was felt in the shaping and the enactment of the Stream Sanitation Law, the policy directions of the clean streams program, the selection and retention of an able and effective staff, and the education of the people of North Carolina to the need for constant vigilance in the cause of clean air and water. This "splendid public servant," in the words of Governor Dan K. Moore, "brought national attention to North Carolina's progress in the protection of natural resources; his dedicated efforts brought him great distinction as a man who gave much of himself for the best interest of all our citizens."

J. Vivian Whitfield's service in the clean streams movement was a fitting climax to a remarkable career in public and private life. After graduating from the University of North Carolina in 1915, he served as Commandant of the Horner Military School and Captain in the Army Reserve Corps, as military and English instructor at the University of North Carolina, and received a Master's degree from the University in 1919. From 1919 to 1927 he served his nation with distinction as a member of the U.S. Foreign Service in the Embassies at Uruguay, Argentina, Cuba, and Mexico. He was a leader in the North Carolina Farm Bureau, serving as Director from 1943 to 1950. He devoted long and useful service to the cause of forest conservation as President of the Forest Farmers Association, Director of the North Carolina Forestry Association, and a member of the Council on Forestry, Research and Education of the Southern Regional Education Board.

He served in the North Carolina House of Representatives in 1945, 1947, 1949, and 1951, and in the North Carolina Senate in 1953. He was appointed in 1951 to the State Stream Sanitation Committee, following his unflagging efforts for three successive legislative sessions to secure passage of the Stream Sanitation Law. In 1956 he became Chairman of the Stream Sanitation Committee and held that post until 1967 when the Committee was merged into a new Board of Water and Air Resources. He was appointed the first chairman of the Board of Water and Air Resources in July, 1967, and exercised that position of leadership with characteristic vigor and imagination until his untimely death in November, 1968.

In his long and varied career, J. Vivian Whitfield earned the respect and affection of his fellow workers and colleagues for his courage and candor, his vigor and determination, his keen intelligence, and the lively enthusiasm that he gave to all of his endeavors. He left, as few men do, an indelible mark on his times in the cause of conservation of natural resources for all the people.

Sec. 2. The General Assembly acknowledges its sense of gratitude for the life and public services of J. Vivian Whitfield and records its profound respect for his memory.

Sec. 3. Copies of this resolution, duly certified, shall be transmitted to the members of the immediate family of Senator Whitfield and to the Chairman of the North Carolina Board of Water and Air Resources.
H. R. 298  RESOLUTION 26

A JOINT RESOLUTION ENDORSING THE OBSERVANCE OF "NATIONAL ARTHRITIS MONTH" AND DESIGNATING THE MONTH OF MAY AS "ARTHRITIS MONTH IN NORTH CAROLINA".

WHEREAS by Senate Joint Resolution 51 in the 1st Session of the 91st Congress of the United States, the President of the United States was authorized and requested to issue a proclamation (1) designating May as "National Arthritis Month" and (2) inviting the Governors of the several States to issue proclamations for like purposes; and

WHEREAS arthritis has been described as the Nation's number one crippling disease, affecting over sixteen million citizens, striking people of all ages, causing two hundred and five million days of restricted activity and an annual cost in the Nation estimated at $3,500,000,000; and

WHEREAS arthritis is prevalent among a large percentage of the citizens of North Carolina;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the North Carolina General Assembly endorse the designation by the President of the United States of the month of May as "National Arthritis Month" and that the Governor of North Carolina be and he is hereby authorized to proclaim the month of May as "Arthritis Month in North Carolina".

Sec. 2. The people of North Carolina and all educational, philanthropic, scientific, medical and health care professions and organizations are urged to provide the necessary assistance and resources to discover the cause and cure of arthritis, and to alleviate the suffering of persons struck by said disease; and the Governor is authorized and requested to use the power and influence of his office in like manner.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 13th day of March, 1969.

H. R. 213  RESOLUTION 27

A JOINT RESOLUTION ESTABLISHING A CUT-OFF DATE AFTER WHICH NO LOCAL BILLS MAY BE INTRODUCED IN THE GENERAL ASSEMBLY OF NORTH CAROLINA.

WHEREAS, the great mass of local bills introduced in the latter weeks of the Session clogs the legislative machinery, consumes the time, distracts the attention, and diverts the efforts of a considerable number of members of the General Assembly from matters of statewide importance, and imposes a very severe burden upon the administrative procedure, and

WHEREAS, in nearly every instance these local bills could have been prepared and introduced earlier in the Session without any serious inconvenience to the mem-

1542
bers of the General Assembly or to the local governing agencies and officials who participated in the formulation of the bills;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the 75th legislative day of each regular Session is fixed as the deadline for the introduction of local bills in the General Assembly.

Sec. 2. That any local bill which is offered for introduction after said deadline fixed in Section 1 above shall be rejected by the presiding officer of the House in which it is offered unless the bill has been first submitted to the Rules Committee and bears the endorsement of that Committee stating that there is good reason for the delay in introducing the bill and that the bill should be accepted for introduction.

Sec. 3. That the presiding officer of each House of the General Assembly shall cause Sections 1 through 2 of this Resolution to be read to the respective Houses at the first Session of each week until the deadline is reached.

Sec. 4. That the members of the General Assembly are urged to communicate the fact of the passage of this Resolution to the local governing bodies and officials in their respective districts, and to arrange the necessary conferences with these bodies and officials, to the end that necessary or desirable local legislation shall not be precluded by this Resolution.

Sec. 5. This Resolution shall be effective immediately following its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1969.

H. R. 350

RESOLUTION 28

A JOINT RESOLUTION HONORING THE NORTH CAROLINA DISTRIBUTIVE EDUCATION CLUBS OF AMERICA

WHEREAS, the Twenty-Fifth Annual Leadership Conference of the North Carolina Association of Distributive Education Clubs of America will be held in Raleigh on March 14 and 15; and

WHEREAS, North Carolina is one of the seventeen states founding this youth organization and is, therefore, a charter member; and

WHEREAS, the purpose of this Organization is to develop leadership ability in young men and women who are engaged in the study of distribution, marketing, and services and the functions of the free enterprise system in our economy; and

WHEREAS, 800 young men and women attending the Leadership Conference will be representing nearly 11,000 students in 209 high schools in North Carolina; and

WHEREAS, the legislative membership as well as business leaders throughout North Carolina should be cognizant of and support distributive education;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the 1969 General Assembly welcomes the North Carolina Association of the Distributive Education Clubs of America to Raleigh and conveys to them their best wishes for continuing success in this Conference, in their continued
study, and in successful careers devoted to the economic and social improvement of the State.

Sec. 2. That a copy of this Resolution be spread on the minutes of both the House of Representatives and the Senate and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to Mr. T. Carl Brown, State Supervisor, Division of Distributive Education, Department of Public Instruction, Joan K. Smith, Associate State Supervisor, Division of Distributive Education, Mr. Giles Gentry, President of the North Carolina Distributive Education Clubs, and Miss Marilyn Koonce, Distributive Education Coordinator, 71st High School, Fayetteville, North Carolina.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1969.

H. R. 360

RESOLUTION 29

A JOINT RESOLUTION CONGRATULATING THE BASKETBALL TEAM OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, the basketball team from the University of North Carolina at Chapel Hill has won the ACC Tournament for the past three years in a row; and

WHEREAS, they have won the Eastern Regionals for the past three years including this year; and

WHEREAS, the "Tarheels" have represented our State most capably in the NCAA Finals for the past two years ending the 1967 season in fourth place, and the 1968 season in second place; and

WHEREAS, they have been rated second in the nation throughout most of the 1968-69 season in both the AP and UP polls; and

WHEREAS, the "Tarheels" will represent the eastern United States in the National Championship Finals this week;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. This General Assembly representing all the people of North Carolina extends our appreciation and congratulations to Coach Dean Smith and his "Tarheels" for their fine record these past years, and wishes them continued success this week in their bid for the National Championship at Louisville, Kentucky, and that a copy of this Resolution be presented to the team at Louisville, Kentucky.

Sec. 2. This Resolution shall become effective on the date of its adoption.

In the General Assembly read three times and ratified, this the 19th day of March, 1969.

S. R. 246

RESOLUTION 30

A JOINT RESOLUTION HONORING ATKINS HIGH SCHOOL OF WINSTON-SALEM FOR WINNING THE NORTH CAROLINA 4-A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Atkins High School basketball team did bring honor to Winston-Salem and Forsyth County by winning the North Carolina State 4-A Championship; and
RESOLUTIONS—1969

WHEREAS, the Atkins High School basketball team did display great togetherness and team play to win this championship; and

WHEREAS, each member of the team, Steve Joyner, Cecil Bradshaw, Greg Noble, Michael Copeland, Teddy East and Willie Griffin, did perform their best in the true tradition of good sportsmanship; and

WHEREAS, the Atkins High School basketball team did receive their inspiration and instruction from their honorable coach and true friend, Robert Moore; and

WHEREAS, the Atkins High School basketball team has magnificently played an undefeated season under the leadership of Coach Robert Moore;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina extend congratulations to the entire basketball team, Coach Robert Moore, and Principal D.C. Hobson of Atkins High School in Winston-Salem for the outstanding record the Atkins Basketball Team established this year; namely, winning the North Carolina State 4-A Basketball Championship and having an unbeaten record of 23 wins, 0 losses for the 1968-69 basketball season.

Sec. 2. That the Secretary of State forthwith send a copy of this Resolution to Principal D.C. Hobson, Coach Robert Moore, and each member of the team; and that the General Assembly directs that a copy of this Resolution become a part of the permanent records of the State of North Carolina.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of March, 1969.

H. R. 388

RESOLUTION 31

A JOINT RESOLUTION RECOGNIZING AND CONGRATULATING THE LEAGUE OF WOMEN VOTERS FOR FIFTY YEARS OF SERVICE TO GOOD GOVERNMENT.

WHEREAS, the League of Women Voters, which was founded in 1920 primarily to help twenty million women voters to carry out their new responsibilities, has in fact assisted men and women voters alike; and

WHEREAS, the League of Women Voters has provided nonpartisan information on candidates and ballot issues prior to elections, encouraged registration and informed voting and helped generations of women understand the structure and function of government; and

WHEREAS, the League of Women Voters, while nonpartisan in relation to candidates and political parties, has studied and acted upon many issues of government in the public interest; and

WHEREAS, the League of Women Voters of North Carolina was established in 1951 to this same end; and

WHEREAS, March 19, 1969, marks the beginning of the 50th Anniversary Celebration Year of the League of Women Voters of the United States; and

WHEREAS, Governor Robert W. Scott has proclaimed March 20, 1969, as League of Women Voters Day in North Carolina;

1545
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the North Carolina General Assembly does hereby congratulate the League of Women Voters for fifty years of devoted service to good government.

Sec. 2. That the Secretary of State shall cause a certified copy of this Resolution to be transmitted to the President of the League of Women Voters of the United States, Mrs. Bruce B. Benson, 1200 17th Street, N. W., Washington, D. C., and to the President of the League of Women Voters of North Carolina, Miss Louise Pitman, 1094 Hendersonville Road, Asheville, North Carolina - 28803.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.

H. R. 389

RESOLUTION 32

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LAURIE MCEACHERN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, the General Assembly of North Carolina has been deeply grieved by the death of the Honorable Laurie McEachern, of Hoke County, on December 26, 1968; and

WHEREAS, during the lifetime of Laurie McEachern, he rendered outstanding service to his community, his county and State, as a religious and civic leader, distinguished citizen in various activities and as a member of the House of Representatives of the General Assembly from Hoke County for eight years; and

WHEREAS, the General Assembly wishes to record its appreciation of his life and his contributions to the State of North Carolina; and

WHEREAS, the General Assembly shares the sorrow of his death and desires to express its sympathy to his family;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Laurie McEachern the State of North Carolina and the County of Hoke have lost one of their most able, useful and loyal citizens.

Sec. 2. That the General Assembly does hereby express its highest appreciation of Laurie McEachern as a citizen and public servant, and does hereby extend its sympathy to his family for the loss of its distinguished member.

Sec. 3. That this Resolution shall become a part of the public record of the 1969 Session of the General Assembly of North Carolina and a copy shall be duly certified by the Secretary of State and forthwith transmitted to the family of Laurie McEachern.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.

S. R. 261

RESOLUTION 33

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP J. WEAVER, SUPERINTENDENT OF GREENSBORO CITY SCHOOLS.

WHEREAS, Philip J. Weaver, one of North Carolina's most outstanding educators and most valued citizens died on March 15; and
RESOLUTIONS—1969

WHEREAS, Philip J. Weaver was born in Emory, Virginia, on April 18, 1913, the son of a Methodist minister who was also president of Emory and Henry University; and

WHEREAS, he received his high school education in Winston-Salem, his bachelor's degree from Duke University, his master's degree from the University of North Carolina, and further graduate credits from both the University of North Carolina and Duke University; and

WHEREAS, he devoted his entire life to serving the needs of others as a teacher, coach, and administrator of schools in Kannapolis, Greensboro, Southern Pines, and Rome, Georgia; and

WHEREAS, Philip J. Weaver became superintendent of Southern Pines schools in 1939, assistant superintendent of Greensboro City Schools in 1951, and superintendent of Greensboro City Schools in 1958, a position he held until his untimely death; and

WHEREAS, he provided outstanding leadership during a critical period in the life of the Greensboro schools and contributed immeasurably to the excellence of these schools; and

WHEREAS, he served his profession in innumerable positions and was serving as president of the Division of Superintendents of the North Carolina Education Association at the time of his death; and

WHEREAS, Philip J. Weaver, in addition to his devotion to his profession, gave willingly of his time and talents in service to his church, to his community, and to its civic organizations; and

WHEREAS, he was—in addition to his public service—a devoted family man with the highest degree of integrity, a man who was loved by all who knew him and who dealt with kindness and courtesy to all those with whom he came in contact; and

WHEREAS, the people of North Carolina are saddened by the death of this good and talented man and wish, through their representatives, to honor his memory and express sympathy to the surviving members of his family;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the North Carolina General Assembly recognizes and expresses its appreciation for the public services rendered by Philip J. Weaver, services which have contributed to the betterment of the State of North Carolina.

Sec. 2. That this Resolution shall become a part of the public records of the 1969 Session of the General Assembly of North Carolina, and the Secretary of State shall cause a certified copy to be transmitted to Mrs. Philip J. Weaver.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of March, 1969.
S. R. 227  

RESOLUTION 34

A JOINT RESOLUTION HONORING DR. JOHN CALDWELL.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That Dr. John Caldwell, Chancellor of North Carolina State University at Raleigh is commended for his forthright statement of March 5, 1969 to students and faculty within his charge and supervision, that the orderly processes for resolution of disputes and differences at that great University shall be maintained, and that disruption and violence will not be suffered or excused thereon.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to Dr. John Caldwell.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.

H. R. 418  

RESOLUTION 35

A JOINT RESOLUTION HONORING ROBERT O. HUFFMAN.

WHEREAS, Robert O. Huffman of Morganton, North Carolina, has enjoyed a fruitful lifetime of service to his native County of Burke and to the State of North Carolina; and

WHEREAS, he has made countless contributions to the economic, spiritual and cultural development of the people of his county and his State; and

WHEREAS, he has served the business and industrial community of his city, county, State and nation in many and varied capacities; and

WHEREAS, he has accompanied all of the foregoing activities with a continuing devotion to education and selfless wartime service to his country; and

WHEREAS, in recognition of his outstanding contributions to his State and nation he did on the 19th day of March, 1969, receive the North Carolina Citizens Association Citation for Distinguished Citizenship;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The North Carolina General Assembly salutes Robert O. Huffman, businessman, humanitarian, good citizen, selfless donor of his time, his ability and his resources to the betterment of his community and his State.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that copy of this Resolution be duly certified by the Secretary of State and by him transmitted to the said Robert O. Huffman.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 26th day of March, 1969.
S. R. 290  RESOLUTION 36
A JOINT RESOLUTION CONGRATULATING AND COMMENDING THE COACH AND PLAYERS OF THE WHITEVILLE HIGH SCHOOL'S BASKETBALL TEAM FOR THEIR PERFORMANCE AND SPORTSMANSHIP IN WINNING THE STATE 2A CONFERENCE BASKETBALL CHAMPIONSHIP.

WHEREAS, the Basketball Team of Whiteville High School, composed of the following members: Greg Cameron, Freddie David, David Dutton, Carey Fleming, Warren Lennon, Allen Maxwell, Terry Mann, Reggie Royals, Bob Singletary, Alexander Smith, Bobby Turner, Donny Viets, Ren Williamson, and coached by Harvey Russ, won the Waccamaw Athletic Association Conference Tournament; and

WHEREAS, they also won the District 4 - 2A Conference Tournament; and

WHEREAS, on Saturday night, March 22, in Winston Salem, North Carolina, they won the State 2A Conference Basketball Championship; and

WHEREAS, their performance and sportsmanship has brought honor to the Whiteville High School. Waccamaw Athletic Association Conference, City of Whiteville, Columbus County, and the State of North Carolina;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina, in behalf of the people of North Carolina, congratulates and commends the basketball team and the Coach of Whiteville High School, Whiteville, North Carolina, and the high school which they so admirably represented in winning the State 2A Conference Championship, and to convey to Coach Harvey Russ and his team its best wishes in their future endeavors.

Sec. 2. That 20 certified copies of this Resolution be prepared by the Secretary of State and sent to Principal Carlton Prince of the Whiteville High School for distribution to Coach Russ and to the individual players and for appropriate display by the High School as symbols of the appreciation and pleasure of this General Assembly and the people of North Carolina in their accomplishments, and that this Resolution be made a part of the permanent records of the 1969 General Assembly.

Sec. 3. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.

S. R. 295  RESOLUTION 37

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. His Excellency, the Governor, is hereby invited to address a Joint Session of the General Assembly at 12:30 P.M. on March 27, 1969.

Sec. 2. A committee of two from the Senate shall be appointed by the President and three from the House of Representatives shall be appointed by the Speaker to extend this invitation.
Sec. 3. The full text of the Governor's message of March 27, 1969, shall be carried in the Senate and House Journals of this Session of the General Assembly.

Sec. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1969.

H. R. 456

RESOLUTION 38

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE RANDOLPH UZZELL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, the General Assembly is deeply grieved by the recent death of George Randolph Uzzell who was born on November 23, 1903, in Salisbury, North Carolina, the son of Harry M. and Geneva Wright Uzzell; and

WHEREAS, he attended the Salisbury City Schools, Davidson College and Wake Forest Law School and maintained a warm regard for these institutions throughout his life as evidenced by his vigorous and able support; and

WHEREAS, he was an active, honored and beloved member of the Rowan County Bar, having been admitted to the practice of law in 1926, having continued in active practice there until he was hospitalized shortly before his death and having served as President of that group; and

WHEREAS, he was most active in civic and fraternal affairs, serving in capacities as President of the Civitan Club; Chancellor-Commander of the Salisbury-Rowan No. 100 Chapter, Knights of Pythias; President of Washington Camp No. 24, Patriotic Order, Sons of America; and as a member of the Woodmen of the World, D. O. K. K. Suez Temple No. 73; The Elks Club, the Moose Club, and other organizations; and

WHEREAS, his service to the Democratic Party was loyal and unswerving, he having served as a member of the State Democratic Executive Committee; the State Democratic Platform Committee; and Chairman of the Democratic Judicial Committee of the 15th Judicial District; and

WHEREAS, he was vitally concerned with his church, the First Baptist Church of Salisbury, North Carolina, which he served as deacon, trustee, moderator and Sunday School teacher for many years; and

WHEREAS, he well served his community, county and state by his almost continuous service in the North Carolina Legislature from 1931 until 1966, longer in point of service than any member in modern times, having chaired most of the important committees during his tenure, including Chairmanship of the Rules Committee during his last terms by reason of his astute scholarship of parliamentary procedure, having been selected by Governor Hodges to be Chairman of the Commission of Reorganization of State Government in 1959 by reason of his knowledge of the General Assembly, and having been honored by the past General Assembly by being made a lifetime member of the Board of Trustees of the University of North Carolina; and

WHEREAS, he is survived by his beloved wife, the former Miss Ruth Harrison of Spencer, North Carolina, and two children, Betty Ruth Uzzell Littleton and George Randolph Uzzell, Jr.;
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of George Randolph Uzzell the State of North Carolina and the County of Rowan have lost a most able, useful and loyal citizen.

Sec. 2. That the General Assembly does hereby express its sincere appreciation and gratitude for the life and services of George Randolph Uzzell as a citizen and public servant of North Carolina.

Sec. 3. That the General Assembly extends its deepest sympathy to the family of George Randolph Uzzell for the loss of its distinguished member.

Sec. 4. That this resolution shall become a part of the public records of this session of the General Assembly and a copy shall be certified by the Secretary of State and transmitted to the family of George Randolph Uzzell.

Sec. 5. That this resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.

S. R. 207 RESOLUTION 39

A JOINT RESOLUTION ESTABLISHING A WAKE COUNTY BICENTENNIAL COMMISSION.

WHEREAS, Wake County was erected as a separate and distinct county and parish on and after March 12, 1771, by the Governor, Council, and Assembly of North Carolina; and

WHEREAS, it is appropriate that the bicentennial of the establishment of Wake County be suitably observed;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That there is established a Wake County Bicentennial Commission for the purpose of planning and developing programs for the observance in suitable manner of the two-hundredth anniversary of the establishment of Wake County and at the appropriate time or times to conduct or promote the conducting of such celebration or celebrations.

Sec. 2. That the membership of the Commission shall consist of the Chairman of the Wake County Commissioners; the Mayors of Apex, Cary, Fuquay-Varina, Garner, Knightdale, Morrisville, Raleigh, Rolesville, Wake Forest, Wendell, and Zebulon; the Superintendents of the Wake County and Raleigh Schools; the President of the Wake County Historical Society; and eight members appointed by the Governor. The Superintendent of Public Instruction, the Director of the Department of Archives and History, and the Director of the Department of Conservation and Development shall serve as ex-officio members of the Commission. The members of the Commission shall be construed to be commissioners for special purposes in accordance with Article XIV, Section 7, of the Constitution of North Carolina.

Sec. 3. That the Commission shall elect its own Chairman and other officers and shall make provision for its own organization. The members of the Commission shall serve without pay.

Sec. 4. That the Commission shall submit a report of its activities to the Governor and shall cease to exist as of December 31, 1971.
RESOLUTIONS—1969

Sec. 5. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

H. R. 467  RESOLUTION 40

A JOINT RESOLUTION CONGRATULATING AND COMMENDING THE RED SPRINGS HIGH SCHOOL’S BASKETBALL TEAM FOR THEIR PERFORMANCE AND SPORTSMANSHIP IN WINNING THE STATE 1-A CONFERENCE BASKETBALL CHAMPIONSHIP.

WHEREAS, the Basketball Team of Red Springs High School, I. J. Wicker, Superintendent, and E. M. Thigpen, Principal, composed of the following members: C. G. Arrington, Anthony Black, Jerry Black, Robert Brown, Nicky Bullard, Larry Carter, John Ellis, Kenny Fowler, John Henderson and James Terry; Managers: Dennis Hagen and Mac Culbreth, and coached by William H. Templeton and Stewart W. Smith won the Robeson County Basketball Conference Tournament; and

WHEREAS, they also won the District 4-1A Conference Tournament; and

WHEREAS, on Saturday evening, March 22, 1969, in Raleigh, North Carolina, they won the State 1A Conference Basketball Championship; and

WHEREAS, their performance and sportsmanship has brought honor to the Red Springs High School, Robeson County Basketball Conference, Town of Red Springs, Robeson County and the State of North Carolina;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina, in behalf of the people of North Carolina, congratulates and commends the basketball team and the coaches of Red Springs High School, Red Springs, North Carolina, and the high school which they so admirably represented in winning the State 1A Conference Championship, and conveys to them its best wishes in their future endeavors.

Sec. 2. That twenty (20) certified copies of this Resolution be prepared by the Secretary of State and sent to Principal Thigpen of the Red Springs High School for distribution to Coaches Templeton and Smith and to the individual players and for appropriate display by the high school as symbols of the appreciation and pleasure of this General Assembly and the people of North Carolina in their accomplishments, and that this Resolution be made a part of the permanent records of the 1969 General Assembly.

Sec. 3. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

H. R. 492  RESOLUTION 41

A JOINT RESOLUTION IN COMMEMORATION OF THE LIFE AND PASSING OF DWIGHT DAVID EISENHOWER, SOLDIER, PRESIDENT, AND REVERED CITIZEN OF WORLD HISTORY.

WHEREAS, Dwight David Eisenhower was General of the Armies, Architect and Supreme Commander of the mightiest Allied Armed Forces ever assembled to victory over attempted German Nazis conquest in World War II; and
WHEREAS, like the Father of our Country, upon becoming a National hero as a Military Commander, he was later twice elected the 34th President of the United States and led our Nation for eight Cold War years with an administration of domestic tranquility; and

WHEREAS, although his victories in War and politics were impressive, it will long be remembered that his greatest conquest was the affection of the people of America and the World;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina pauses in its deliberations to pay tribute to Dwight David Eisenhower and to mourn his passing as his body moves in transit to its final resting place.

Sec. 2. We again realize and recognize that his superb leadership in civilization’s darkest hour helped save mankind from the tyranny of dictators. In the words of the distinguished Governor of North Carolina, Robert W. Scott, “He walked tall among the leaders of the World”.

Sec. 3. That a copy of this Resolution be spread upon the minutes of the respective Journals of the House and Senate, and that a duly certified copy be transmitted by the Secretary of State to Mrs. Dwight David Eisenhower at her home in Gettysburg, Pennsylvania.

Sec. 4. That this Resolution shall be effective upon its first reading on March 31, 1969.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. R. 315

RESOLUTION 42

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THE HONORABLE DWIGHT DAVID EISENHOWER, FORMER PRESIDENT OF THE UNITED STATES.

WHEREAS, the Honorable Dwight David Eisenhower was born in Denison, Texas, on October 14, 1890; and

WHEREAS, Dwight David Eisenhower excelled as a student at the United States Military Academy at West Point where he graduated in 1915 and was commissioned a Second Lieutenant in the United States Army; and

WHEREAS, on July 1, 1916, he married Mamie Geneva Doud; and

WHEREAS, during World War I he distinguished himself as a gentleman and soldier and after the war was promoted to the permanent rank of Major; and

WHEREAS, from 1933 to 1935 he served in the office of General Douglas McArthur, Chief of Staff, during which time he played an important part in the founding of the Army Industrial College; and

WHEREAS, during World War II, because of his serious dedication to duty, his sincerity, his humanity and lack of pagentry, he rose swiftly to the highest military levels; and

WHEREAS, on November 8, 1942, he was appointed Allied Commander in Chief, North African Operations; and
WHEREAS, on December 31, 1943, he was appointed Commanding General of the Allied Powers, Eastern Theater Operations; and

WHEREAS, in December 1944 he was promoted to the five-star rank of General of the Army; and

WHEREAS, from 1948 through 1952 he distinguished himself as President of Columbia University; and

WHEREAS, in December 1950 he was appointed Commander of the Supreme Headquarters for the North Atlantic Treaty Organization; and

WHEREAS, on January 20, 1953, he was inaugurated 34th President of the United States and was re-elected President of the United States and was sworn in for his second term on January 21, 1957; and

WHEREAS, he authored many memorable and outstanding books, among which were, Crusade in Europe, Mandate for Change, and Waging Peace: The White House Years, 1956-61; and

WHEREAS, on Friday, March 28, 1969, the people of the United States and the entire world were shocked and saddened by the death of Dwight David Eisenhower; and

WHEREAS, the General Assembly of North Carolina wishes to make record of its deep appreciation for the life and public services of Dwight David Eisenhower, and to express their sorrow at his passing:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina herewith expresses its genuine sympathy to Mrs. Mamie Eisenhower and Mr. John Sheldon Doud Eisenhower, and the other members of the family of Dwight David Eisenhower. The General Assembly expresses further its deep appreciation and gratitude for the spiritual, moral and material impact that this great soldier and statesman has made on the future of both the United States and the entire world.

Sec. 2. That the Secretary of State is hereby directed to prepare and deliver certified copies of this Resolution to Mrs. Mamie Eisenhower, Mr. John Sheldon Doud Eisenhower, and other members of the family.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. R. 198  RESOLUTION 43

A JOINT RESOLUTION URGING THE VOCATION GUIDANCE, RECRUITMENT AND ENCOURAGEMENT OF STUDENTS TO ENTER PREMEDICAL AND MEDICAL EDUCATION.

WHEREAS, a committee of the Legislative Research Commission of 1967-69 found that there is a great shortage of physicians being produced by medical schools and that the need for personal medical care delivered by practicing physicians will increase dramatically during the next decade, and medical schools will need to expand;
RESOLUTIONS—1969

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. Medical vocation guidance and counseling efforts in high schools, medical education loans of the Medical Care Commission, and recruitment efforts by the N. C. Medical Society and the Old North State Medical Society should be fostered and encouraged.

Sec. 2. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1969.

S. R. 255

RESOLUTION 44

A JOINT RESOLUTION REQUESTING THE DEPARTMENT OF MOTOR VEHICLES TO CHANGE THE NUMBERING SYSTEM CURRENTLY EMPLOYED IN THE ISSUANCE OF OFFICIAL AUTOMOBILE REGISTRATION PLATES TO MEMBERS OF THE GENERAL ASSEMBLY.

WHEREAS, the Department of Motor Vehicles has for some years issued as a matter of courtesy, special registration plates to members of the General Assembly bearing thereon the word "SENATE" or the word "HOUSE" and an identifying number; and

WHEREAS, the identifying number assigned to each legislator is determined by adding the sum of One Hundred to the number of the Senate or House seat to which the legislator is assigned; and

WHEREAS, it is the consensus of opinion of the members of this General Assembly that no necessity exists for adding the sum of One Hundred to the seat number in order to arrive at the identifying number to be placed upon the registration plates;

Now, therefore, be it resolved by the Senate; the House of Representatives concurring:

Section 1. The General Assembly expresses its sincere appreciation to the Department of Motor Vehicles for the courtesy extended it by the issuance of special automobile registration plates.

Sec. 2. The Commissioner of Motor Vehicles is requested to continue to extend this courtesy to present and future members of the General Assembly.

Sec. 3. It is the express will of this General Assembly that the present method of determining the identifying number assigned to each legislator be changed so that the future registration plates assigned to each legislator will bear thereon only the word "Senate" or "House", as appropriate, and the seat number of the legislator to which the registration plate is assigned.

Sec. 3A. If a member of the General Assembly would like a special registration plate for a second automobile, he may have assigned to him such second tag to bear thereon the appropriate word, either "Senate" or "House", and the seat number of the legislator followed by the addition of the letter "A".

Sec. 4. A copy of this Resolution shall be transmitted to the Commissioner of Motor Vehicles and he is hereby requested to take whatever action is necessary to comply with this Resolution.

1555
Sec. 5. This Resolution shall be effective upon ratification.
In the General Assembly read three times and ratified, this the 18th day of April, 1969.

H. R. 671 RESOLUTION 45

A JOINT RESOLUTION COMMEMORATING THE HALIFAX RESOLVES OF APRIL 12, 1776, WHICH AUTHORIZED NORTH CAROLINA DELEGATES IN THE CONTINENTAL CONGRESS TO VOTE FOR INDEPENDENCE.

WHEREAS, the British Government had looked upon the American colonies as a colonization venture to counteract the Spanish in the New World; and

WHEREAS, the thirteen colonies had been settled by the English and were governed by the Mother Country; and

WHEREAS, the British Government had looked upon the American Colonies as a means to increase revenue; and

WHEREAS, the British Government felt that the colonies should pay some form of taxes to England in order to defray some of the expense of that government; and

WHEREAS, the British Crown ignored the cries from its American Colonists, and therefore, the American citizens were overburdened with unnecessary taxation and restriction of freedoms; and

WHEREAS, the Stamp Act was passed by Parliament in 1765, which was a tax on all transactions of legal papers in the colonies, which the colonies successfully resisted; and

WHEREAS, other taxing measures were adopted by the British Government, such as the Townsend Act and the Tea Tax, which likewise were successfully resisted; and

WHEREAS, the people were against taxation without representation and began to look more to their own resources, both political and legal; and

WHEREAS, the Fourth Provincial Congress meeting in Halifax in order to formulate plans to strengthen the position of the people, on April 12, 1776, voted to instruct the delegates in the Continental Congress to vote for independence from the Mother Country; and

WHEREAS, the date April 12, 1969, will mark the one hundred ninety-third anniversary of the adoption of the significant and far-reaching Halifax Resolves;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That North Carolina, in the Town of Halifax, April 12, 1776, "empowered" the colony's delegates to the Continental Congress, at its meeting in the City of Philadelphia, "to concur with the delegates of the other colonies in declaring independency...."

Sec. 2. That North Carolina thereby was the first of all the 13 original colonies to take official action for independence.

Sec. 3. That North Carolina by this action preceded by more than one month similar action by Virginia, which was the second state thus to act.
Sec. 4. That through this action North Carolina forged the first link in a chain of events that led directly to the Declaration of Independence on July 4, 1776.

Sec. 5. That this Resolution shall become a part of the public records of the 1969 Session of the General Assembly and that copies of this Resolution shall be sent to the news media and to any interested groups or individuals, in order that all North Carolinians learn and take pride in the actions of our forefathers in their foresight and patriotic action in striving for independence of the 13 original colonies.

Sec. 6. All laws and clauses of laws in conflict with this Resolution are hereby repealed.

Sec. 7. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1969.

H. R. 814

RESOLUTION 46

A JOINT RESOLUTION HONORING THE MEMORY OF A DEDICATED PUBLIC SERVANT AND DEVOTED NORTH CAROLINIAN, BOWMAN GRAY, JR.

WHEREAS, Bowman Gray, Jr., of Forsyth County, was born on January 15, 1907, and after a fruitful and dedicated life of service to his community, State and industry, departed this life on April 11, 1969; and

WHEREAS, his eminence in the field of business, as chief executive officer of Reynolds Tobacco Company and later as Chairman of the Board of that Company; as representative of the tobacco industry in hearings before Congressional Committees in 1964 and 1965 when, in the midst of threatened panic, his calm conviction that the attacks on tobacco were unjustified, stabilized the entire industry; and his position as a leader in the diversification of his industry have tended to eclipse his equally great contribution to his State and nation as a public servant and benefactor; and

WHEREAS, Bowman Gray, Jr., from his early manhood to his last crippling illness never permitted his concern with his business enterprises to overshadow his sense of responsibility to his fellow citizens; but rather, Mr. Gray led in such efforts as the planning and construction of a stadium for his community which was completed in 1938, took a major part in the establishment of the Bowman Gray School of Medicine of Wake Forest College at Winston-Salem in 1941 as a memorial to his father, served as a member of the University of North Carolina Board of Trustees, was a director of the Business Foundation of North Carolina and the Research Triangle Foundation, and in many other ways quietly contributed to the social and economic welfare of his community and State; and

WHEREAS, his contributions as a citizen did not stop with the borders of his State but extended to the nation where, as an intelligence officer in the United States Navy during World War II, he originated and organized the concept of Operational Intelligence which afforded commanding officers in combat current information on enemy dispositions, and originated and organized the Harbor Entrance Control and System used throughout the Eastern Sea Frontier as a means of controlling access to our ports and harbors, thus substantially contributing to the over-all success of the nation's war effort; and
WHEREAS, Bowman Gray, in his love of hard work, his incisive intellect, his self-effacing modesty, his dislike of publicity, his love of husbandry and of the land, his loyalty to his friends and his neighbors, his deep attachment to his family and to those tasks committed to him, his sensitivity to the feelings of others, his willingness to share what fortune and industry had given him, and his pervading sense of what was right and proper exemplify the meaning of the phrase "esse quam videri";

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Bowman Gray, Jr., the State of North Carolina has lost one of her most distinguished sons.

Sec. 2. That this General Assembly express its sympathy to the family of Mr. Gray and its gratitude for his life and his contributions.

Sec. 3. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that copies of this Resolution be duly certified by the Secretary of State and by him transmitted to Mrs. Gray and to his sons, Bowman Gray, III, Frank Christian Gray, Robert Daniel Gray, Lyons Gray and Peyton Randolph Gray.

Sec. 4. That this Resolution become effective upon its adoption.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.

S. R. 271

RESOLUTION 47

A JOINT RESOLUTION RELATIVE TO A CORRECTION IN SENATE JOINT RESOLUTION 1 OF THE 1969 GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The "WHEREAS" clause in Senate Joint Resolution 1 of the 1969 General Assembly is hereby corrected by striking the words and figures "November 5, 1969" and inserting in lieu thereof "November 5, 1968".

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 23rd day of April, 1969.

H. R. 857

RESOLUTION 48

A JOINT RESOLUTION CONGRATULATING THE NORTH CAROLINA CONGRESS OF PARENTS AND TEACHERS AND THE NORTH CAROLINA CONGRESS OF COLORED PARENTS AND TEACHERS ON THEIR UNIFICATION.

WHEREAS, the North Carolina Congress of Parents and Teachers was organized in 1919, and the North Carolina Congress of Colored Parents and Teachers was organized in 1927; and

WHEREAS, the two organizations have worked separately to meet the same needs and toward a common goal; and

WHEREAS, the two organizations are meeting this week in Charlotte for the purpose of unification in order that they may, as one organization, promote the welfare of all the children of North Carolina;
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That this General Assembly hereby congratulates the North Carolina Congress of Parents and Teachers in their fiftieth year of service, and the North Carolina Congress of Colored Parents and Teachers in their forty-second year of service on their unification, and wishes for them continued success in their service to all the children and youth of North Carolina.

Sec. 2. That a copy of this Resolution be certified by the Secretary of State and transmitted to the presiding officer of the convention in Charlotte so that it may be read to the convention delegates assembled there this week.

Sec. 3. This Resolution shall become effective on the date of its adoption.

In the General Assembly read three times and ratified, this the 24th day of April, 1969.

H. R. 890

RESOLUTION 49

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WASHINGTON CLARK.

WHEREAS, John Washington Clark died April 18, 1969, while attending a meeting of the Asheboro Rotary Club, and

WHEREAS, a graveside service was held at the Methodist Cemetery in Franklinville on Sunday, April 20, 1969, which was attended by hundreds of citizens of that area and from other parts of the State, an indication of the high esteem in which John Washington Clark was held by people in all walks of life; and

WHEREAS, John Washington Clark was born on October 5, 1887, the son of Walter and Susan Washington Clark, and was a member of one of the State's most distinguished families; and

WHEREAS, John Washington Clark's father, Judge Walter Clark, was a distinguished North Carolinian, serving for thirty-five years as a Justice on the North Carolina Supreme Court, twenty-one years of which was as Chief Justice; and

WHEREAS, Judge Walter Clark suggested the North Carolina motto, "Esse Quam Videri," and drew the bill which placed this motto on the Great Seal of the State of North Carolina; and

WHEREAS, John Washington Clark's maternal grandfather was W. A. Graham, who served as Governor of North Carolina for two terms from January 1, 1845 to January 1, 1849, and who also served as a United States Senator; and

WHEREAS, John Washington Clark's father, Chief Justice Walter Clark, was a graduate of the University of North Carolina at Chapel Hill and sincerely believed in a technical education and therefore enrolled each of his five sons at North Carolina College of Agriculture and Mechanical Arts; and

WHEREAS, John Washington Clark and his four brothers earned a total of nine degrees at North Carolina College of Agriculture and Mechanical Arts; and

WHEREAS, each of John Washington Clark's four brothers have had distinguished careers. David Clark was a publisher and engaged in other business enterprises in Charlotte. Walter Clark, Jr., was a lawyer in Charlotte, State Senator, and Captain in the 120th Infantry of the 30th Division in World War I. W. A. Graham Clark was Chief of the Textile Division of the United States Tariff Commission.
Thorne Clark, the only surviving brother of John Washington Clark, is a banker of Lincolnton; and

WHEREAS, David Clark, son of Thorne Clark and a nephew of John Washington Clark, is a former distinguished member of the General Assembly; and

WHEREAS, John Washington Clark had a long and successful career as a businessman, serving as President of Randolph Mills at Franklinville in Randolph County and Concord in Cabarrus County; serving as President of Deep River Amusement Company and Wright Real Estate Company of Durham; serving as a Director of Tomlinson Furniture Company of High Point and Director of the Greensboro Daily News Company, and operating a 4,000 acre farm in Halifax County; and

WHEREAS, John Washington Clark had a long and distinguished career of service to North Carolina State University and the Consolidated University serving for more than 40 years as a Trustee of North Carolina State College and of the Consolidated University, 20 years of which he was a member of the Executive Committee; and

WHEREAS, John Washington Clark received a B. S. degree in Mechanical Engineering from North Carolina State College of Agriculture and Mechanical Arts in 1906 at the age of eighteen, and a B.S. degree in Textiles in 1907. He led the successful movement in 1945 to borrow $1,100,000.00 to finance the construction of Owen and Tucker dormitories at North Carolina State. He served with distinction as President and Chairman of the Board of Directors of the North Carolina State Alumni Association. He served as a member of the Board of Directors of the Engineering, Textile and Forestry Foundations of North Carolina State; and

WHEREAS, North Carolina State College of Agriculture and Engineering, recognizing the many contributions of John Washington Clark to the College, conferred upon him the honorary degree of Doctor of Textile Science, and in 1954, the North Carolina State Alumni Association honored him with its Meritorious Service Award. At that time, as well as at other times, when he was recognized for his good work, he said in his modest way, "But I do not deserve it." That very attitude marked the mind, the heart, the soul, of the man. He was a builder and never sought personal glory for a single act of influence or contribution that he made in behalf of his fellow man. He always lived in terms of "we", the team; and

WHEREAS, in 1961, the Board of Trustees of the University of North Carolina adopted a resolution of respect and gratitude to John Washington Clark for his great contribution to the cause of public education in North Carolina. He was elected by the General Assembly as a lifetime honorary member of the Board of Trustees, with full voting privileges; and

WHEREAS, John Washington Clark served as President of the State Textile Association and as a member of the Board of Governors of the North Carolina Cotton Manufacturers Association. He was actively interested in the development and conservation of our forestry resources. He was active in civic and church affairs and served as Chairman of the School Board and Superintendent of the Baptist Sunday School in Franklinville. He was commissioned, in 1918, a Second Lieutenant in Field Artillery in the Army of the United States. He was a member of the American Legion, the Greensboro Country Club, the Greensboro Chamber of Commerce and the Executives Club. He served as Master of Hanks Lodge No. 128, A.F. & A.M.; and
RESOLUTIONS—1969

WHEREAS, John Washington Clark is survived by his widow, Nannie Bet Wright, four daughters, Mrs. Alex McLennan, Mrs. William Hanger, Mrs. Rufus Carr, Miss Betty Clark, and a son, Walter McKenzie Clark, who is a graduate of North Carolina State University and was associated with his father in managing their many business interests; and

WHEREAS, John Washington Clark made many valuable and lasting contributions in promoting the welfare of the people of North Carolina and at all times he gave of himself freely and unselfishly in trying to help build a better North Carolina;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of John Washington Clark the State has lost one of its most loyal and distinguished leaders.

Sec. 2. The General Assembly hereby expresses its appreciation for the long and able leadership of and service to the State by John Washington Clark and does hereby extend its sympathy to his family for its loss of a distinguished member.

Sec. 3. That a copy of this Resolution shall be duly certified by the Secretary of State, over the Great Seal of the State, and transmitted to the family of Mr. Clark.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

S. R. 365

RESOLUTION 50

A JOINT RESOLUTION TO ENCOURAGE THE NORTH CAROLINA STATE BOARD OF NURSING AND THE SCHOOLS GIVING COURSES IN PRACTICAL NURSING TO GIVE CONSIDERATION TO TRAINING SUCCESSFULLY COMPLETED BY PERSONS IN REGISTERED NURSES COURSES.

WHEREAS, many persons have successfully completed a portion of their training in diploma schools of nursing or a part of a four-year course leading to a Bachelor of Science Degree in Nursing and have had to discontinue said training for reasons unrelated to their ability to perform nursing duties; and

WHEREAS, the North Carolina State Board of Nursing has encouraged schools which give training in practical nursing to give such persons who enter practical nurse training credit for such registered nurse training that they have successfully completed as would be duplicated by licensed practical nurses courses; and

WHEREAS, the General Assembly believes that the training of as many practical nurses as possible in as short a time as possible should be encouraged;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the State Board of Nursing is hereby instructed to reaffirm its position that students who have had registered nurse training be given credit for appropriate parts of this training in practical nurse education and that the State Board of Nursing reinforce the schools of practical nursing of its policy and encourage said schools to adopt it as a part of their school policy.

Sec. 2. That the schools of North Carolina offering practical nursing education are hereby instructed to grant appropriate credit to students who have successfully
completed a portion of registered nurse training to the end that these students not be required to take repetitious training and that as many competent practical nurses as possible be trained as rapidly as possible.

Sec. 3. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1969.

H. R. 895

RESOLUTION 51

A JOINT RESOLUTION HONORING WILLIAM A. HOOKS OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA UPON HIS ELECTION AS GRAND MASTER OF MASONS IN NORTH CAROLINA.

WHEREAS, the Grand Lodge of Ancient Free and Accepted Masons of North Carolina from the moment of its organization has enjoyed a history notable for its superior type of leadership, for its interest in progressive and representative government in North Carolina, and for its vigorous emphasis upon the maintenance of a high type of citizenship in our beloved State; and,

WHEREAS, the Masonic Fraternity in North Carolina has been ably represented in all areas of governmental responsibility; namely, Governors, Lieutenant Governors, members of the General Assembly, members of the Council of State, members of the Congress of the United States, heads and employees of innumerable Federal and State departmental agencies, as well as in all local governmental positions; with its members serving with such ability and distinction that the history of Freemasonry in North Carolina closely parallels the political history of the State of North Carolina; and,

WHEREAS, the Masons of North Carolina on April the sixteenth, Nineteen hundred and sixty nine in the City of Raleigh did install as their Grand Master, one of Masonry’s most outstanding and respected leaders, William A. Hooks of Smithfield, Johnston County, a man of exceptional ability, who has given many years of his life in the service of Freemasonry and whose contributions to the welfare of the Fraternity have been so recognized and appreciated by the Masonic membership throughout the State that they expressed by an almost unanimous vote their desire to avail themselves of his leadership for the ensuing year; and,

WHEREAS, the new Grand Master of Masons in North Carolina has long been one of Johnston County’s most beloved, respected and progressive citizens, pursuing a successful career in the commercial life of the community and maintaining at all times an exemplary standard of moral and spiritual virtues, finding their expression in admirable homelife, as well as in a commendable participation in Church and Civic activities;

Now, therefore, be it resolved by the House of Representatives of the North Carolina General Assembly, the Senate concurring:

Section 1. That the General Assembly do now express its heartiest congratulations to the illustrious William A. Hooks, a beloved and outstanding citizen of Smithfield, North Carolina, to serve during the ensuing year as the Most Worshipful Grand Master of Masons in North Carol’ina.

Sec. 2. That the Secretary of State shall transmit a copy of this Resolution to the Honorable William A. Hooks, a copy to the Grand Secretary of the Grand
RESOLUTIONS—1969

Masonic Lodge of North Carolina and a copy to the Master of Fellowship Lodge 84, Smithfield, North Carolina.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 30th day of April, 1969.

H. R. 923

RESOLUTION 52

A JOINT RESOLUTION HONORING THE MEMORY OF THE HONORABLE JAMES HECTOR CLARK, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, James Hector Clark, Sr., son of John Washington and Catherine Blue Clark, was born in Bladen County, January 4, 1884, and died on March 17, 1969, after a lifetime of service to his community, his county, and his State; and

WHEREAS, in the death of Mr. Clark, the State has suffered the loss of a capable legislator who served his State well, serving in the Senate in the Sessions of 1937 and 1941; and

WHEREAS, the late James Hector Clark, Sr., was a successful banker, farmer, and merchant in Bladen County, serving as President and Director of the Bank of Elizabethtown since 1924, and President and Treasurer of the James H. Clark and Company, Inc., for many years; and

WHEREAS, James Hector Clark, Sr., rendered excellent service to his State, by his service as a member of the North Carolina Highway Commission, of which he served as Chairman, member of the North Carolina Budget Commission, of which he served as Chairman, member of the North Carolina Medical Care Commission, of which he served as Chairman, Trustee of the University of North Carolina, Trustee of Charlotte College, and member of the Board of Visitors of Davidson College; and

WHEREAS, the Honorable James Hector Clark, Sr., actively participated in the life of his community, county, and area, by his service as member and Chairman of the Bladen County Board of Education, Past President of the Cape Fear Area Boy Scouts of America, Past Elder in the Elizabethtown Presbyterian Church of which he served as Superintendent of Sunday School, member of Area III Morehead Scholarship Committee, Trustee of Wilmington Presbytery, member of the Board of Managers of Wachovia Bank and Trust Company, and Trustee of the Brown Marsh Presbyterian Church; and

WHEREAS, James Hector Clark, Sr., was named "1947 Man of the Year" in North Carolina by the State Magazine, and received the Silver Beaver Award from the Cape Fear Area Council of the Boy Scouts of America, and received the further honor from the State of North Carolina by designating the Cape Fear River Bridge in his Honor; and

WHEREAS, the Honorable James Hector Clark, Sr., was an active contributor to the affairs of his community, a strong participant in civic life and a man of vision with rare qualities of warm fellowship, fond family ties, and a Christian gentleman;
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of James Hector Clark, Sr., North Carolina and Bladen County have lost an able legislator, a dedicated public servant and an outstanding citizen.

Sec. 2. That a copy of this resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this resolution shall be duly certified by the Secretary of State and by him transmitted to the family of James Hector Clark, Sr.

Sec. 3. This resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of May, 1969.

S. R. 558

RESOLUTION 53

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT HASLEY WETTACH, FORMER DEAN OF THE LAW SCHOOL OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

WHEREAS, the new Law School Building at the University of North Carolina at Chapel Hill will be officially dedicated tomorrow and named for the late Dean of the School, Robert Hasley Wettach; and

WHEREAS, Robert Hasley Wettach was born in 1891; and

WHEREAS, Robert Hasley Wettach received from the University of Pittsburgh his A.M. in Political Science in 1914, and his LL.B. in 1917; and

WHEREAS, during World War I he served as a naval aviator; and

WHEREAS, after the war he received his S.J.D. from Harvard Law School in 1921; and

WHEREAS, he practiced law in Pittsburgh from 1919 to 1920; and

WHEREAS, he commenced the teaching of law as a member of the faculty of the Law School of the University of North Carolina at Chapel Hill in 1921; and

WHEREAS, he served as Dean of the Law School of the University of North Carolina at Chapel Hill from 1941 until 1949, and served as a Visiting Professor at the University of Florida; and

WHEREAS, he was the author of numerous prominent articles published in law reviews throughout the United States; and

WHEREAS, he was the editor in charge of the North Carolina Law Review from 1923 to 1932; and

WHEREAS, he served as Assistant Attorney General of North Carolina, and Chairman of the North Carolina Commission to Revise the Insurance Laws of North Carolina; and

WHEREAS, he served as a member of the Board of Governors of the University of North Carolina Press for 36 years, serving as Chairman of its Board for 18 of these years; and

WHEREAS, he continued to distinguish himself by teaching in the Law School of the University of North Carolina at Chapel Hill until shortly before his death on August 19, 1964;
RESOLUTIONS—1969

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina herewith expresses its deep appreciation and gratitude for his lifetime of service devoted to the teaching and improvement of the law, and for the great service to all the people in the State of North Carolina.

Sec. 2. The Secretary of State is hereby directed to prepare and deliver certified copies of this Resolution to Mrs. Alpha Wettach, Robert Wettach, Jr., John Wettach, and Helen Jane Wettach.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1969.

S. R. 559

RESOLUTION 54

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MAURICE TAYLOR VAN HECKE, FORMER DEAN OF THE LAW SCHOOL OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

WHEREAS, the new Law School Building at the University of North Carolina at Chapel Hill will be officially dedicated tomorrow and named for the late Dean of the School, Maurice Taylor Van Hecke; and

WHEREAS, Maurice Taylor Van Hecke was born on November 11, 1892; and

WHEREAS, Maurice Taylor Van Hecke served with great distinction as Dean of the Law School of the University of North Carolina at Chapel Hill from 1931 until 1941, devoting himself to improving the quality of the law school and elevating it to national prominence; and

WHEREAS, Maurice Taylor Van Hecke served as President of the Association of American Law Schools in 1956; and

WHEREAS, he received his Ph.B. from the University of Chicago in 1916 and his J.D. Degree from Chicago in 1917; and

WHEREAS, from the years 1920 through 1955 he taught in the law schools at West Virginia University, the University of Kansas, the University of North Carolina, and received the Thomas Jefferson award in 1962 and was named Kenan Professor in 1955 at the University of North Carolina Law School; and was Visiting Professor at Yale University and Louisiana State University; and

WHEREAS, he was the founder of the North Carolina Law Review and author of the definitive article on Equity Law in the Encyclopaedia Brittanica; co-reporter on the "Restatement of Torts, Chapter on Injunctions" published in 1939; editor of "Cook's Cases on Equity, 4th Edition", 1948; author of "Van Hecke's Cases on Equitable Remedies", 1959; and associate editor of "Labor Relations and the Law", 1958, and was the author of numerous important articles published in law reviews throughout the United States; and

WHEREAS, he served as a member of the U. S. Board of Legal Examiners from 1941 to 1944; as Chairman of the Fourth Regional War Labor Board from 1942 to 1945; as Chairman of the President's Commission on Migratory Labor from 1950
RESOLUTIONS—1969

to 1951 and co-authored (with others) the report of that Commission, "Migratory Labor in American Agriculture", and served as a member of the North Carolina Employment Security Commission from 1957; and

WHEREAS, he served as President of the Order of the Coif from 1928 to 1931; and

WHEREAS, he continued to devote his life to improving the law and the education of attorneys through his teaching at the Law School of the University of North Carolina at Chapel Hill until his death in December of 1963;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina herewith expresses its deep appreciation and gratitude for the great contribution Maurice Taylor Van Hecke made in law and government, in the improvement of our law schools, and in his dedication to the people of North Carolina.

Sec. 2. The Secretary of State is hereby directed to prepare and deliver certified copies of this Resolution to Mrs. Jessie Van Hecke, James Van Hecke, John Van Hecke, Bayard Van Hecke and Merwin Van Hecke.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1969.

H. R. 306

RESOLUTION 55

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY NORTH CAROLINA'S HEALTH MANPOWER NEEDS, MEASURES TO INCREASE THE SUPPLY, AND MEANS TO ACCOMPLISH INDICATED CHANGES IN THE HEALTH CARE SYSTEM.

WHEREAS, while medicine today offers great promise for the improvement of the human condition and alleviation of human suffering and our society is committed to the removal of the barriers which have kept many people from the fulfillment of this promise, yet today and in the next decade the critical need is for health manpower—the right numbers and kinds of people in the right places; and

WHEREAS, the Legislative Research Commission of 1967-69 was directed to study ways and means of providing more medical doctors for small towns and communities; and

WHEREAS, the study by the Legislative Research Commission revealed that the problem is national as well as local, that many diverse factors are at play in its identification and interpretation, that many persons and institutions have a continuing effect on its manifestation and solution, and that the shortage of physicians in rural areas in North Carolina is undeniably entwined in the very much larger and more comprehensive problem of sufficient health manpower and adequate means of health services delivery in all parts of the state and nation; and
RESOLUTIONS—1969

WHEREAS, North Carolina is near the bottom of the list in regard to physician-population ratios and the shortage and distribution problems were found by the Commission to be related to economic factors, population concentration, specialization, medical school orientation, and many other factors affecting supply and demand, and this and a wealth of other information is contained in material presented to and garnered by the Commission and retained in the Commission files for further study; and

WHEREAS, the Legislative Research Commission of 1965-67 studied the shortages in technical and professional personnel in the field of medical services and found that additional State concern and assistance were necessary to cope with the problem of providing more nurses and other paramedical personnel; and

WHEREAS, the Report of the National Advisory Commission on Health Manpower in 1967 concluded that while the growth of some health services will outpace the growth of population in the coming decade, paradoxically, the physician shortage will continue to worsen, that inadequate health care will continue to exist for the disadvantaged (disadvantaged for any reason, including poverty, geographic isolation or rural residency, age, etc.), that difficulty of entry into the medical care system and of obtaining personal contact with a physician will not be eased, unless measures to increase the supply of health manpower are found and changes in the health care system are accomplished; and

WHEREAS, The General Assembly recognizes its responsibility to all of the citizens of North Carolina to maintain vigilance over matters pertaining to their health and to assume the burden of identifying and seeking answers to the health care problems confronting the citizenry now and in the future, particularly the problem of health manpower;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Legislative Research Commission is hereby authorized and directed to study the health manpower needs of North Carolina.

Sec. 2. The Commission shall make a broad and in-depth study of the health manpower needs of North Carolina and of the measures necessary to produce or provide the right kinds and numbers of personnel. It shall also analyze the distribution problems and possible solutions to providing more equitable health care to all who need it. It shall seek to suggest changes in the health care system that are needed to meet the demands for care and for additional manpower.

Sec. 3. The Legislative Research Commission shall report its findings and recommendations to the 1971 General Assembly.

Sec. 4. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1969.
S. R. 367  RESOLUTION 56
A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A LEGISLA-
TIVE STUDY COMMISSION ON STUDENT FINANCIAL AID.

WHEREAS, more than two-thirds of all jobs now require some training beyond
high school; and

WHEREAS, future job requirements in a technological age and the approach
of the 21st Century will require even higher levels of human skills and abilities; and

WHEREAS, it is of great importance to the economy of the State, as well as
to the welfare and happiness of its citizens, that educational opportunities be availa-
ble beyond high school for all who can benefit from them; and

WHEREAS, college attendance has been directly related to family income, the
chance that a child will go to college being approximately seven times greater if
his family's income is in the highest 25 per cent than if it is in the lowest 25 per
cent; and

WHEREAS, North Carolina families have demonstrated a strong desire for high-
er education for their children and have expressed mounting concern regarding
ability to finance an education adequate to prepare for useful and satisfying lives; and

WHEREAS, the opportunity for educational preparation commensurate with the
individual's ability to absorb and utilize such preparation should not be a class,
racial or economic privilege; and

WHEREAS, one of the ways through which education beyond the high school
can be made available to all who need it and can benefit from it is through the
development of adequate programs of student financial aid; and

WHEREAS, a recent study by the Board of Higher Education indicates that
there exists a severe shortage of student financial aid in North Carolina and that
many of our young people do not continue their education owing to inadequate
finances;

Now, therefore, be it resolved by the Senate, the House of Representatives concur-
ing:

Section 1. There is hereby created a Legislative Commission on Student Finan-
cial Aid to be composed of twenty-one members, five of whom shall be members
of the Senate named by the President of the Senate, five of whom shall be members
of the House of Representatives named by the Speaker of the House, nine of whom
shall be citizens of the State at large named by the Governor, one of whom shall
be a member of the Board of Higher Education and one of whom shall be the Chair-
man of the Board of Education. One of the nine persons named by the Governor
shall be the president of a public college or university in the State and one shall
be the president of a private college or university in the State. The Governor shall
name the chairman of the commission from among the members. The commission
shall select its own vice chairman and secretary.

Sec. 2. The purpose of the commission is to consider the advisability of creation
of a statewide student assistance program, applicable to North Carolina residents
who attend public and private colleges in the State and to make recommendations
to the 1971 General Assembly. On or before September 1, 1970, the commission
shall make its report to the Governor who shall transmit it to the 1971 session of the General Assembly.

Sec. 3. The staff of the Board of Higher Education shall serve as the secretariat of the commission. The commission, with the approval of the Governor, shall direct the Board of Higher Education to employ such temporary personnel and to secure such other assistance as may be necessary to carry out the duties of the commission. Per diem, subsistence and travel allowances incurred by the members of the commission shall be the same as are allowed to state boards and commissions generally. Expenses incurred in the employment of temporary personnel and other assistance and for per diem, subsistence and travel allowances shall, with the approval of the Governor and Council of State, be paid out of the Contingency and Emergency Fund.

Sec. 4. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.

S. R. 518

RESOLUTION 57

A JOINT RESOLUTION TO CONGRATULATE THE STATE DEPARTMENT OF ARCHIVES AND HISTORY AND THE STATE LIBRARY UPON THE OCCUPATION OF THE NEW ARCHIVES AND HISTORY-STATE LIBRARY BUILDING.

WHEREAS, the State Department of Archives and History and the State Library have contributed significantly to the education and enjoyment of the citizens of North Carolina by preserving and disseminating the history and culture of our State, and

WHEREAS, the two departments, in spite of inadequate physical facilities in the past, have won national recognition for their respective programs, and

WHEREAS, both departments have recently moved into the new Archives and History-State Library Building on the William R. Davie block between the State Legislative Building and the Executive Mansion, and

WHEREAS, the Honorable Robert Walter Scott, Governor of North Carolina, will lead a distinguished body of North Carolinians in the dedication of the new building at 3:30 p.m. May 15, 1969;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The State Department of Archives and History and the State Library are hereby commended for their fine services to the citizens of North Carolina and for the national recognition that each has brought to our State.

Sec. 2. The two departments are hereby congratulated upon the occupation of their new quarters.

Sec. 3. All North Carolinians, and particularly the members of the General Assembly, are hereby invited to attend the dedication ceremonies of the new building, May 15, 1969.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 13th day of May, 1969.
RESOLUTION 58

A JOINT RESOLUTION TO URGE THE OPENING OF MORE DIPLOMA SCHOOLS OF NURSING.

WHEREAS, for a number of years the opening of any new diploma schools of nursing has not been encouraged; and

WHEREAS, a number of diploma schools of nursing have been phased out in recent years and the number of such schools will continue to be reduced unless legislative affirmative action is taken to encourage and assist these schools; and

WHEREAS, approximately eighty-eight percent (88%) of the registered nurses in North Carolina are diploma school graduates and a high percentage of diploma school graduates passed the examination given by the State Board of Nursing; and

WHEREAS, the shortage of nurses in the State would make it seem advisable that the State Board of Nursing encourage all schools of nursing and also encourage the B. S. degree schools of nursing to allow credit to be given to nurses who are graduates of diploma schools; and

WHEREAS, the cost of tuition and expenses for a diploma school education is much lower for the student nurses than the tuition for a B. S. degree school of nursing education; and

WHEREAS, the General Assembly in 1967 authorized an appropriation to each diploma school of nursing in the amount of one hundred dollars ($100.00) per year per student; and

WHEREAS, this appropriation is recommended in the "A" Budget; and

WHEREAS, a bill has been introduced to increase this appropriation to aid diploma schools of nursing to enable them to continue to exist; and

WHEREAS, the State Board of Nursing should be mindful of the fact that they are a creature of the Legislature, created and sustained by the General Assembly of North Carolina and that it is without legislative, judicial or executive powers except those conveyed specifically to it by the General Assembly;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the State Board of Nursing be hereby instructed to encourage the establishment of more Diploma Schools of Nursing in the State of North Carolina, and to encourage the existing Diploma Schools of Nursing to remain in operation by assisting them as much as possible.

Sec. 2. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.

RESOLUTION 59

A JOINT RESOLUTION HONORING THE MEMORY OF T. CLARENCE STONE, FORMER PRESIDENT OF THE SENATE OF NORTH CAROLINA.

WHEREAS, The Honorable T. Clarence Stone of Rockingham County served as President of the Senate in the North Carolina General Assembly during the Regular Session of 1963, the Extra Session of 1963, and thereafter until December 31, 1964; and
WHEREAS. The Honorable T. Clarence Stone died January 17, 1969, and it is most appropriate, and the earnest desire of the General Assembly to honor his memory, to pay appropriate tribute to him, and to gratefully acknowledge the lasting benefit of his life and services;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The State of North Carolina is indebted to the Honorable T. Clarence Stone for his long and faithful service rendered to the State in the House of Representatives as Representative from Rockingham County in the 1935, 1937, 1939, 1941, 1943, 1945 and 1947 sessions of the General Assembly. The State is further indebted to The Honorable T. Clarence Stone for his service in the State Senate in the 1955, 1961, and 1963 sessions of the General Assembly. During his long service in the General Assembly he served with distinction on many important boards and commissions, including the Advisory Budget Commission. He served effectively and energetically as a member of and as chairman of important committees in both the House of Representatives and the Senate, and provided constructive, sound and conservative leadership. In 1963 he was elected President of the Senate of North Carolina by his fellow members of the Senate, and in that high office he rendered a great service. During his tenure of office as President of the Senate great dignity and decorum prevailed on the floor of the Senate during its sessions. No newspaper reporters, editors, cameramen, no representatives of other news media nor any cameras, lights, wires, electronic equipment nor other distracting influence whatever was permitted to be or remain on the floor of the Senate during its sessions. As president of the Senate, The Honorable T. Clarence Stone distinguished himself as a fearless leader, a public servant, dedicated to the principles he thought were in the best interests of the State and her people. He reached his decisions thoughtfully and when he became convinced that a decision was the right one he was resolute and valiant in support of whatever he felt was right, honorable and just.

Sec. 2. Clarence Stone loved his hometown of Stoneville, his County of Rockingham, his church, his State and her institutions, especially the University of North Carolina at Chapel Hill and the University of North Carolina at Greensboro. To Clarence Stone there was only one University,—the one at Chapel Hill. And the Woman's College and the University both had especial places of equal dignity in his great heart. His loyal, continuing and substantial support of the Division of Health Affairs of the University of North Carolina, especially the North Carolina Memorial Hospital at Chapel Hill, Mental Health Programs, Highway Safety and increased appropriations for Education at all levels has benefitted thousands of North Carolinians, and has contributed much to the great services rendered by our State to her people in Health, Safety and Education. He gave his time, his energies, his wisdom and much of his life to the State he loved and in unselfish service to her people. In his love and loyalty to his friends, and in his service in the Legislature, Clarence found great joy. He was a man of great worth to the State, a man of utmost honor and integrity—one who maintained constantly a fierce loyalty to his friends and to the principles he regarded as right and just. Clarence Stone lived intensely. In most legislative battles and political battles he was found promptly participating on one side or the other. He was a great competitor. In his battles for what he was convinced was right he asked no quarter—and he gave none. He fought always to win. In every battle on behalf of a cause or a friend he gave no
thought for the possible adverse effects his zeal might have upon himself, either immediately or at any time or place in the future. To him self-sacrifice was merely an incident of the battle. He never counted the possible or probable cost or injury to himself, and such prospect never caused him to alter his course, delay his attack, or abandon his defense. If the fight was for a principle in which he believed, or was in behalf of a friend, that was all that mattered to him, and he was faithful and valiant to the end. Such was the nature of T. Clarence Stone, the man.

Sec. 3. The Honorable T. Clarence Stone was a great Democrat, and through the Democratic Party rendered distinguished service to the State over a period of more than thirty years. In the last four years of his life he fought a losing battle with ill health, notwithstanding which his interest in his State and the political future of her people endured to the end.

Sec. 4. The General Assembly of North Carolina acknowledges on behalf of the State and its people the great value of the services rendered to the State and her people by the Honorable T. Clarence Stone, and by the adoption of this Resolution the General Assembly expresses gratitude for the great and unselfish public service rendered by Clarence Stone, and for the inspiration derived from his public life and service.

Sec. 5. Copies of this Resolution, duly certified, shall be transmitted by the Secretary of the State to the brothers of The Honorable T. Clarence Stone.

Sec. 6. That upon its adjournment today the General Assembly adjourn in honor of the memory of T. Clarence Stone.

Sec. 7. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

H. R. 987

RESOLUTION 60

A JOINT RESOLUTION HONORING THE WORK OF DR. RUDOLPH JONES UPON HIS RESIGNATION AS PRESIDENT OF FAYETTEVILLE STATE COLLEGE.

WHEREAS, Dr. Rudolph Jones has served as President of Fayetteville State College for thirteen years and as Dean of the College for four years; and

WHEREAS, he finds it necessary, because of his health and other personal reasons, to resign from the presidency of Fayetteville State College, effective, July 31, 1969; and

WHEREAS, under his leadership Fayetteville State College made many significant improvements in his tenure of office; the number of students and teachers was doubled; faculty salaries were more than doubled; many new staff members were added; the physical plant was expanded; physical facilities were improved by the construction of seven new buildings, extensive roadways, walkways, parking areas, and campus lighting; three buildings were renovated; four tennis courts and a track on the athletic field were completed; over sixty acres of land were purchased as an addition to the present campus; plans have been completed for a new administration building and a new student center; the curriculum has been expanded and majors established in fields other than elementary education; and

WHEREAS, his services to the people of North Carolina have extended into the field of education and civic improvement, he having served in many capacities of leadership, including President of the North Carolina Teachers Association and
RESOLUTIONS—1969

Chairman of the Board of Directors of Hammocks Beach Corporation, life member of the National Education Association, Vice President of the Association of Eastern North Carolina Colleges, Vice Chairman of the United Forces for Education and many other important positions;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina expresses its appreciation to Dr. Rudolph Jones for the fine contribution he has made to the program of higher education of North Carolina in general and Fayetteville State College in particular.

Sec. 2. Be it further resolved that the General Assembly wishes Dr. Jones a speedy recovery and many more years of useful service in his chosen field.

Sec. 3. Be it further resolved that this resolution shall become a part of the public records of this session of the General Assembly and that an engrossed copy thereof shall be certified by the Secretary of State, suitably framed and presented to Dr. Jones by an appropriate committee representing the General Assembly.

In the General Assembly read three times and ratified, this the 27th day of May, 1969.

H. R. 1077

RESOLUTION 61

A JOINT RESOLUTION HONORING THE MEMORY OF STEPHEN GIRARD RICHARDSON, FORMER LEGISLATOR AND OUTSTANDING CITIZEN.

WHEREAS, Stephen Girard Richardson was born in Randolph County June 6, 1893, and died March 19, 1969; and

WHEREAS, he represented his beloved Randolph County in the 1945 General Assembly; and

WHEREAS, he was a leader in the Republican Party all of his life; and

WHEREAS, he was elected as Chairman of the Randolph County Board of Commissioners for four terms from 1948 to 1956; and

WHEREAS, Girard Richardson was an active member of the Seagrove United Methodist Church, Superintendent for 15 years and on the church's official board; and

WHEREAS, he was a charter member and former president of the Seagrove Lions Club and was very active in the programs aiding blind persons; and

WHEREAS, Girard Richardson was active in other civic organizations and was revered and admired by his community;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Stephen Girard Richardson, North Carolina, Randolph County and Seagrove have lost an able and highly respected citizen.

Sec. 2. Copies of this Resolution shall be certified by the Secretary of State and sent to the family of S. G. Richardson.

Sec. 3. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

1573
S. R. 549

RESOLUTION 62
A JOINT RESOLUTION DIRECTING THE NORTH CAROLINA COURTS COMMISSION TO STUDY THE LAWS CONCERNING THE SELECTION, COMPENSATION, DISCIPLINE, REMOVAL, RETIREMENT AND RETIREMENT BENEFITS OF JUDGES AND SOLICITORS OF THE GENERAL COURT OF JUSTICE, AND TO REPORT TO THE 1971 GENERAL ASSEMBLY.

WHEREAS, the Judicial Department of North Carolina is undergoing a major re-organization; and

WHEREAS, the number of full-time judges on both the trial and appellate levels of the General Court of Justice has been greatly increased in recent years, and the number of solicitors is being increased; and

WHEREAS, a comprehensive study of the selection, compensation and retirement of all levels of judges and of the solicitors of the General Court of Justice is needed;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina Courts Commission is directed to study all phases of the methods of selection, compensation, discipline, removal, retirement entitlement, retirement compensation and survivor benefits of all judges and of the solicitors of the General Court of Justice, and to report thereon, with such recommendations for change as it deems appropriate, to the 1971 General Assembly.

Sec. 2. This Resolution shall become effective on its adoption.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

S. R. 710

RESOLUTION 63
A JOINT RESOLUTION URGING THE SUMMER EMPLOYMENT OF YOUTH BY THE CITIZENS OF NORTH CAROLINA.

WHEREAS, the greatest asset, resource and wealth of North Carolina are her youth; and

WHEREAS, North Carolina has thousands of talented, capable and most able high school and college students; and

WHEREAS, at the end of this school year thousands of these students will be available for and seeking employment in North Carolina so as to earn sufficient funds to continue their education; and

WHEREAS, summer employment will be beneficial to the students in that they will acquire regular work habits while learning and working in a trade or business and they will obtain a better knowledge and understanding of our great free enterprise system; and

WHEREAS, summer employment will be helpful to the employers in that they will have immediately available during a time of labor shortage a source of strong, enthusiastic and intelligent help and assistance; and

WHEREAS, the State of North Carolina, the General Assembly, the Governor's Office, the State Employment Security Commission, the schools and the churches,
RESOLUTIONS—1969

together with all citizens of North Carolina desire to aid in the placement of the youth of North Carolina in summer employment;

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

**Section 1.** That the State of North Carolina and the General Assembly of North Carolina do hereby call upon and appeal to all employers, individuals and business concerns, public and private, large and small, to employ during the year 1969 the youth of North Carolina in summer jobs.

Sec. 2. That employers utilize the schools, churches, and the Employment Security Commission of North Carolina for listing job openings.

Sec. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

**H. R. 1026**

**RESOLUTION 64**

A JOINT RESOLUTION CONGRATULATING GARDNER WEBB COLLEGE.

WHEREAS, Gardner Webb Junior College has successfully completed a campaign on its own initiative to establish a four-year program; and

WHEREAS, the first junior year of this four-year program begins in the fall of 1969; and

WHEREAS, the basketball team of Gardner Webb Junior College coached by Eddie Holbrook during the past two seasons has won sixty-one games while losing only eight, with four of these losses coming in the National Junior College finals where Gardner Webb College has represented our State in an outstanding manner during the past two years, particularly in the field of public relations as their teams and supporters have captivated the spectators both in and out of the coliseum in Hutchison, Kansas; and

WHEREAS, said college and Athletic Department do embark on new challenges in the fall of 1969, departing from the Junior College category;

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

**Section 1.** This General Assembly representing all the people of North Carolina extends our appreciation and congratulations to President Eugene Poston and the staff, trustees, faculty, students, and supporters of Gardner Webb College for their hard work and initiative in establishing a new four-year college in our State, and to Coach Eddie Holbrook and his staff and teams for their outstanding record during the past two years and fine representation of our State in the National Junior College finals during these two years.

Sec. 2. This Resolution shall become effective on the date of its adoption.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.
RESOLUTION 65

A JOINT RESOLUTION CREATING THE GOVERNOR'S STUDY COMMISSION ON AUTOMOBILE LIABILITY INSURANCE AND RATES.

WHEREAS, automobile liability insurance and the method and manner of establishing automobile liability insurance rates, the financial responsibility of motor vehicle owners and operators, the adjustment of automobile liability claims, the North Carolina Compulsory Insurance Law and other matters relating to automobile liability insurance and the regulation of such insurance and rates charged for such insurance coverage are matters of concern to the State and many of its people; and

WHEREAS, it is necessary or advisable that an exhaustive study be made of the matters hereinabove mentioned in the light of facts and conditions as they exist at this time to the end that such legislation as may be needed, if any, may be proposed for consideration by the General Assembly;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. Commission created; purpose. There is hereby created the Governor's Study Commission on Automobile Liability Insurance and Rates. It shall be the duty of the Commission to make a thorough and comprehensive study of all aspects of automobile liability insurance as it affects the people of North Carolina, including but not limited to the laws pertinent to the purchase and sale of such insurance, the terms and conditions of automobile liability policies, the fixing of premium rates on such insurance, and the financial responsibility of owners and operators of motor vehicles.

Sec. 2. Appointment of membership; composition; tenure of office. (a) The Commission shall consist of fifteen (15) members who shall be appointed by the Governor on July 1, 1969, or as soon thereafter as practical, and shall serve until the termination of the Commission. The fifteen (15) members of the Commission shall be representative of varied interests concerned with automobile liability insurance and shall be composed approximately as follows: seven (7) members representing the interest of the insurance-purchasing public of this State, two of whom shall have had legislative experience in the House of Representatives or in the Senate of North Carolina; one (1) member representing the stock insurance companies writing automobile liability insurance in this State; one (1) member representing the mutual insurance companies writing automobile liability insurance in this State; one (1) member representing the agents of stock insurance companies doing business in the State; one (1) member representing the agents of mutual insurance companies doing business in the State; one (1) member representing independent insurance adjusters; one (1) member who shall be a trial lawyer usually representing plaintiffs in personal injury litigation; one (1) member who shall be a trial lawyer usually representing defendants in personal injury litigation; and one (1) member representing the Governor of the State. If a vacancy occurs in the membership of the Commission, the Governor shall appoint another member to serve until the termination of the Commission.

Sec. 3. Duty to Report. The Commission shall submit its written report and recommendations, including recommended legislation, to the Governor on or before November 30, 1970. The Governor shall transmit the Commission's report and recommendations to the 1971 General Assembly.
Sec. 4. Organization of Commission: employment of professional and clerical staff. The Governor shall designate one member of the Commission as its chairman and one member as its vice-chairman. The chairman shall preside at all meetings of the Commission and in his absence the vice-chairman shall act as chairman. The Commission is authorized to employ such professional and clerical staff and assistants as are necessary to the performance and execution of its duties.

Sec. 5. Expenses of Commission. (a) The members of the Commission who are not officers nor employees of the State shall receive a compensation of seven dollars a day and shall be reimbursed for travel and subsistence expenses at the rates specified in General Statutes 138-5.

(b) The expenses of the Commission shall be paid from the Contingency and Emergency Fund, pursuant to the procedure prescribed in General Statutes 143-12.

Sec. 6. State departments and agencies to cooperate. Upon request of the Commission, State departments and agencies and the North Carolina Rating Bureau shall provide the Commission with any information and assistance that the Commission deems helpful to its inquiry.

Sec. 7. Termination of Commission. The Commission shall terminate upon the filing of its report and recommendations with the 1971 General Assembly of North Carolina.

Sec. 8. Effective date. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1969.

H. R. 1243

RESOLUTION 66

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT LEROY McMILLAN.

WHEREAS, on May 9, 1969, the State of North Carolina lost one of its most beloved and productive citizens with the death of Robert Leroy McMillan; and

WHEREAS, Robert Leroy McMillan was born on September 4, 1888, in Scotland County, North Carolina, the son of Archibald Alexander McMillan and Mary Amanda Johnson McMillan; and

WHEREAS, he was educated in the Spring Hill community near Wagram mainly by his father, a graduate of the University of North Carolina and a famous county school teacher; he then attended Wake Forest College where he won his A. B. and M. A. Degrees while serving as an undergraduate assistant to the great Professor Benjamin Sledd in English; and

WHEREAS, after graduating from Wake Forest College and teaching for some years in the public school system of North Carolina, he entered the law school of Columbia University and there won his LL.B.; thereafter, he was a Professor of Law at Wake Forest College and for many years served as a Trustee of Columbia University; and

WHEREAS, he served with distinction as a Captain in the United State Army during World War I, and thereafter became a charter member of the American Legion where he served loyally for the remainder of his life in many positions of leadership, including the National Vice Commander of the American Legion; and

1577
WHEREAS, from 1919 until the time of his death, he was actively engaged in the practice of law in the City of Raleigh where he distinguished himself as an outstanding trial lawyer and a man of unquestioned integrity; no cause was too small and no person too unimportant to command his time, his talent and his attention; he was truly a lawyer's lawyer, a judge's lawyer, and a lawyer of the people in the highest tradition of the legal profession; and

WHEREAS, although he never sought fame or recognition for himself, honors too numerous to mention in this Resolution were bestowed upon him; he served as President of the Wake County Bar Association, Trustee and Attorney for the North Carolina Baptist State Convention, North Carolina Director of Civil Defense during World War II, Professor of Business Law at North Carolina State University; and

WHEREAS, he was active in politics in Wake County, and North Carolina, and in national politics, and he served in varied capacities from local precinct chairman in Raleigh and chairman of the Jefferson-Jackson Day Dinner; and

WHEREAS, he cherished his Scots lineage, and in 1959 at their worldwide meeting in Glasgow, Scotland, he was elected president of the Clan McMillan, a post he hugely enjoyed; and

WHEREAS, R. L. McMillan was partnered at every step of the way by his wonderful wife, who survives him; his wife who was born Mary Lee Swann, of Kingstree, South Carolina, and is a distinguished writer and civic, political and social leader in her own right; and

WHEREAS, his life was enriched by his two fine sons, Representative A. A. McMillan and Robert L. McMillan, Jr., both of whom practiced law with their father in Raleigh until the time of his death; and

WHEREAS, he was a deeply religious man who enjoyed and participated in the religious life of his church, serving as Superintendent of the Sunday School and teacher of the men's class for many years at the Pullen Memorial Church in Raleigh; and

WHEREAS, he was in great demand as a public speaker at civic and patriotic meetings where he distinguished himself as one of North Carolina's finest orators; and

WHEREAS, Mr. R. L. McMillan was respected, admired and loved by those who knew him and had the privilege to work with him;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. By this Resolution, they hereby memorialize the distinguished life and career of one of North Carolina's finest sons, Robert Leroy McMillan, of Wake County, and express to his wife and his family our sincere sympathy in their loss occasioned by his death on May 9th of this year - a loss which is shared by everyone who knew Robert Leroy McMillan.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.
H. R. 929

RESOLUTION 67

A JOINT RESOLUTION URGING THE SECRETARY OF AGRICULTURE THROUGH THE FOOD STAMP PROGRAM NOW IN EFFECT TO BEGIN DISTRIBUTING STAMPS OF DIFFERENT COLORS REDEEMABLE FOR MEAT, PRODUCE, AND GROCERIES.

WHEREAS, the problem of hunger and malnutrition among many people of this State and nation is of great concern to the General Assembly of North Carolina; and

WHEREAS, health problems attributed to lack of food are often traceable to diet deficiency as well as the lack of sufficient quantities of food; and

WHEREAS, proper nutrition and the necessity for a well-balanced diet should be given equal importance with the provision of a sufficient volume of food for all people; and

WHEREAS, the present food stamp program administered by the U. S. Department of Agriculture could be used to aid in achieving a better balanced diet for persons benefiting from this program;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina urges the Secretary of Agriculture through the food stamp program now in effect, to begin distributing stamps of different colors redeemable for meat, produce, and groceries, in order that diet balancing may be taught and achieved along with food distribution through the food stamp distribution program.

Sec. 2. That this Resolution shall become effective on the date of its adoption.
In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. R. 1128

RESOLUTION 68

A JOINT RESOLUTION URGING REINSTATEMENT OF FEDERAL APPROPRIATIONS FOR SOIL AND WATER CONSERVATION.

WHEREAS, President Nixon's 1970 fiscal year budget proposes severe reductions in many programs administered by the U. S. Department of Agriculture including the complete elimination of funds for the Agricultural Conservation Program and a sizeable cutback in funding for the small watershed program; and

WHEREAS, the North Carolina Legislators, through their appropriation and legislative processes, have recognized the extreme importance that conservation programs have upon the economic growth and development of our great State; and

WHEREAS, the ACP conservation cost-sharing program recognizes the responsibility of government in conserving the soil and water resources on the farms and ranches of this Nation since the economic returns from such practices accrue more generally to the community than to the landowner; and

WHEREAS, the economic situation of rural America requires an even greater assistance from government in the conservation and development of our land and water resources; and
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That Agricultural Conservation Program funds be reinstated for the 1970 fiscal year at two hundred fifty million dollars ($250,000,000.00) for the Nation.

Sec. 2. That funds for other conservation programs be reinstated at a realistic level and a national goal be established which would enable the completion of all upstream watershed projects by the year 2000.

Sec. 3. That copies of this Resolution be sent to the President of the United States, the Bureau of the Budget, the Secretary of Agriculture, and members of the North Carolina Congressional Delegation as a means of transmitting to these distinguished gentlemen the very high priority that the members of the North Carolina Legislature establishes for these programs in our State.

Sec. 4. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

H. R. 1069  RESOLUTION 69

A JOINT RESOLUTION PROVIDING FOR THE CREATION OF A BROAD-BASED CITIZEN STUDY COMMISSION TO STUDY AND MAKE RECOMMENDATIONS DESIGNED TO IMPROVE THE SERVICES, FUNCTIONS, AND STRUCTURES OF LOCAL GOVERNMENTAL UNITS WITHIN AND INCLUDING FORSYTH COUNTY.

WHEREAS, modernization of local government is essential to meet the accelerating pace of physical, financial, social, and political change impelled by the rapid urbanization of Forsyth County, and

WHEREAS, local government must become more flexible, innovative, and responsive to the needs and wishes of its citizens, and

WHEREAS, the citizens of Forsyth County are deserving of the highest possible quality services with the greatest possible efficiency and economy;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby authorized to be created a commission to study the services, functions, and structures of local governmental units within and including Forsyth County.

The commission shall consist of a 52-member citizen review committee and a 15-member executive committee.

The 52-member citizen review committee shall consist of one representative to be appointed from each precinct in the county, other than the precincts located within the City of Winston-Salem, by the Chairman of the Forsyth County Board of Commissioners; and, from each precinct in the City of Winston-Salem by the member of the Board of Aldermen of the City of Winston-Salem who represents the particular precinct.

The fifteen member executive committee shall be composed of a Chairman and seven members appointed by the Chairman of the Board of County Commissioners, five members appointed by the Mayor of the City of Winston-Salem, and two members by the Mayor of the Town of Kernersville.
RESOLUTIONS—1969

The executive committee shall meet not later than thirty days after appointment for purposes of organization and at such meeting shall elect a vice-chairman, secretary, and such other officers as they deem necessary.

The chairman shall thereupon call a meeting of the citizens review committee and shall charge the members of said committee with the responsibility of reporting to the executive committee from time to time their respective findings and evidence concerning the quality of services and functions provided by local governments in their respective precincts.

The executive committee shall complete its studies and make recommendations based thereon for changes in the services, functions, and structures of local government in Forsyth County which will in the opinion of the executive committee result in providing to the citizens of Forsyth County a full range of governmental services of the highest possible quality with the greatest possible efficiency and economy.

The executive committee shall submit its report and recommendations to the governing boards of the local governmental units within and including Forsyth County, within one year after appointment.

Each such governing board shall review the report and shall submit its respective views and recommendations upon the report to the Forsyth County delegation to the North Carolina General Assembly for such further action as the delegation may take.

There shall be no compensation paid the members of the citizens review committee or the executive committee. However, the expense allowances of the members of said committees may be fixed by and paid upon the order of the Forsyth County Board of Commissioners from such county funds as may be made available. The executive committee may, by and with the consent of the Forsyth County Board of Commissioners, employ such professional and clerical assistance, including consultants, as may be deemed necessary and desirable, subject to such funds as may be made available by the county commissioners for payment for such assistance.

Sec. 2. This Resolution shall apply to Forsyth County only.
Sec. 3. This Resolution shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 2nd day of June, 1969.

S. R. 621

RESOLUTION 70

A JOINT RESOLUTION CONGRATULATING THE DAVIDSON COLLEGE TEAM ON PARTICIPATING IN THE "GE COLLEGE BOWL" TELEVISION SERIES.

WHEREAS, the Davidson College team in participating in the "GE College Bowl" television series retired undefeated on April 27, 1969, by winning five successive contests over Colgate University, the University of Arizona, Wesleyan College, Skidmore College, and Dillard University; and

WHEREAS, the team became the fourth high-scoring team in the ten-year history of the televised College Bowl; and

WHEREAS, the team earned for its college a total of nineteen thousand five hundred dollars ($19,500.00) in scholarship funds; and

WHEREAS, the team nationally distinguished itself, its college, and higher education in this State for its brilliant performances exemplifying the highest of scholarship;
RESOLUTIONS—1969

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. In recognition and appreciation of the outstanding record of the Davidson College team, the General Assembly proudly congratulates the institution itself and the members of the team, Richard P. Anderson, Jr., of Baton Rouge, La.; Robert G. Bryan of La Grange, N. C.; R. Samuel Gwynn of Eden, N. C.; Charles F. Timmons of Charlotte, N. C.; and Robert H. Reid of Arden, N. C. (alternate member); and the coach, Professor Charles E. Lloyd of the Davidson College faculty.

Sec. 2. Copies of this Resolution shall be sent to the President of Davidson College, and to the members and coach of the team.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.

S. R. 673

RESOLUTION 71

A JOINT RESOLUTION HONORING CERTAIN PHYSICIANS OF RALEIGH WHO HAVE GENEROUSLY MADE AVAILABLE THEIR PROFESSIONAL SERVICES TO THE MEMBERS OF THE 1969 GENERAL ASSEMBLY.

WHEREAS, The General Assembly has need of the services of physicians from time to time during the Session; and

WHEREAS, several physicians in Raleigh have given their time and considerable talent and professional services to members of the General Assembly; and

WHEREAS, the 1969 General Assembly wishes to express its gratitude for this service;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the 1969 North Carolina General Assembly, hereby expresses its gratitude and appreciation to Drs. A. M. Alderman, Jr.; Harry W. Barrick, Jr.; William M. Ginn, Jr.; Sidney A. Martin; Ernest B. Page, Jr.; Chauncey L. Royster; R. S. Spain; C. Leslie Sweeney, Jr.; and Annie Louise Wilkerson.

Sec. 2. That a copy of this Resolution be certified by the Secretary of State and sent by him to the Wake County Medical Society.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

H. R. 1293

RESOLUTION 72

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DOCTOR CHARLES THOMAS JOHNSON WHO SERVED HIS STATE AND COUNTRY WITH HONOR, DEVOTION AND DISTINCTION.

WHEREAS, This Body has learned with extreme regret of the death of Dr. Charles Thomas Johnson of Red Springs on March 24, 1969; and

WHEREAS, Charles Thomas Johnson was born in Cedar Creek Township in Cumberland County, received his primary education in White Oak in Bladen Coun-
ty, and thereafter attended Wake Forest College and completed his medical education at Jefferson Medical College in Philadelphia, Pennsylvania; and

WHEREAS, following graduation he began his career as Bladen County's first health officer, and in 1923 opened a general practice in Red Springs, was elected College Physician of Flora MacDonald College and served as a trustee for many years of the same institution, and served also as a trustee of the Scottish College Foundation; and

WHEREAS, Charles Thomas Johnson has been a distinguished citizen of his County, State and Nation, having served Robeson County in the House of Representatives during the administration of Governor J. Melville Broughton, and having served as President of the Robeson County Medical Society and a member of the Red Springs City Council for twelve years and the Red Springs School Board for twenty years; and

WHEREAS, Charles Thomas Johnson served his community in many worthwhile capacities and was a devoted churchman, serving as an elder of the First Presbyterian Church of Red Springs; and

WHEREAS, the General Assembly of North Carolina desires to commemorate the life of Dr. Charles Thomas Johnson and his services to his County and his State and to express its deep sorrow sustained by his death;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Dr. Charles Thomas Johnson both the State of North Carolina and the County of Robeson have lost an able, loyal and devoted citizen and the General Assembly, by this Resolution, wishes to give formal expression of its deep and sincere appreciation of his life and character and its gratitude for his public service.

Sec. 2. That the Secretary of State is directed to forward a certified copy of this Resolution to members of his family at Red Springs, North Carolina.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.

H. R. 898

RESOLUTION 73

A JOINT RESOLUTION CREATING THE TAX STUDY COMMISSION TO STUDY THE REVENUE STRUCTURE OF THE STATE OF NORTH CAROLINA AND TO MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE 1973 GENERAL ASSEMBLY.

WHEREAS, it is desirable that the tax structure of the State of North Carolina should be studied and reviewed to ascertain whether it meets the tests of stability and equity, gives proper economic incentive to the greater productivity of the citizens and business enterprises of the State, encourages the location of new industry in the State, and makes steady and adequate provision for revenue for the sound and essential purposes of government;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a commission to be known as The Tax Study Commission for the study of the revenue structure of the State, to be composed
of eleven (11) members and who shall be appointed as follows: five (5) members shall be appointed by the Governor, three (3) members shall be appointed by the President of the Senate and three (3) members shall be appointed by the Speaker of the House.

Sec. 2. It shall be the duty of the Commission to study and review the tax laws of the State, both State and local laws, and to recommend such changes as it may deem advisable in the rates of taxation, together with the predicted revenue effects thereof, and with proposed alternate sources of revenue, to the end that the revenue system may be as stable and equitable as possible, and yet so fair when compared with the tax structures of other states that business enterprises and persons will be encouraged to locate and expand business in North Carolina. It shall be the special duty of the Commission to make a thorough and comprehensive study of exemptions from property taxation and of exemptions from other taxes, to determine whether or not such exemptions are in the best interest of the State, and to make such recommendations as to state policy with respect to tax exemptions and to recommend such changes in the laws providing for exemptions as it may deem advisable.

Sec. 3. As a part of its study of property tax exemptions, the Commission shall determine the annual tax loss resulting from the various exemptions in selected counties representing different geographic and economic areas of the State.

Sec. 4. Upon its appointment, the Commission shall organize by electing from its membership a chairman and a vice chairman. The Director of Tax Research for the State shall serve as secretary to the Commission, but shall not be a member. The Commission is authorized, with the approval of the Governor, to employ such clerical and other assistants, professional advice and services as may be deemed necessary in the performance of its duties.

Sec. 5. The members of the Commission shall be paid such per diem and travel expenses as are provided for members of state boards and commissions generally. The expenses of the Commission shall be paid from the Contingency and Emergency Fund; provided, however, that total of such expenses of the Commission shall not exceed the sum of fifty thousand dollars ($50,000.00) per year.

Sec. 6. The Commissioner of Revenue and the Director of Tax Research shall make themselves and their staffs available to the Commission, and the tax supervisors of the various counties shall render any assistance and service requested by the Commission.

Sec. 7. The Commission shall submit its report by September 1, 1972, to the Governor for transmittal to the Advisory Budget Commission and the 1973 General Assembly. The Commission may also make an interim report to the Governor for transmission to the 1971 General Assembly.

Sec. 8. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. R. 567          RESOLUTION 74

A JOINT RESOLUTION ESTABLISHING A STUDY COMMISSION ON THE USE OF ILLEGAL AND HARMFUL DRUGS IN THE STATE OF NORTH CAROLINA.

WHEREAS, the use of illegal and harmful drugs has increased to dangerous proportions and has become a major problem in the State of North Carolina; and

1584
WHEREAS, there is not now available adequate and competent facts and information on the use of illegal and harmful drugs in this State; and

WHEREAS, it is essential that more accurate information be made available as to the extent and scope at all levels of the use of illegal and harmful drugs in the State; and

WHEREAS, the State of North Carolina does not now have adequate facilities to detect, investigate, educate and treat those involved in the use of illegal and harmful drugs;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. Commission created. There is hereby created the Legislative Study Commission on Use of Illegal and Harmful Drugs. The Commission is to make a comprehensive and thorough study of the trafficking in and use of harmful drugs in the State of North Carolina, including but not limited to narcotic drugs, amphetamines, stimulants, barbiturates, synthetic derivatives and all other drugs currently being used for illicit purposes which result or could result in harm to human beings.

The Commission is to study present facilities used in the detection, prevention and treatment of the use of illegal and harmful drugs and shall make recommendations for improvement. The Commission is to study present laws concerning the use of illegal and harmful drugs, and make recommendations concerning the implementation and improvement of the law. The Commission is hereby authorized to study any and all phases of the use of illegal and harmful drugs that in their opinion is necessary and desirable, and nothing contained herein is intended to limit the scope and authority of the Commission in its study and recommendations.

Sec. 2. (a) Appointment of members; composition; tenure of office. The Commission shall consist of 11 members who shall be composed as follows: Two members of the North Carolina Senate shall be appointed by the Lieutenant Governor; and two members of the North Carolina House of Representatives shall be appointed by the Speaker of the House; seven members named by the Governor of which one shall be a faculty member of a public high school; one faculty member of one of the three medical schools in the State; one student at a North Carolina college or university; a representative of a local law enforcement agency; one member of the State Bureau of Investigation; and two members to be chosen at the discretion of the Governor. Members of the Commission shall be appointed and shall take office on July 1, 1969, or as soon thereafter as is practical, and each member shall serve until the termination of the Commission. If any vacancy occurs in the membership of Commission, the Governor shall appoint another member to serve until termination of the Commission.

(b) Duty of Commission. It shall be the duty of the Commission to make a comprehensive study of all facets of the use of illegal and harmful drugs in the State of North Carolina and to that end it shall submit its first written report and recommendations to the Governor by January 1, 1970, and shall likewise report and submit its recommendations to the 1971 General Assembly of North Carolina, along with any appropriate recommended legislation. Between January 1, 1970 and the time the final report is made to the General Assembly, the Commission shall file interim status reports with the Governor not less often than every six months.
RESOLUTIONS—1969

(c) Organization of Commission; selection of chairman and vice-chairman; employment of professional and clerical staff. Upon its appointment and at its first meeting, the Commission shall organize by electing from its membership a chairman and vice-chairman. The chairman shall preside at all meetings of the Commission and in his absence the vice-chairman shall act as chairman. The Commission is authorized to employ such professional and clerical staff and assistants as may be necessary to the performance and execution of its duties.

(d) Gifts to Commission; grants by foundation. The Commission is authorized to receive and accept any gifts or grants made by any individual or corporation for the advancement of its work and the Commission shall appoint a treasurer to handle an account for all funds, both public and private, which are used in the furtherance of its study.

(e) Expenses of Commission. The members of the Commission who are not officers or employees of the State shall receive a compensation equal to the per diem expenses provided for members of State boards and commissions generally, and shall be reimbursed for travel at the rate specified in G. S. 138-5 (b).

In the event donations and gifts from foundations, individuals and corporations are not sufficient for the funding of the Study Commission, the expenses over and above such donations, gifts, and other sources shall be taken from the Contingency and Emergency Fund pursuant to the procedure prescribed in G. S. 143-12.

(f) State agencies and institutions to cooperate. The Commission and its chairman may call upon any State agency and its staff and employees or institution to cooperate with it in its study and all such agencies or institutions as far as is feasible shall cooperate with the Commission in the carrying out of its duties.

(g) Termination of Commission. The Commission shall terminate upon the filing of its final report and recommendations with the 1971 General Assembly of North Carolina.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. R. 629

RESOLUTION 75

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY AND RECOMMEND MEASURES FOR NORTH CAROLINA'S EMOTIONALLY DISTURBED CHILDREN.

WHEREAS, there are an estimated 193,000 emotionally disturbed children in North Carolina; and

WHEREAS, these children are not retarded, and are capable of becoming productive adults of the future—if they receive help; and

WHEREAS, unhelped, these same children could grow up to be the problem adults of the future—alcoholics, criminals, mental patients and welfare dependents at great cost to the State; and

WHEREAS, forty-five percent (45%) of our first graders never finish high school—even in this day of compulsory education; and

WHEREAS, our state school system's provisions for the emotional needs of children are most inadequate; and

1586
WHEREAS, there are only 110 beds in North Carolina's mental hospitals for the thousands of children in need;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby created a Commission to be designated as the Study Commission on North Carolina's Emotionally Disturbed Children. It shall consist of nine members. Three shall be appointed by the Governor with one designated as chairman. Three shall be appointed by the Lieutenant Governor and three shall be appointed by the Speaker of the House of Representatives.

Sec. 2. The Commission shall hold its first meeting at such time and place as may be designated by the Chairman.

Sec. 3. It shall be the duty of the said Commission to study in-depth the situation of the emotionally disturbed child in North Carolina and the mental health needs of all children in the State. This study should cover measures for prevention, educational intervention and treatment.

Sec. 4. Members of this Commission shall be paid a per diem allowance and travel expenses as provided generally by law for members of State boards and commissions.

Sec. 5. After completing its investigation and study this Commission shall file a report with the Governor and the General Assembly by the convening of the 1971 Session of the General Assembly.

Sec. 6. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.

S. R. 695

RESOLUTION 76

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE STATE'S RETIREMENT SYSTEM AS IT RELATES TO COLLEGE AND UNIVERSITY FACULTY MEMBERS.

WHEREAS, college and university teachers are among the most mobile of all occupational groups; and

WHEREAS, the State's institutions of higher education find that one of the recurring difficulties in recruiting good teachers, both from institutions outside the State and from many private institutions within the State, lies in the inability of the public institutions to offer any retirement program other than the Teachers' and State Employees' Retirement System of North Carolina; and

WHEREAS, it is in the interest of the State that public institutions of higher education be, insofar as possible, nationally competitive in recruiting; and

WHEREAS, the State is justifiably proud of the sound financial condition of the Teachers' and State Employees' Retirement System and desires to see that system remain financially sound; and

WHEREAS, the State further desires to be fair to all of its various groups of employees; and

WHEREAS, through study it may be possible to devise a plan which will aid the institutions of higher education in recruiting and retaining faculty members and at the same time not endanger the existing retirement system;
Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is hereby authorized and directed to study the Teachers’ and State Employees’ Retirement System of North Carolina as it relates to faculty members and administrators at public institutions of higher education to determine whether changes in the system should be made, or whether one or more alternative systems should be authorized, in order to assist the institutions of higher education in recruiting personnel. Any plan that may be suggested for changes or for alternative systems should be designed so as not to endanger the financial soundness of the existing system.

Sec. 2. The staff of the Teachers’ and State Employees’ Retirement System and the staff of the Board of Higher Education shall assist the Commission to the fullest extent possible in conducting this study.

Sec. 3. The Legislative Research Commission shall report its findings and recommendations to the 1971 General Assembly.

Sec. 4. This resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 11th day of June, 1969.

H. R. 1316

RESOLUTION 77

A JOINT RESOLUTION COMMEMORATING THE CELEBRATION OF THE BICENTENNIAL OF TRYON PALACE.

WHEREAS, Tryon Palace in New Bern was the first State Capitol of North Carolina as well as North Carolina’s first legally-fixed Colonial Capitol; and

WHEREAS, the original palace was described by its contemporaries as “the most beautiful building” and “the finest government house” in Colonial America; and

WHEREAS, two Royal Governors and at least four State Governors resided in the original palace; and

WHEREAS, President George Washington was entertained there at a banquet and ball in 1791; and

WHEREAS, independence movements were there set in motion, with the first two provincial Congresses held in New Bern, and Royal Governor Josiah Martin fleeing from the city in 1775, ending British rule in North Carolina; and

WHEREAS, the restored Palace, financed by gifts and bequests of the late Mrs. James Edwin Latham, is owned and operated by the State of North Carolina as a great educational institution to teach the young and old, North Carolina citizen and vacationers alike, to appreciate our historical heritage; and

WHEREAS, as an outstanding historical spot, architectural showplace, cultural center and patriotic shrine, it encourages North Carolinians to promote better citizenship and preserve the “American Way of Life”;

WHEREAS, the 1969 General Assembly joins with all citizens of North Carolina in commemorating the Bicentennial of Tryon Palace in 1970 and in honoring the efforts of those who have given freely of their time and effort to preserve this historic site;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

1588
Section 1. That the 1969 General Assembly of North Carolina joins in the commemoration of the celebration of the Bicentennial of Tryon Palace in New Bern.

Sec. 2. That the Secretary of State is hereby directed to prepare and deliver certified copies of this Resolution to the Tryon Palace Commission.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

H. R. 1323  RESOLUTION 78

A JOINT RESOLUTION DESIGNATING THE SECOND WEEK IN NOVEMBER OF EACH YEAR AS "YOUTH APPRECIATION WEEK" IN NORTH CAROLINA.

WHEREAS, in order to recognize the positive accomplishments and contributions of youth in the home, church, school and community; to promote a more active participation of families in family affairs; to encourage civic organizations and other groups to show publicly their respect for the 98 per centum or more of our youth who are good citizens; to encourage press, radio, and television to recognize youth through regular and special features and programs; to stimulate greater interest among people everywhere in providing wholesome recreational and social activities for the youth of our country; to illustrate the great influence religion has on the lives of young people and to encourage their active participation in religious activities; to encourage parents to rededicate themselves to the responsibilities of parenthood; and to encourage a greater interchange of ideas between adults and youth leading to a broader understanding of each other's problems;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The seven-day period beginning on the second Monday of November in each year is hereby designated "Youth Appreciation Week", and the Governor is requested to issue annually a proclamation calling upon the people of North Carolina to observe such week with appropriate ceremonies and activities in schools, churches, and other appropriate places, such as civic clubs, lodges and all public and private meeting places.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

S. R. 824  RESOLUTION 79

A JOINT RESOLUTION HONORING THE MEMORY OF EARL CRANSTON STRICKLAND, AN OFFICER OF THE STATE CORRECTION SERVICE, WHO RISKED AND LOST HIS LIFE TRYING TO PREVENT TWO DANGEROUS PRISONERS FROM ESCAPING.

WHEREAS, the General Assembly of North Carolina has been profoundly shocked and greatly grieved by the violent death on the 2nd of June, 1969, of Earl Cranston Strickland, an officer of the State Correction Service employed at the Robeson Unit of the State Prison System, who was shot and killed by one of two prisoners he was trying to prevent from escaping; and
WHEREAS, the General Assembly of North Carolina, Session of 1969, desires to commemorate the services of Officer Earl C. Strickland, who devoted the last four years of his life to protecting the public by guarding and contributing to the correctional treatment of prisoners assigned to the Robeson Unit of the State Prison System; and

WHEREAS, the General Assembly of North Carolina feels deep sorrow for the untimely death at the age of 33 of Officer Earl C. Strickland, and wants to express sincere sympathy for his widow, Josephine Locklear Strickland, and the members of his family; and

WHEREAS, the General Assembly of North Carolina wants to recognize the worth of the work of Earl C. Strickland and show appreciation for the sacrifices he and his family have made;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the General Assembly of North Carolina, Session of 1969, unite in expressing for the State of North Carolina their deep sorrow for the irreparable loss sustained by the death of Officer Earl Cranston Strickland, who knowingly risked his life and lost it in an effort to protect the public against the consequences of an escape by two dangerous prisoners.

Sec. 2. As a token of great respect to and high esteem for the memory of Earl C. Strickland, the General Assembly of 1969 hereby extends its sincere sympathy to the widow of Earl C. Strickland and to members of his family.

Sec. 3. This Resolution shall be incorporated in the permanent records of this General Assembly as a tribute to the memory of Earl C. Strickland, and a copy thereof shall be furnished to his widow.

Sec. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. R. 460

RESOLUTION 80

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY VARIOUS HOSPITALIZATION AND MEDICAL BENEFIT PLANS FOR STATE EMPLOYEES.

WHEREAS, the conditions and benefits attendant to employment are beneficial and stabilizing factors in recruiting and maintaining a competent supply of teachers and State employees; and

WHEREAS, it is advantageous to both the State and said employees to assess and evaluate the benefits now available and to compare these benefits with those available to employees of industry, business, and other sectors of non-public employment; and

WHEREAS, there is much interest in establishing a comprehensive and unified program of benefits which would best serve the needs of teachers and State employees and which would be compatible with the economy of the State;
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a commission, to be designated as the "Teachers and State Employees Benefits Study Commission", to make a detailed and exhaustive study of the following benefits as they relate and contribute to employee efficiency and competence in North Carolina:

a. Hospitalization and medical coverage.
b. Life insurance.
c. Salary continuation for disabled employees.
d. Allowances and membership privileges available under the various retirement systems and pension funds established by the State.
e. Holidays and scheduled vacations.
f. Leave policies, including provisions for annual leave, sick leave, sabbatical leave, and such professional leave as would improve employee efficiency through in-service training.
g. Any and all other comparable or related benefits which might accrue to the welfare of teachers and State employees in the performance of public service.

As a result of its study of the above benefits, the Commission shall submit to the Governor and the General Assembly, not later than October 1, 1970, a report:

a. reflecting the benefits which are now available, their costs, and the methods by which the benefits are administered and financed,
b. recommending the benefits which should be made available, their costs, and the methods by which they should be administered and financed,
c. proposing policies and programs which should be adopted by the State and its agencies and institutions, and
d. suggesting legislation which would be needed to implement the recommendations of the Commission.

Sec. 2. The Commission shall be composed of eleven members, broadly representative of public service and knowledgeable in areas such as employee benefits, insurance, personnel management, and retirement benefits, who shall be appointed by the Governor, as follows:

a. two members from the Senate as recommended to the Governor by the Lieutenant Governor;
b. two members from the House of Representatives as recommended to the Governor by the Speaker of the House;
c. four members from the associations of teachers and State employees with one recommendation being made to the Governor by each of the following associations: The North Carolina State Employees Association, the North Carolina Teachers Association, the North Carolina Highway and Correction Employees Association, and the North Carolina Education Association; and
d. three members, at large, designated by the Governor.

From the membership of the Commission, the Governor shall designate the Chairman.

Sec. 3. The Commission shall be authorized to employ such consultants and research assistants as it feels necessary for its work and the members of the Commission, with the exception of those representing teacher and State employee associations, shall receive per diem, subsistence, and travel allowances as other boards and commissions of the State while engaged in the performance of their duties. All expenses of the Commission, including the cost of preparing and printing the
Resolutions—1969

Report of its findings and recommendations, shall be paid from the Contingency and Emergency Fund.

Sec. 4. The Commission shall have authority to examine State Records and documents and to call upon all officers and agencies of the State for information and assistance.

Sec. 5. This Resolution shall become effective on and after July 1, 1969.
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. R. 1273

Resolution 81

A joint resolution requesting the United States Secretary of Agriculture to grant a 30-day extension of his directive to reduce the Agriculture Stabilization Corporation Appropriation.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The United States Secretary of Agriculture is hereby requested to grant a 30-day extension of his directive to reduce the Agriculture Stabilization Corporation appropriation from June first to July first for the farmers of the nation to be heard concerning this directive.

Sec. 2. This Resolution shall be effective upon adoption.
In the General Assembly read three times and ratified, this the 16th day of June, 1969.

S. R. 841

Resolution 82

A joint resolution commending the North Carolina Jaycees.

Whereas, the North Carolina Jaycee Chapters individually have promoted endeavors for community pride; and

Whereas, the North Carolina Jaycees have supported projects promoting nationwide interest in North Carolina and pride in our State; and

Whereas, Governor Robert W. Scott has declared June 8 through 14 as Miss North Carolina Week; and

Whereas, in Charlotte, the North Carolina Jaycees are conducting the Miss North Carolina Pageant on June 10 through 14; and

Whereas, such pageant selects an outstanding representative of North Carolina's feminine pulchritude based upon her beauty, poise, and talent to represent the Old North State in the 1969 Miss America Pageant;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina Jaycees, Mr. James Ollis, and the City of Charlotte are hereby congratulated on the occasion of the Miss North Carolina Pageant and are hereby encouraged to continue to represent the State of North Carolina in such an exemplary manner, and are hereby wished continued success.

Sec. 2. That this Resolution shall become a part of the public records of the 1969 Session of the General Assembly of North Carolina.
Sec. 3. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.

H. R. 1302  RESOLUTION 83
A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM ROY CATES, SR., FORMER LEGISLATOR AND OUTSTANDING CITIZEN.

The General Assembly of North Carolina do enact:

WHEREAS, William Roy Cates, Sr., was born in Person County on June 1, 1891, and lived in Person County his entire life; and

WHEREAS, William Roy Cates, Sr., was educated in the public schools of Person County and attended Oak Ridge Military Academy and North Carolina State College; and

WHEREAS, he was a veteran of World War I and a member of the American Legion; and

WHEREAS, he was, at the time of his death on April 4, 1968, the oldest practicing surveyor in North Carolina; and

WHEREAS, from 1945 until 1949, William Roy Cates, Sr., served with distinction on the Board of County Commissioners of Person County, ably undertaking the activities as Chairman of that Board; and

WHEREAS, from 1952 to 1958, Mr. Cates was a judge of the Person County Recorder's Court; and

WHEREAS, his distinguished career of public service included activities in many civic and church organizations as well as active participation in the Democratic Party; and

WHEREAS, in the 1925 Session of the General Assembly, he capably served as the Representative from Person County;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina expresses its sincere and profound sorrow to the family of William Roy Cates, Sr.

Sec. 2. That the General Assembly of North Carolina honors William Roy Cates, Sr., as an outstanding citizen and for a life of distinguished service to the State.

Sec. 3. A copy of this Resolution, duly certified by the Secretary of State, shall be furnished to the family of William Roy Cates, Sr.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.
RESOLUTION 84

A RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO AMEND THE SAFE DRIVER REWARD PLAN SO THAT THE AMOUNT OF PROPERTY DAMAGE ON CHARGEABLE ACCIDENTS WILL BE INCREASED FROM ONE HUNDRED DOLLARS ($100.00) TO TWO HUNDRED DOLLARS ($200.00).

WHEREAS, the General Assembly of 1967 amended the statutes so as to provide that the Insurance Commissioner should devise an equitable Safe Driver Reward Plan; and

WHEREAS, the Insurance Commissioner, pursuant to the mandate of the statutes, has devised a Safe Driver Reward Plan which became effective January 1, 1968; and

WHEREAS, it appears that such revised Safe Driver Reward Plan requires that points be given for a "chargeable accident resulting in damage in excess of one hundred dollars ($100.00) (damage to other property or own property)"); and

WHEREAS, with the cost of repairing automobile parts having increased dramatically in the past few years, so that property damage of one hundred dollars ($100.00) may now be a very minor accident; and

WHEREAS, it is deemed that it would be more equitable to have the amount of property damage in a chargeable accident increased to two hundred dollars ($200.00); 

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Insurance Commissioner of the State of North Carolina be, and he is hereby requested to revise the Safe Driver Reward Plan promulgated by him and made effective January 1, 1968, to the end that points be awarded for a chargeable accident only in cases where the property damage is in excess of two hundred dollars ($200.00).

Sec. 2. Be it further resolved that a copy of this Resolution shall be delivered to the Insurance Commissioner to the end that he may receive appropriate notice of the Resolution.

Sec. 3. This Resolution shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.

S. R. 799

RESOLUTION 85

A JOINT RESOLUTION TO ESTABLISH THE NORTH CAROLINA MARINE SCIENCE COUNCIL.

WHEREAS, the Atlantic Ocean, the estuaries and coastal waters of North Carolina, together with the submerged lands lying under these waters and the marine life that lives within them, constitute a unique resource that is of potential benefit to every citizen of North Carolina; and

WHEREAS, the orderly and continued exploration and exploitation of these waters, submerged lands, and marine life is in the total public interest; and

WHEREAS, no central source of information now exists on North Carolina ocean and coastal waters or on the study and use of these waters;
RESOLUTIONS—1969

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby created and established in the Department of Administration a Council to be known as the North Carolina Marine Science Council.

Sec. 2. The North Carolina Marine Science Council shall consist of a Chairman and twenty members appointed by the Governor from the public and private academic and scientific institutions in the State and from the various industries and professions in the State concerned with the exploration and use of the sea. The Chairman shall serve at the pleasure of the Governor, and each of the other members shall serve for six-year terms or until their successors are appointed and qualified; provided, however, that four of the first twenty members of the Commission shall be appointed for four-year terms and four for two-year terms. In addition, the State Planning Office, the Director of the State Department of Conservation and Development, the State Health Officer, the State Property Officer, the Director of the State Department of Water and Air Resources, and the Director of the State Ports Authority shall be ex officio members of the Council. The Chairman and members of the Council shall serve without compensation for their services but shall be entitled to reimbursement for the actual and necessary expenses incurred in the performance of their official duties to the same extent as allowed other state officers.

Sec. 3. The Council shall adopt its own rules of procedure and shall meet at such times and in such place as it may deem necessary to carry out its functions. The Council is authorized to secure directly from any executive department, agency, or independent instrumentality of the State government any information it deems necessary to carry out its functions. Each department, agency, and independent instrumentality is authorized to cooperate with the Council, and, to the extent permitted by law, to furnish such information to the Council, upon request made by the Chairman.

Sec. 4. The Council shall have the following duties and responsibilities:

1. To encourage the use and study of the ocean, estuarine, and coastal waters of the State of North Carolina by the citizens and industries of the State,

2. To foster education and training in ocean science and technology in the State of North Carolina, including extension and continuing education,

3. To maintain liaison with corresponding authorities of nearby coastal states,

4. To develop and maintain a continuing inventory of the ocean resources of the State of North Carolina and the industries and institutions that have significant competence in the science and industry of the oceans, including their personnel and facilities.

5. To report annually on the last day of December to the Governor on all its activities undertaken in connection with the duties and responsibilities assigned in this Section, together with any recommendations for new legislation designed to accomplish the purposes of this Resolution.

Sec. 5. The Director of the North Carolina Department of Administration shall furnish such staff and secretarial assistance to the Council as may be available from funds appropriated for the operation of his Department.

Sec. 6. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of June, 1969.
RESOLUTIONS—1969

S. R. 748  RESOLUTION 87
A JOINT RESOLUTION COMMENDING EFFORTS TO HONOR THE MEMORY OF THOMAS RUFFIN BY RELOCATING HIS STATUE ON CAPITOL SQUARE.

WHEREAS, Thomas Ruffin served with singular distinction as Chief Justice of the Supreme Court of North Carolina from 1832 until 1852; and

WHEREAS, Chief Justice Ruffin provided judicial leadership of unsurpassed excellence, unrivaled in the jurisprudence of this or any other State; and

WHEREAS, the State of North Carolina is fortunate to own a magnificent statue of Thomas Ruffin which is now located in the lobby of the newly named Ruffin Building (formerly the Library Building); and

WHEREAS, a group of public school students in Raleigh, under the guidance of their teacher, Mrs. Anne Kennedy, has requested that the Thomas Ruffin statue be relocated at a new site on Capitol Square, in recognition of the Chief Justice and the judicial branch of State Government; and

WHEREAS, the statue was commissioned by the North Carolina Bar Association in 1913 to be made of bronze suitable for display and location on Capitol Square;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly does hereby honor the life and memory of Thomas Ruffin, former Chief Justice of the Supreme Court of North Carolina.

Sec. 2. That the General Assembly does commend those who support the relocation of the Thomas Ruffin statue from the Ruffin Building to a new site on Capitol Square.

Sec. 3. That by this Resolution the State Capitol Planning Commission is requested to give favorable consideration to the relocation of the Thomas Ruffin statue to the Capitol Square within a reasonable period of time.

Sec. 4. The Secretary of State shall cause a copy of this Resolution to be sent to Mrs. Anne Kennedy, LeRoy Martin Junior High School, Raleigh, North Carolina.

Sec. 5. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. R. 772  RESOLUTION 88
A JOINT RESOLUTION CALLING FOR MAXIMUM EFFICIENCY AND ECONOMY IN THE OPERATION OF STATE GOVERNMENT.

WHEREAS, the State of North Carolina is now a great and huge enterprise providing a wide variety of governmental services to the five million people of our State; and

WHEREAS, State Government has over 300 agencies, departments and institutions and will expend during the 1969-71 biennium more than $3.5 billion in tax funds; and

WHEREAS, there are more than 100,000 employees on the State payrolls, with some located in every county in North Carolina; and
WHEREAS, the State purchases goods and services at an annual rate of $110 million, and has an annual construction program in excess of $75 million; and

WHEREAS, the General Assembly is aware of the heavy tax burden being shouldered by the taxpayers of North Carolina; and

WHEREAS, the State of North Carolina has enjoyed an unequaled record of honesty and integrity in government; and

WHEREAS, our State has sound and progressive government with the highest financial rating any State can obtain; and

WHEREAS, the continued successful operation of State Government depends upon complete public confidence in the ability of State Government to operate economically and efficiently, making the very best possible utilization of each and every tax dollar and non-tax receipt;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly commends State Government Administrators for their past service, and directs them to thoroughly review the operations of their departments in all respects and to spare no effort to insure that their agencies, departments and institutions operate with absolute top efficiency and every possible economy.

Sec. 2. All State Administrators and Employees are reminded that they are using the hard earned tax dollars of our citizens and every expense must be examined to see if it is absolutely necessary, with particular emphasis being placed on the use of State vehicles, the use of the long distance telephone, and the employment of personnel to fill positions that have become vacant.

Sec. 3. State Government Administrators should prepare a plan containing the needs and the program that they will carry out in their departments.

Sec. 4. State Administrators must utilize every modern management tool to achieve sound planning, coordination and evaluation of their programs and services.

Sec. 5. The General Assembly requests the Advisory Budget Commission to study carefully budget procedures and administration, personnel practices, program planning, planning and the coordination of federal-state-local programs, for the purpose of achieving maximum economy and efficiency.

Sec. 6. The Advisory Budget Commission is requested to make an interim report every six months to members of the General Assembly on the progress of their study, with a final report and recommendations being made to the 1971 General Assembly.

Sec. 7. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. R. 820

RESOLUTION 89

A JOINT RESOLUTION HONORING THE GREENSBORO PONY LEAGUE ALL-STARS, THE 1968 WORLD CHAMPIONS.

WHEREAS, The Greensboro Pony League All-Stars, organized sixteen (16) years ago, won the United States Pony League Tournament in 1966; and
WHEREAS, in 1968 the Greensboro Pony League All-Stars by their fine teamwork and individual ability won the Eastern Division championship of the Pony League; and

WHEREAS, from August 20, 1968, to August 26, 1968, the Greensboro Pony League All-Stars participated in the first International Tournament for the Pony League (which is composed of thirteen and fourteen year olds); and

WHEREAS, under the expert management of Robert Black and the outstanding coaching services of Herman Joyce, the assistance of Bill Britt and John Lojka as business managers, the team again displayed fine teamwork and excellent ability in winning the 1968 world championship which was the culmination of competition among approximately ten thousand (10,000) teams; and

WHEREAS, Donnie McNeal, Mike Dempsey and Robert Moore did double duty as pitchers-outfielders; Danny Cave served as catcher; Raymond Williams and Pete Williams switched off pitching duties; Phil Wise, Ricky Hooks and Cletis Jarrett acted as outfielders, coupled with the fine contributions of the infielders Billy Sanders, David Hancock, Mike Deal, Ronald Evans and Jack Elkins, all of which as individual team members should be congratulated;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the 1969 General Assembly congratulates and honors the Greensboro Pony League All-Stars, 1968 World Champions.

Sec. 2. That a copy of this Resolution shall be duly certified by the Secretary of State and forthwith transmitted by him to each member of the team and staff.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. R. 825

RESOLUTION 90

A JOINT RESOLUTION COMMENDING SAM P. GARRISON FOR HIS HEROISM IN TAKING INTO CUSTODY AN ARMED ESCAPED CONVICT AND RECOMMENDING SAM P. GARRISON TO THE CARNEGIE HERO COMMISSION FOR A SUITABLE AWARD FOR VOLUNTARILY RISKING HIS OWN LIFE TO RESCUE ISLEY WILCOX FROM AN IMMINENT THREAT OF DEATH.

WHEREAS, Sam P. Garrison, a Major in the State Correction Service, while off-duty from his regular assignment at Central Prison in Raleigh, did, on June 3, 1969, in Robeson County, North Carolina, at the certain and grave risk of his own life, voluntarily enter unarmed the home of Isley Wilcox, knowing that Mr. Wilcox was being held as a hostage by an armed and desperate convict, who had killed one officer of the State Correction Service in effecting his escape; and

WHEREAS, Sam P. Garrison by courage and skill did persuade the convict to release his hostage, surrender his arms, and submit to custody; and

WHEREAS, Sam P. Garrison acted in accordance with the highest traditions of the State Correction Service of which he is an able and devoted member, and in the spirit of self-sacrifice which characterizes the law enforcement officers of this State and Nation, although this heroic act was performed above and beyond the requirements of his assigned duties; and

1598
RESOLUTIONS—1969

WHEREAS, Sam P. Garrison acted for the benefit of others without thought of personal gain, but with keen awareness of the danger to himself, knowing that his action could save the life of Mr. Wilcox and prevent an exchange of gunfire that would endanger the lives of his correctional and law enforcement colleagues and of private citizens present within range of the convict’s weapons;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina, Session of 1969, express its commendation of Sam P. Garrison for his unselfish and heroic efforts in rescuing Isley Wilcox, disarming and taking into custody the convict who had held Mr. Wilcox hostage and threatened to exchange gunfire with the correctional and law enforcement officers surrounding the Wilcox home on the night of June 2, and the early morning of June 3, 1969.

Sec. 2. That the General Assembly recognize and pay tribute to the extraordinary courage and skill of Sam P. Garrison in dealing with desperate and dangerous convicts, and by honoring him express appreciation for the contributions all officers of the State Correction Service make to the criminal justice system of North Carolina, and for the teamwork with which that Service and other law enforcement agencies join together for the protection of the people of North Carolina.

Sec. 3. That the General Assembly of North Carolina by this Resolution commend Sam P. Garrison to the Carnegie Hero Fund Commission, urging said Commission to make a suitable award to Sam P. Garrison.

Sec. 4. That this Resolution shall be in full force and effect from and after its adoption.

Sec. 5. That the Secretary of State of North Carolina send official copies of this Resolution to Sam P. Garrison and to the Carnegie Hero Fund Commission.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

H. R. 1351

RESOLUTION 91

A JOINT RESOLUTION HONORING WILLIAM HOWARD PLEMMONS UPON HIS RETIREMENT AS PRESIDENT OF APPALACHIAN STATE UNIVERSITY.

WHEREAS, William Howard Plemmons, distinguished North Carolinian, was born in Asheville, the son of mountain people, and reared midst the peaks and hollows of the Blue Ridge Mountains; and

WHEREAS, he obtained his education here in North Carolina, attending the public schools of Asheville, Wake Forest University, Duke University and the University of North Carolina, distinguishing himself at an early age as a person with unique qualities of leadership, scholarship and character; and

WHEREAS, William Howard Plemmons, a descendent of the strong and self-reliant people of the West, shaped these qualities into effective tools to help guide the progress of his entire native State, especially in the field of higher education, and dedicated his life to the proposition that the benefits of education should be available to all the people; and

WHEREAS, the citizens of the State of North Carolina, home of many great men, again have reason to be proud when the myriad accomplishments of William
Howard Plemmons are remembered upon his retirement as President of Appalachian State University, in which position he has served since 1955;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly does today honor William Howard Plemmons for his outstanding accomplishments on behalf of the young men and women of North Carolina in the field of education and thank him for his great personal dedication to promoting the welfare and progress of this State.

Sec. 2. The sincere best wishes of his fellow North Carolinians be extended to William Howard Plemmons upon the occasion of his retirement and go with him in all endeavors hereafter undertaken.

Sec. 3. The Secretary of State is directed to prepare and deliver to the Honorable William Howard Plemmons ten copies of this Resolution.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of June, 1969.

S. R. 789

RESOLUTION 92

A JOINT RESOLUTION CREATING A COMMISSION FOR THE STUDY OF THE LOCAL AND AD VALOREM TAX STRUCTURE OF THE STATE OF NORTH CAROLINA TO MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE 1971 GENERAL ASSEMBLY.

WHEREAS, it is desirable that the tax structure of the local governing units of the State of North Carolina should be studied and reviewed to ascertain whether it meets the tests of stability and equity, whether it is being administered efficiently and effectively and whether it makes adequate provision for the sound and essential purposes of local government;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby created a Commission for the Study of the Local and Ad Valorem Tax Structure of the State to be composed of nine members and who shall be appointed as follows: three members shall be appointed by the Governor, three members shall be appointed by the President of the Senate and three members shall be appointed by the Speaker of the House.

Sec. 2. It shall be the duty of the Commission to study and review the tax laws of the State, relating to local taxation, and to recommend such changes as it may deem advisable to the ends that the local revenue system may be as productive as possible consistent with equity, stability and efficient administration; that it may be fair when compared with the local tax systems of other states and when compared with other parts of the tax structure of this State; and that it may not place an undue hindrance to the location or expansion of business in the State.

Sec. 3. Upon its appointment, the Commission shall organize by electing from its membership a chairman and a vice chairman. The Administrative Officer of the State Board of Assessment shall serve as secretary to the Commission, but shall not be a member. The Commission is authorized, with the approval of the Governor, to employ such clerical and other assistants, professional advice and services as may be deemed necessary in the performance of its duties.

1600
Sec. 4. The members of the Commission shall be paid such per diem and travel expenses as are provided for members of State boards and commissions generally. The expenses of the Commission shall be paid from the Contingency and Emergency Fund; provided, however, that total of such expenses of the Commission shall not exceed the sum of thirty thousand dollars ($30,000).

Sec. 5. The State Board of Assessment, The Commissioner of Revenue, the Director of Tax Research and all local taxing officials shall make themselves and their staffs available to the Commission.

Sec. 6. The Commission shall submit its report by October 1, 1970, to the Governor for transmittal to the Advisory Budget Commission and the 1971 General Assembly.

Sec. 7. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

S. R. 814

RESOLUTION 93

A JOINT RESOLUTION EXPRESSING CONCERN ABOUT CAMPUS DISORDERS AND CALLING FOR EDUCATIONAL AND GOVERNMENTAL LEADERS TO STAND UNITED IN DEALING THEREWITH.

WHEREAS, during recent months many colleges and universities throughout this Nation have been the scene of violent discord, and the fabric of our system of higher education has been rent and trampled upon by persons who turn to lawless acts to achieve their desires; and

WHEREAS, during this period of crisis on our campuses, citizens have rightfully been concerned that the processes of higher education not be disrupted, that administrators of institutions of higher learning not submit to the unreasonable demands of a militant minority, and that the rights of many not be sacrificed to the whims and destructive acts of a few; and

WHEREAS, it is essential that during this period of crisis, leaders of government and administrators of our colleges and universities stand united against disruptive influences, blatant threats, attempted coercion and violent acts, and those who would destroy our system of education, and maintain an atmosphere of order, harmony and mutual respect to the end that the processes of higher education continue unimpeded, and a proper balance be struck between individual liberty and social order; and

WHEREAS, the General Assembly of North Carolina knows that the leaders of our institutions of higher learning have steadfastly supported the democratic principle that although constructive change is desirable, it must be achieved in a democratic manner through orderly discussion and reasonable action within the bounds of the law;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the educational leaders of North Carolina be commended for their success in preserving order on their respective campuses and responding effectively to the continuing need to incorporate necessary and proper changes in our educational system; and
Sec. 2. That these leaders be enjoined and supported by all citizens of North Carolina as they continue to maintain order on their respective campuses; to ensure that the educational processes not be deterred; to demand that the laws of our State and Nation be respected and immediately enforced; and to make sure that no campus become a refuge for the anarchist and the lawless; and

Sec. 3. That the General Assembly of North Carolina pledge its continued and total support to these outstanding leaders in this time of crisis to the end that working together, the leaders of the government, education, and all the citizens of this State can achieve just and reasonable solutions to the problems of our day

Sec. 4. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. R. 1374

RESOLUTION 94

A JOINT RESOLUTION HONORING THE MEMORY OF EMMETT CLIVE WILLIS, JR.

WHEREAS, Emmett Clive Willis, Jr. was born in Wilkes County on December 3, 1912, and the General Assembly has learned that he died in Catawba County on May 28, 1969; and

WHEREAS, during his life he was unselfishly dedicated to the service of his community, state, country and church, as a member of the bar, a member of the Judiciary, a member of the armed forces, an active participant in service to the church, and in all ways a public spirited citizen; and

WHEREAS, his service included contributions as City Attorney, Hickory; Judge, Catawba County Recorders Court; Judge, Hickory Municipal Court; President, Catawba County Bar Association; President, Twenty-fifth Judicial Bar Association; Chairman, Hickory Community Chest; Chairman, Catawba County Democratic Party Executive Committee; Assistant Attorney General, State of North Carolina; Captain, U. S. Army, Bronze Star recipient, World War II; Board Member, First United Methodist Church, Hickory; President, Men's Bible Class, First United Methodist Church, Hickory; and

WHEREAS, the passing of a valued leader of the bar, a devoted public servant and an outstanding citizen is a matter of great loss and deep regret;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of Emmett Clive Willis, Jr. North Carolina and the County of Catawba have lost a devoted public servant and an outstanding citizen.

Sec. 2. That the General Assembly expresses appreciation to his family for that deep sense of service from which his contributions sprang, and expresses regret and sympathy to his family at his passing.

Sec. 3. That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution be duly certified by the Secretary of State and transmitted to the family of Emmett Clive Willis, Jr.

Sec. 4. That this Resolution shall become effective upon its ratification.
RESOLUTIONS—1969

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. R. 1369  RESOLUTION 95
A JOINT RESOLUTION CONGRATULATING THE SOUTHEAST GUILFORD HIGH SCHOOL BASEBALL FALCONS - 1969 3-A CHAMPIONS.

WHEREAS, The Southeast Guilford High School Baseball team by virtue of its impressive 14-2 record was declared baseball champions of the Mid-State Athletic Conference; and

WHEREAS, Coach Bill Slayton's high flying Falcons defeated Andrews High School and Forbush High School in their triumphant march to the Western Regional Championship; and

WHEREAS, Southeast Guilford defeated Stedman High School in two consecutive games and as a result of these victories was declared North Carolina's Class 3-A baseball champions with an overall record of 18 victories and 2 defeats;

Now, therefore, be it resolved by the North Carolina General Assembly:

Section 1. The Southeast Guilford Baseball team, Coach Bill Slayton and Principal John Cox are hereby commended for the championship performance displayed by the Falcons during the 1969 season.

Sec. 2. A copy of this Resolution shall be certified by the Secretary of State and forwarded to Mr. John Cox, Principal, and Mr. Bill Slayton, Baseball Coach, at Southeast Guilford High School, Route 4, Greensboro.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 25th day of June, 1969.

H. R. 1387  RESOLUTION 96
A JOINT RESOLUTION HONORING THE MEMORY OF JOSEPH WILLIAM MASON, FORMER MEMBER OF THE GENERAL ASSEMBLY FROM CARTERET COUNTY.

WHEREAS, Joseph William Mason, former Representative of Carteret County in the General Assembly in 1903, died on the 3rd day of June 1969, in his ninetieth year; and

WHEREAS, Joseph William Mason was born in the town of Atlantic, Carteret County, North Carolina, on January 28th, 1878 and received his formal education at the Atlantic Academy; and

WHEREAS, he devoted himself untiringly to the betterment of his local community, his County and the State; and

WHEREAS, he distinguished himself and his community as a teacher, merchant and commercial fisherman, and was instrumental in the establishment, in 1905, of the first public high school in Carteret County; and

WHEREAS, he was reputed to have been the oldest surviving member of the General Assembly of 1903; and

1603
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of Joseph William Mason, North Carolina and the County of Carteret have lost an outstanding citizen and former legislator, who charted a course of honor, integrity, and devoted service, and whose memory now shines as a guiding beacon for those who follow.

Sec. 2. That a copy of this Resolution be spread on the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him duly transmitted to the family of Joseph William Mason.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

S. R. 892

RESOLUTION 97

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE ELECTION OF TRUSTEES FOR THE GREATER UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Senate and House of Representatives meet in Joint Session on Thursday, the 26th day of June, 1969, at 12:30 P.M. in the House Chamber for the purpose of electing Trustees of the Greater University of North Carolina.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1969.

S. R. 859

RESOLUTION 98

A JOINT RESOLUTION EXPRESSING THE GRATITUDE AND APPRECIATION OF THE GENERAL ASSEMBLY TO ALL LAW ENFORCEMENT OFFICERS IN THE STATE OF NORTH CAROLINA.

WHEREAS, we are blessed in that we have a government of Laws; and

WHEREAS, our freedom and our American way of life are dependent upon the proper functioning of the system of Law by which we are governed; and

WHEREAS, our government of Laws, and our American way of life, have been shaken and endangered by disorder, lawlessness and crime; and

WHEREAS, the citizens of North Carolina and the General Assembly are concerned about the public disorder and crime that are undermining our system of Laws in this State and our freedom and our way of life; and

WHEREAS, the number of serious crimes and disorders reported in 1969 is twice that reported in 1960; and

WHEREAS, the cost of crime and its control is in excess of three hundred thousand dollars ($300,000) per year in North Carolina; and

1604
WHEREAS, the General Assembly recognizes and acknowledges that law enforcement officers are the most important guardians that we have of our safety, way of life, and democratic form of government; and

WHEREAS, the General Assembly and the people of North Carolina are aware of the great service being rendered to them through law enforcement officers in complex and often confusing situations;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the North Carolina General Assembly, speaking on behalf of all the citizens of North Carolina, expresses its deep appreciation to all law enforcement officers for their constant devotion to and preservation of our government of Laws.

Sec. 2. That the North Carolina General Assembly further recognizes the great and important part that law enforcement officers play in guaranteeing the safety of our person and property.

Sec. 3. That the North Carolina General Assembly hereby expresses its complete and total support and backing to all law enforcement officers in North Carolina.

Sec. 4. That the North Carolina General Assembly reaffirms its continued confidence in our law enforcement officers and solemnly pledges its complete support to all of our law enforcement officers as they continue to guard and enforce our Laws.

Sec. 5. That the North Carolina General Assembly, and the citizens of our State, will continue to cooperate with and support our law enforcement officers as all of us work together to solve our problems in an orderly and democratic manner under our government of Laws.

Sec. 6. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.

S. R. 712

RESOLUTION 100

A JOINT RESOLUTION PROVIDING FOR A CITIZENS ADVISORY COMMITTEE ON THE GENERAL ASSEMBLY OF NORTH CAROLINA; AND DEFINING THE METHOD OF APPOINTMENT, POWERS, AND DUTIES OF THIS COMMITTEE.

WHEREAS, The North Carolina General Assembly is facing ever-increasing problems in fulfilling its responsibilities to the people of the State of North Carolina; and

WHEREAS, The declared policy of the General Assembly of North Carolina is to improve its legislative process to the end that it may truly become, in the fullest sense, an equal and coordinate branch of the government of this State; and

WHEREAS, The effective pursuit of these goals will require a comprehensive study over an extended period of time to determine and define the problems and develop solutions for them; and

WHEREAS, National Organizations and foundations headed by outstanding citizens from all walks of life have been formed to encourage and assist in this endeavor, and other established national organizations have made the improvement of legisla-
tures one of their major objectives, indicating that substantial improvements will be forthcoming on a national scale; and

WHEREAS, The General Assembly has great respect for the ability of the people of the State and desires to have and to make use of their knowledge and views concerning legislative improvement;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly shall create a Citizens Advisory Committee on the General Assembly of North Carolina, consisting of outstanding citizens from all walks of life including members of the Legislature. The President of the Senate and the Speaker of the House of Representatives shall be members ex officio, and there shall be thirty other members as follows: three members of the Senate and twelve private citizens of the State, appointed by the President of the Senate; three members of the House of Representatives and twelve private citizens of the State appointed by the Speaker of the House of Representatives. Of the three members appointed from each House, no more than two may be of the same political party. All appointees shall serve until the work of the Committee is completed, at which time the Committee will expire. Any vacancy in the Committee, created by death, resignation or refusal to serve shall be filled by appointment in the same manner.

Sec. 2. Within thirty days of the adoption of this Resolution, appointments of the members of the Committee shall be made. Within fifteen days thereafter at the State Legislative Building and on the day designated by the President of the Senate and the Speaker of the House of Representatives the Committee shall meet and organize by selecting from its non-legislative members a chairman and such other officers as it considers necessary, and shall provide rules for transacting its business and keeping records thereof. A majority of the members of the Committee constitutes a quorum at any of its meetings. Members of the Committee shall serve without compensation.

Sec. 3. The Committee shall have full access and use of all legislative records, and shall use the facilities of the State Legislative Building.

Sec. 4. It shall be the duty of the Committee to study the legislative needs, organization, facilities, and functions with the goal of improving and strengthening the ability of the General Assembly to fulfill its responsibilities in our representative democracy. The study will be broad and comprehensive in scope. In order to make its findings known to the Legislature and the citizens of the State, the Committee shall submit interim reports as it deems necessary; and a final report which will set out the problems as it has found them to exist, together with its proposals and recommendations to resolve those problems and improve the General Assembly.

Sec. 5. The Committee may, by a majority vote of the members present, accept any offer of services, equipment, supplies, materials or funds by gift or grant made for the purposes of assisting the Committee in carrying out its functions.

Sec. 6. This Resolution shall be in full force and effect upon and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
H. R. 1275

RESOLUTION 101

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY THE UNIFORM CONSUMER CREDIT CODE.

WHEREAS, the final draft of the Uniform Consumer Credit Code was approved by the National Conference of Commissioners on Uniform State Laws on July 30, 1968, and by the American Bar Association on August 7, 1968, and was revised to conform to exemption requirements of the Federal Consumer Credit Protection Act and regulations of the Federal Reserve Board; and

WHEREAS, the Uniform Consumer Credit Code is currently being studied and evaluated by Study Commissions in fifteen (15) states, and has been introduced in the legislatures and is currently pending in twenty-one states, and has been enacted into law in one state; and

WHEREAS, the Uniform Consumer Credit Code contains provisions of vast importance to the citizens of North Carolina pertaining to retail installment sales, consumer credit, small loans, and usury, and should be carefully studied and evaluated prior to introduction in the General Assembly of North Carolina;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a Commission to be known as the Uniform Consumer Credit Code Study Commission for the study and evaluation of the Uniform Consumer Credit Code as approved by the National Conference of Commissioners on Uniform State Laws on July 30, 1968, and as revised to conform to exemption requirements of the Federal Consumer Credit Protection Act and regulations of the Federal Reserve Board. The Commission shall consist of eleven members, four of whom shall be named by the Speaker of the House of Representatives and three of whom shall be named by the President of the Senate and four of whom shall be named by the Governor.

Sec. 2. It shall be the duty of the Commission to make a detailed, exhaustive and analytical study of the final draft of the Uniform Consumer Credit Code, as approved by the National Conference on Commissioners of Uniform State Laws and as conform to exemption requirements of the Federal Consumer Credit Protection Act and regulations of the Federal Reserve Board. The Commission may in its discretion conduct such hearings and obtain the benefit of such research in connection with its study as may be deemed necessary in the performance of its duties.

Sec. 3. Upon its appointment, the Commission shall organize by electing from its membership a Chairman at whose call meetings of the Commission shall be held. Members appointed for service on the Commission shall be selected on the basis of business acumen, character and integrity; provided, however that at least two of those members named by the Governor shall represent the consuming public.

Sec. 4. The members of the Commission shall be paid such per diem and travel expenses as are provided for members of State boards and commissions generally. The expenses of the Commission shall be paid from the Contingency and Emergency Fund.

Sec. 5. It shall be the duty of the Commission to make a written report to the 1971 Session of the General Assembly setting forth its findings, conclusions, and recommendations with respect to the Uniform Consumer Credit Code. Upon the filing of its report, the Commission shall cease to exist.
Sec. 6. This Resolution shall become effective upon its adoption.
In the General Assembly read three times and ratified, this the 30th day of
June, 1969.

S. R. 867

RESOLUTION 102

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LENNOX
POLK MCLENDON, DISTINGUISHED CITIZEN OF THE STATE OF NORTH
CAROLINA AND A FORMER MEMBER OF THE HOUSE OF REPRESENTA-
TIVES FROM DURHAM COUNTY.

WHEREAS, Lennox Polk McLendon died August 7, 1968, after a distinguished
life of service to the people of the State of North Carolina in many fields of endeavor; and

WHEREAS, the people of this State on that day lost one of the outstanding
men of this century in the history of North Carolina, a man who freely gave of
his time and abilities in the field of education, religion, the improvement of justice,
the development of better medical care, and in the political life of the State; and

WHEREAS, Lennox P. McLendon was born in the Town of Wadesboro, Anson
County, North Carolina, on February 12, 1890, the son of Dr. Walter Jones McLen-
don and Sarah Polk McLendon, his mother being a relative of President Polk; and

WHEREAS, he was graduated from the Wadesboro Public Schools and received
a B. S. degree in Agriculture at A and M College (now North Carolina State Univer-
sity) and then received an LL.B. degree in 1912 from the University of North Caroli-
a, at Chapel Hill where he was elected and served as Mayor of the Town of Chapel
Hill while in his early twenties; and

WHEREAS, he married the former Mary Lilly Aycock, daughter of Governor
Charles Brantley Aycock in 1917 to which marriage were born five children, who,
with Mrs. McLendon, survive him: Mary Louise McLendon Atkinson, Lennox P.
McLendon, Jr., Charles A. McLendon, Dr. William W. McLendon and John A.
McLendon, and he was always a considerate and devoted family man; and

WHEREAS, he was a member of the Baptist Church and a leader and teacher
for many years, and

WHEREAS, he practiced law in Durham from 1914 to 1921 and then served
as Solicitor of the Tenth Judicial District from 1921-25 and thereafter continued
his practice in Durham until 1933 when he became a partner in a Greensboro firm,
later known as Brooks, McLendon, Brim and Holderness, where he remained active
until his death, and

WHEREAS, Lennox P. McLendon earned the reputation of being one of the
greatest trial lawyers ever to practice in the State of North Carolina, renowned
and respected for his scholarly preparation, trial experience, wisdom, and sense
of humor, appearing in some of the most famous criminal and civil cases ever record-
ed in North Carolina; and

WHEREAS, he served with honor as a first lieutenant and captain in Battery
C of the 113th Field Artillery in combat in France in 1918, and later was promoted
to major and was known affectionately by the title of "Major" throughout the
remainder of his life, and
WHEREAS, his life was conspicuous because of tireless and unselfish public service to his State and County, first as mayor of Chapel Hill, then Superior Court Solicitor, as a member of the North Carolina House of Representatives from 1917 to 1918, Chairman of the State Board of Elections, manager of the successful campaign of J. C. B. Ehringhaus for the Office of Governor, Chairman of the Commission on the State Department of Justice, Member of the North Carolina Probation Commission 1939-1954, President of North Carolina Bar Association 1941-1942, one of the original promoters and always a friend of the Institute of Government, achieving national distinction as General Counsel for the United States Senate Committee in the "Bobby Baker" investigation where he strongly and publicly urged that the United States Senate adopt a Code of Ethics, and

WHEREAS, his exceptional ability and integrity as a lawyer was recognized by an offer of appointment in 1936 to the Supreme Court of North Carolina, which for personal reasons, he declined, and

WHEREAS, his public and private life were marked with those most important of all characteristics—integrity and duty— and, in addition were marked with an extraordinary sense of kindness and considerateness for everyone with whom he came in contact, both rich and poor, high and low, and

WHEREAS, he worked tirelessly for the cause of better education and health in North Carolina and served as Chairman of the Durham City Board of Education, Trustee of A & T College at Greensboro, Trustee of North Carolina State University, Trustee and member of the Executive Committee of the Consolidated University of North Carolina, member of the Medical School Committee and Health Affairs Committee, member and Chairman of the State Board of Higher Education, Trustee of Moses H. Cone Memorial Hospital, Trustee of North Carolina Baptist Hospital in Winston-Salem, and President of the Medical Foundation of North Carolina, Trustee of Oak Ridge Military Institute, his long and distinguished career having been recognized by the award of an honorary doctor's degree at North Carolina State University, the University of North Carolina at Chapel Hill and the University of North Carolina at Greensboro, (the first person ever to receive an honorary degree from these three institutions), and

WHEREAS, he was active in the political life of the State and was a trusted and respected friend and advisor of almost every governor to serve during the "Major's" adult life, and was a close friend of the late Governor W. Kerr Scott; and numbered among his friends many members of the present General Assembly who knew and loved him well, and

WHEREAS, he declined to become a candidate for high political office and chose instead to devote immeasurable time without compensation to the uplifting of the people of our State, and

WHEREAS, the people of this State, and indeed many beyond the bounds of this State, grievously feel the loss of this great public spirited and unselfish man and desire that his life be commemorated and permanently recognized in the annals of history of this State;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of the Honorable Lennox Polk McLendon the State of North Carolina lost one of its greatest public spirited servants who held duty and honor above all else.
Sec. 2. That the General Assembly of North Carolina do hereby express deep appreciation of him as a citizen and servant of this State and Nation, and extend deep sympathy to his family.

Sec. 3. That the Secretary of State shall cause certified copies of this Resolution to be sent to the family of the Honorable Lennox Polk McLendon.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. R. 200

RESOLUTION 103

A JOINT RESOLUTION URGING THE STRENGTHENING OF SCIENCE AND OTHER FACETS OF PREMEDICAL EDUCATION.

WHEREAS, a committee of the Legislative Research Commission of 1967-69 found that 130 North Carolina residents entered medical schools in 1966, ranking us very low, and in addition, only four North Carolina colleges supply the bulk of the students entering medical schools, and both of these disturbing facts indicate that the science and other premedical preparation in North Carolina public high schools and most of the colleges and universities in the State need great strengthening;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Board of Education and the Board of Higher Education should actively pursue the strengthening of science and other facets of premedical education in both public high schools and higher education facilities across the State and favorable treatment of related appropriation requests should be given by the General Assembly.

Sec. 2. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

S. R. 199

RESOLUTION 104

A JOINT RESOLUTION URGING THE THREE MEDICAL SCHOOLS IN THE STATE TO INCREASE THEIR OUTPUT OF PHYSICIANS.

WHEREAS, a committee of the Legislative Research Commission of 1967-69 found that there is a dire shortage of practicing physicians both in the Nation and in the State, but particularly in the rural areas of North Carolina, and one solution is the production of more physicians by the medical schools;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The three medical schools in the State must increase their output of physicians by increasing the number of entering students, accelerating the educational process, and orienting medical education toward practice.

Sec. 2. The appropriations requested by the Medical School of the University of North Carolina for its planned expansion should be approved.

Sec. 3. This Resolution shall become effective upon its ratification.
RESOLUTION 105

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON WEDNESDAY, JULY 2, 1969.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That both the Senate and the House of Representatives constituting the General Assembly of 1969, do adjourn sine die on Wednesday, July 2, 1969 at 4:00 p.m.

Sec. 2. That this Resolution shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

RESOLUTION 106

A JOINT RESOLUTION HONORING CRAWFORD "TOP" DALTON, A SERGEANT-AT-ARMS OF THE NORTH CAROLINA GENERAL ASSEMBLY.

WHEREAS, Crawford Dalton, affectionately known as "Top," has served his State well, as Sergeant-at-Arms of the North Carolina General Assembly for eleven terms, more than any other man in recent history; and

WHEREAS, "Top" was a Sergeant-at-Arms of the House of Representatives for six terms from 1937 through 1945; and

WHEREAS, he has been a Sergeant-at-Arms of the Senate for five terms from 1959 to 1969; and

WHEREAS, when he was a Sergeant-at-Arms in the House of Representatives, he drove the then Speaker of the House and his great friend, the man who subsequently became the Governor, the Honorable Gregg Cherry to and from the General Assembly; and

WHEREAS, he has always studied all legislation carefully and has always been a confidant and adviser to members of the delegation from his area; and

WHEREAS, "Top", age 66 and a resident of Gastonia, is married to the former Mary Charles; and

WHEREAS, "Top" Dalton has rendered distinguished service to his community, to his State and to the members of eleven legislative sessions and two special sessions of the General Assembly of North Carolina.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the 1969 General Assembly honors and expresses its gratitude to Crawford "Top" Dalton for his excellent service given so generously to his State for more than thirty years.

Sec. 2. That the Secretary of State shall certify a copy of this Resolution and send it to Crawford "Top" Dalton.

Sec. 3. This Resolution shall become effective upon its adoption.
RESOLUTIONS—1969

In the General Assembly read three times and ratified, this the 30th day of June, 1969.

H. R. 853

RESOLUTION 107

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE LEGISLATIVE
RESEARCH COMMISSION TO INVESTIGATE AND REPORT UPON THE
FEASIBILITY OF UTILIZING ANY UNUSED MEDICAL FACILITIES AT THE
EASTERN NORTH CAROLINA SANITORIUM FOR THE PURPOSE OF SUP-
PLYING EASTERN NORTH CAROLINA'S UNMET MEDICAL EDUCATION-
AL, AND HEALTH NEEDS.

WHEREAS, it has always been considered to be in the best interest of a State
to conserve the health of its citizenry just as it conserves any other natural resource; and

WHEREAS, the State of North Carolina manifests its concern for its citizens' health by maintaining constant vigilance over matters pertaining to the populaces' health by means of research, by means of the establishment and prudent use of medical facilities, and by means of retaining competent personnel to implement necessary health programs; and

WHEREAS, the Legislative Research Commission has heretofore studied and made recommendations on public health by recommending that support should be given to the development of medical school affiliations with community hospitals, and hence medical school extension into community medical care; and

WHEREAS, there now exists in eastern North Carolina certain identifiable unmet medical educational, and health needs; and

WHEREAS, there now exists approximately one hundred and sixty (160) modern unused bed spaces at the eastern North Carolina Sanatorium; and

WHEREAS, this Sanatorium, is located on a large and easily accessible campus, adjoining a major north-south, east-west highway;

Now, therefore, be it resolved by the House of Representatives, the Senate concur-
ing:

Section 1. The Legislative Research Commission is hereby authorized and directed to conduct an in-depth study about the feasibility of utilizing the unused medical facilities at eastern North Carolina Sanatorium for the purpose of providing eastern North Carolina's unmet medical educational, and health needs. In making this study, the Commission shall consult with Sanatorium officials and utilize the professional services available at the University of North Carolina, including but not limited to the Division of Health Affairs. All information and recommendations made hereunder shall be made available to any other Study Commission that may be studying and evaluating the status of the Sanatorium system.

Sec. 2. The Legislative Research Commission shall report its findings, recommendations, and propose all legislation it deems necessary to implement its findings and recommendations, to the 1971 General Assembly.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.
H. R. 1245  RESOLUTION 108

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY AND REPORT ON THE OPERATION AND NEEDS OF NORTH CAROLINA SCHOOLS FOR THE BLIND AND DEAF, THE NORTH CAROLINA SANATORIUM SYSTEM, AND RELATED INSTITUTIONS OF DECLINING USE.

WHEREAS, the Governor Morehead School consists of two campuses, one on Garner Road, Raleigh, North Carolina, serving approximately 175 deaf children (the remainder being blind), the second on Ashe Avenue, Raleigh, North Carolina, serving all blind students and no deaf students; and

WHEREAS, the State has two schools for the deaf, one in Wilson and one in Morganton; and

WHEREAS, a current proposal is to consolidate the blind school campuses of Governor Morehead School on Ashe Avenue, transferring the few deaf students at the Garner Road Campus to the two schools for the deaf; and

WHEREAS, a new school for the deaf has been proposed in the Piedmont; and

WHEREAS, the bed space at existing schools appears to be adequate for both blind and deaf students for the immediate future; and

WHEREAS, the facilities of the North Carolina Sanatorium System are not being used to capacity and the future of the System deserves further study; and

WHEREAS, other State institutions such as orthopedic hospitals are experiencing a declining patient census;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a Commission to be designated as the Study Commission on Schools for the Blind and Deaf, Sanatorium System and Related Institutions of Declining Use. It shall consist of three members appointed by the Governor. The Governor shall designate a Chairman from the membership of the Commission.

Sec. 2. The Commission is hereby authorized and directed to make a thorough study of the facility requirements of the schools for the blind and deaf in relation to presently operated campuses for the purpose of determining the most feasible utilization of existing facilities and the need for an additional school for the deaf.

Sec. 3. The Commission is further authorized and directed to conduct an in-depth study of the North Carolina Sanatorium System for the purpose of determining the feasibility of utilizing the unused medical facilities for other urgent State medical, educational or health needs.

Sec. 4. The Commission is also authorized and directed to study other related State institutions with facilities of declining use for the purpose of determining the feasibility of their use for more critical State needs.

Sec. 5. (a) The Commission may hold meetings and hearings at such times and places as it deems convenient.

(b) The Commission may employ such professional, technical, and clerical assistance as appropriate and may contract for such materials and services as it deems necessary.

1613
RESOLUTIONS—1969

(c) Upon request of the Commission, each state agency or institution affected shall provide the Commission with information in its possession that the Commission deems pertinent to its inquiry.

Sec. 6. The members of the Commission who are not officers or employees of the State shall be entitled to receive the per diem and travel expenses as provided generally by law for members of State boards and Commissions.

Sec. 7. The expenses of the Commission shall be paid from the Contingency and Emergency Fund, pursuant to the procedure prescribed in G. S. Sec. 143-12.

Sec. 8. After completing its investigation and study, this Commission shall file a report with the Governor and the Advisory Budget Commission by July 1, 1970.

Sec. 9. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. R. 1343

RESOLUTION 109

A JOINT RESOLUTION REQUESTING THE SUBMISSION TO THE VOTERS OF WAKE COUNTY AND THE CITY OF RALEIGH FOR APPROVAL OF THE MERGER OF THE CITY AND COUNTY SCHOOL ADMINISTRATIVE UNITS.

WHEREAS, many citizens of Wake County are desirous of the merger of the Wake County and Raleigh City Administrative School Units; and

WHEREAS, many citizens of the County and City of Raleigh do not favor the merger of said school units; and

WHEREAS, the George Peabody College for Teachers of Nashville, Tennessee, has made an extensive study of the school needs of Wake County and the City of Raleigh and has filed a written report recommending the merger of the City and County School Systems; and

WHEREAS, said Peabody Report has further recommended that the merger of the City and County School Systems should be decided upon by the voters in a popular referendum; and

WHEREAS, the General Statutes (G. S. 115-74.1) provide that a plan of merger may be submitted for approval of the voters of the geographic area affected;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the County Commissioners of Wake County, in cooperation with the Boards of Education of the City of Raleigh and Wake County, are requested to submit to the voters of the City and County the question of the merger of the City and County School Administrative Units and that such election be held on or before July 1, 1970.

Sec. 2. This Resolution shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
H. R. 1229

RESOLUTION 110

A JOINT RESOLUTION ENCOURAGING THE DEPARTMENT OF ADMINISTRATION TO DEVELOP IMPROVED METHODS FOR PREPARING AND PRESENTING BUDGETS.

WHEREAS, members of the General Assembly have expressed concern about the growing cost of State Government, and about the numbers of agencies and programs which have been established; and

WHEREAS, the present method of presenting information about these costs, agencies and programs through line item budget detail is considered to be slow and difficult to present as well as to understand; and

WHEREAS, if information concerning costs were stated in terms of programs of the agencies, emphasizing purposes and objectives but being supported by estimated cost detail in line item form, the members of the General Assembly would be more effectively informed, and could form better judgments as to the relative scope and urgencies of State Government activities as carried out through these programs; and

WHEREAS, statement of activity in terms of programs will be conducive to better planning, and thus will provide a basis for comparison of priorities of needs to the extent of available revenue;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. Be it resolved, therefore, that the General Assembly encourage the development of improved methods of preparing and presenting budget information, by empowering the Department of Administration to explore innovative developments in this field, and by appropriation of funds to the Department for the employment of specialists, the support of training programs for agency personnel in the new methods and techniques, the development on a pilot study basis of budgets for major State programs according to the new procedures evolved, and the printing and distribution of such model budgets.

Sec. 2. Be it further resolved that the Department of Administration be encouraged to secure Federal and other grants to assist in the development of these improved budget methods and procedures.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. R. 1381

RESOLUTION 111

A JOINT RESOLUTION CONTINUING THE LOCAL GOVERNMENT STUDY COMMISSION.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Local Government Study Commission established by Resolution 76 of the Session Laws of 1967 is hereby continued in existence through January 1, 1971. The Commission shall consist of three Senators appointed by the President of the Senate, six Representatives appointed by the Speaker of the House, and six citizens appointed by the Governor. The Commission shall select its own chairman and such other officers as it may deem necessary.
Sec. 2. The members of the Commission shall be appointed as soon after the adjournment of the General Assembly as is practicable, and shall serve until the report of the Commission is filed with the Governor.

Sec. 3. The Commission shall continue to study those matters assigned to it by Sec. 3, Resolution 76, of the Session Laws of 1967, and shall report its findings and recommendations to the Governor and General Assembly of 1971 and shall make publication of the same not later than January 1, 1971.

Sec. 4. The members of the Commission shall receive while engaged in the service of the State the per diem, travel, and subsistence allowances prescribed in G.S. 138-5. The Commission may employ such assistance and procure such materials and services as it deems necessary to the performance of its duties, and may accept and expend the proceeds of any gift, donation, or grant from any person, firm, corporation, foundation, or governmental agency. The expenses of the Commission shall be paid from the Contingency and Emergency Fund pursuant to G.S. 143-12 and any other funds available to the Commission. Every agency of State, county, and municipal government shall provide the Commission with such information and assistance as may be requested by the Commission, as provided in Chapter 120 of the General Statutes of North Carolina.

Sec. 5. This Resolution shall take effect July 1, 1969.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. R. 857

RESOLUTION 112

A JOINT RESOLUTION REQUESTING THE GOVERNOR TO UNDERTAKE A COMPREHENSIVE STUDY OF THE HEALTH AGENCIES AND SERVICES OF THIS STATE.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Governor of North Carolina is requested:

(1) To undertake a comprehensive and detailed examination of the departments, agencies, institutions, services and programs maintained by the State to minister to the health and mental health needs of the people of North Carolina, for the purpose of determining whether they are organized and administered in the manner best calculated to achieve maximum effectiveness, efficiency and economy in meeting the health and mental health needs of the people of this State;

(2) To take such administrative actions as he finds, on the basis of the aforesaid study, to be needed;

(3) To recommend to the General Assembly of North Carolina such legislation as he finds, on the basis of the aforesaid study, to be needed.

Sec. 2. The Governor, with the approval of the Council of State, may allocate from the Contingency and Emergency Fund such sums as may be necessary for the purpose of financing the aforesaid study.

Sec. 3. All laws and clauses of laws in conflict with this Resolution are repealed.

Sec. 4. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.
S. R. 876

RESOLUTION 113

A JOINT RESOLUTION DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF A LEGISLATIVE RETIREMENT FUND.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is hereby directed to study the feasibility of a Retirement Fund for the General Assembly including such considerations as the funding, eligibility, benefits, administration and custodianship of such a Retirement Fund.

Sec. 2. The Legislative Research Commission shall report its findings and any recommendations resulting from this study to the 1971 General Assembly.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

S. R. 800

RESOLUTION 114

A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF INTERNATIONAL TRADE AND INTERESTS TO THE PEOPLE OF NORTH CAROLINA.

WHEREAS, by Senate Resolution 731, appearing as Resolution 86 in the Session Laws of the 1967 General Assembly, the Governor of North Carolina was requested by the General Assembly to explore means and methods for formulating a positive program to increase the knowledge and information of the people of the State in regard to international relationships with particular reference to the importance of trade and communication with the nations of the world and their people; and

WHEREAS, the value of exports manufactured in North Carolina now amounts to more than six hundred million dollars ($600,000,000) annually, placing North Carolina thirteenth among all states in regard to the importance of exports of manufactured products; and

WHEREAS, North Carolina ranks fifth among all states in the value of agricultural exports which in the fiscal year 1967-68 amounted to three hundred and sixty-six million dollars ($366,000,000); and

WHEREAS, the rate of annual increase of exports from North Carolina is now approximately thirty million dollars ($30,000,000) and the value of industrial and consumer goods imported into North Carolina amounts to approximately four hundred million dollars ($400,000,000) per year; and

WHEREAS, more than one thousand firms in North Carolina are engaged in the import and export of products through the port facilities of North Carolina the value of which is more than forty million dollars ($40,000,000), and the cargo volume of which port facilities is approximately 1 1/2 million tons of cargo per year transported by approximately eight hundred ships of many nations calling at North Carolina ports annually; and

WHEREAS, the participation of the State of North Carolina in the affairs of the community of nations will be enhanced by the education of the people of the State generally in international, economic, political and cultural affairs and relationships and by the realization of the interdependence of these relationships;
RESOLUTIONS—1969

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Governor be and he is hereby authorized and requested to designate and proclaim the month of October, 1970, as International Month in North Carolina.

Sec. 2. That for the purpose of stimulating interest in and defraying expenses incurred in the promotion of education and participating in affairs and programs conducted to enhance international trade with North Carolina, the Governor and the Council of State are authorized in their discretion to expend a sum not to exceed two thousand five hundred dollars ($2,500.00) from the Contingency and Emergency Fund.

Sec. 3. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 1st day of July, 1969.

H. R. 1327

RESOLUTION 115

A JOINT RESOLUTION CREATING A COMMISSION FOR THE STUDY OF THE LAWS PERTAINING TO THE SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES OF THE STATE OF NORTH CAROLINA TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

WHEREAS, the sale, possession, and consumption of alcoholic beverages has been and will continue to be a difficult social, medical, and economic problem in the State of North Carolina; and

WHEREAS, the general statutes pertaining to this problem have been enacted in a fashion that certain portions thereof are contradictory, vague and ambiguous; and

WHEREAS, it is felt that a re-drafting of Chapter 18 of the General Statutes and other pertinent provisions of laws to update, clarify and conciliate the various laws on this subject would be beneficial in the understanding and enforcement of pertinent laws, both to the bodies charged with their enforcement and to the general public;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a Commission for the study of the laws of the State pertaining to the sale, possession and consumption of alcoholic beverages to be composed of nine members and who shall be appointed as follows: Three members shall be appointed by the Governor, three members shall be appointed by the President of the Senate, and three members shall be appointed by the Speaker of the House.

Sec. 2. It shall be the duty of the Commission to study the laws of the State relating to the sale, possession and consumption of alcoholic beverages and to recommend such changes as it may deem advisable concerning these laws, to the end that such laws shall be more cohesive, better understandable and less ambiguous, to the end that the enforcement authorities and the general public will be more able to understand, enforce and abide by such laws.

Sec. 3. Upon its appointment, the Commission shall organize by electing from its membership a chairman and a vice chairman. The Director of the Board of Alco-
holic Beverage Control or his designated agent shall serve as a secretary to the
Commission but shall not be a member. The Commission is authorized, with the
approval of the Governor, to employ such clerical and other assistants, professional
advice and services as may be deemed necessary in the performance of its duties.

Sec. 4. The members of the Commission shall be paid such per diem and travel
expenses as are provided for members of State boards and commissions generally.
The expenses of the Commission shall be paid from the Contingency and Emergency
Fund; provided, however, that the total of such expenses of the Commission shall
not exceed the sum of thirty thousand dollars ($30,000.00).

Sec. 5. The Chairman of the Board of Alcoholic Beverage Control and its staff
shall make their assistance and themselves available to the Commission to carry
out the purposes of this Resolution.

Sec. 6. The Commission shall submit its report by December 1, 1970 to the
Governor for transmittal to the 1971 General Assembly.

Sec. 7. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 1st day of July,
1969.

S. R. 739

RESOLUTION 116

A JOINT RESOLUTION DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE QUESTION OF THE LICENSING OF CERTAIN CLINICAL LABORATORIES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is hereby directed to study
the feasibility and advisability of the enactment of legislation providing for the
licensing of commercial donor blood banks and personnel employed therein who
draw and handle human blood.

Sec. 2. The Legislative Research Commission shall report its findings and any
recommendations resulting from this study to the 1971 General Assembly.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July,
1969.

S. R. 903

RESOLUTION 117

A JOINT RESOLUTION HONORING FRANK B. TURNER, STATE PROPERTY OFFICER, UPON HIS RETIREMENT, FOR THIRTY-SEVEN YEARS OF DISTINGUISHED SERVICE TO THE STATE.

WHEREAS, Frank B. Turner, State Property Officer, is retiring from state service on June 30, 1969; and

WHEREAS, his service in State Government for the past thirty-seven years has reflected great credit upon himself, his State and the Nation; and his sterling character, devotion to duty, wisdom and unusual ability have been an outstanding example of achievement, and these qualities, devoted to the service of the State have been to its lasting benefit; and

WHEREAS, since his term of tenure with the State, he has participated in or
guided eight hundred sixty million dollars ($860,000,000) of construction and a mini-
RESOLUTIONS—1969

The minimum of twenty-five million dollars ($25,000,000) of land has been purchased since his tenure as State Property Officer; and

WHEREAS, Frank B. Turner has had a notable career as a professional engineer and is held in the highest esteem and respect by the members of his profession, has been President of the Professional Engineers of North Carolina, and is Director of the National Society of Professional Engineers; and

WHEREAS, he is a person of rare talent and great personal charm, which have earned the respect, loyalty and devotion of his fellow employees and those serving under him; and

WHEREAS, he has contributed to the betterment of his community by his participation as a good, loyal and responsible citizen and has served Hayes-Barton Methodist Church as a steadfast member, as its Treasurer, and a member of its Administrative Board.

WHEREAS, he was born in Oxford, North Carolina, educated in the public schools of Durham, earned a degree in Mechanical Engineering in 1928 and a Master of Science Degree in 1932, both from North Carolina State College; and

WHEREAS, his years of service to the State include service as an Assistant Professor at North Carolina State College, Engineer for the State Budget Bureau, Plant Engineer at the University of North Carolina, Chief Engineer of the State Budget Bureau, and State Property Officer from the creation of the Department of Administration in 1957, being the only person ever to hold the position of State Property Office;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina hereby expresses its appreciation, respect and regard for Frank B. Turner and its good wishes for his happy and deserved retirement following distinguished service in many fields.

Sec. 2. That a copy of this Resolution be spread upon the Minutes of both the Senate and House of Representatives, and that a copy be forwarded by the Secretary of State to Frank B. Turner, 3740 Edencroft Drive, Raleigh, North Carolina, 27609.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. R. 878

RESOLUTION 118

A RESOLUTION PERTAINING TO SENATE BILL 658 REQUIRING AND DIRECTING THE TAX STUDY COMMISSION TO STUDY THE TAXATION OF BANKS IN NORTH CAROLINA.

WHEREAS, the proper taxation of banks, both state and national, by the State of North Carolina is a matter of concern and vital interest to the banking industry and to the people of the State; and

WHEREAS, the Governor of North Carolina has already requested this General Assembly to increase the rate of excise taxes paid by banks in this State; and

WHEREAS, legislation to implement the recommendation of the Governor is now pending in both the House of Representatives and the Senate of this General Assembly; and
RESOLUTIONS—1969

WHEREAS, Senate Bill 658 contains new and intricate provisions as to the method of determining the rate of bank excise taxes in North Carolina in the future; and

WHEREAS, Senate Bill 658 provides for a maximum excise tax rate of seven and one-half per cent (7 1/2%) while making no change in the tax rate for other financial institutions or for business corporations; and

WHEREAS, an effective tax rate which would be in excess of that imposed on other financial institutions and upon business corporations may be in violation of 12 U.S.C.A. 548 and would likely void the entire tax schedule for banks; and

WHEREAS, the Senate Committee on Finance, after considering the purpose and intent of Senate Bill 658, believes that because of the intricate nature of the proposal, the administrative difficulties inherent in its application and the possibility of invalidating the existing schedule for bank taxation in North Carolina and feeling that such a proposal requires more careful consideration and deliberation;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Tax Study Commission is hereby directed and instructed to study the feasibility and advisability of enactment of legislation providing for the methodology of bank taxation proposed in Senate Bill 658 and to study further the proper and appropriate maximum rate of taxation which should be applied thereby.

Sec. 2. It is recommended that the Commission review the methodology employed by other states in determining the rate of bank taxation and that it consult with all interested persons, businesses or groups who would be affected by such legislation.

Sec. 3. The Commissioner of Revenue, the Director of Tax Research and all state and local taxing officials shall make themselves and their staffs available to the Commission for the purpose of this study.

Sec. 4. The Tax Study Commission shall report its findings and any recommendations resulting from this study to the 1971 General Assembly.

Sec. 5. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

S. R. 910

RESOLUTION 119

A JOINT RESOLUTION HONORING THE MEMORY OF JOHN H. KERR, JR., FORMER MEMBER OF THE SENATE, AND FORMER SPEAKER OF THE HOUSE.

WHEREAS, John H. Kerr, Jr., was born on May 19, 1900, in Warrenton, North Carolina, and died at the age of 68 on May 29, 1968; and

WHEREAS, John H. Kerr, Jr. was an able and distinguished man in all fields of endeavor in which he participated, having been awarded many academic honors and scholarly attainments while he was a student at the University of North Carolina, and having also distinguished himself in his chosen profession as a lawyer; he was possessed of an incisive and brilliant mind, skillful and able in forensic contests
RESOLUTIONS—1969

with a fine delivery and presentation to juries and with all possessed of a rugged intellectual honesty and loyalty to his clients; and

WHEREAS, John H. Kerr, Jr., was a loyal and faithful worker of his political party, having at one time been keynote speaker at his Party's Convention, and was an able debater and eloquent speaker and also exhibited on occasions a wonderful sense of humor and wit; he knew his own faults and limitations but never practiced any deceit or dishonesty; he loved his Country and State and was a steadfast and patriotic citizen; and

WHEREAS, John H. Kerr, Jr., devoted much of his energy and time to public service, having served as a member of the General Assembly for twenty-four years: as Representative from Edgecombe in the Session of 1929; from Warren in 1939, 1941, 1943, 1945, 1947, 1949, 1957, 1959, 1961, 1963, and as Senator from the Third District in 1955; he served as an efficient and effective Speaker of the House during the 1943 Session; and

WHEREAS, it was said of him that he could match oratorical talents with anyone in the General Assembly and when he rose to speak, everybody listened; in 1947 he gave a memorable speech for the legislation appropriating one million dollars ($1,000,000.00) to the State Art Museum, thus helping establish the Nation's first state-supported Art Museum; and

WHEREAS, he further dedicated himself to public service by serving on the Board of Trustees of the University of North Carolina and in various capacities in civic organizations; and

WHEREAS, in 1928 he and Tyre Taylor founded the North Carolina Young Democrats' Clubs; and

WHEREAS, John H. Kerr, Jr., was highly regarded as an attorney, practicing first in Rocky Mount and then moving to Warrenton in 1929 where he practiced until his death;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of John H. Kerr, Jr., the State has suffered the loss of an able legislator and attorney and a distinguished citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of John H. Kerr, Jr.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. R. 1430

RESOLUTION 120

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MRS. LUTHER H. HODGES.

WHEREAS, Mrs. Martha Blakeney Hodges, wife of the Honorable Luther H. Hodges of Chapel Hill, died on June 27th, 1969, as a tragic consequence of an accidental fire in their home; and

WHEREAS, it is the desire of this General Assembly to record its deep respect for her life and services and its profound sorrow at her passing:

1622
RESOLUTIONS—1969

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That, born in Monroe, Martha Blakeney graduated from the University of North Carolina at Greensboro, and served as a teacher and principal in the public schools of North Carolina.

In 1922, she was married to Luther H. Hodges. To them were born two daughters and a son. Throughout Governor Hodges' illustrious career as a business executive, as Lieutenant Governor and Governor of North Carolina, as Secretary of Commerce of the United States, and in positions of leadership in other public and private endeavors, she was his constant companion and counsellor, wife and hostess — "A crown to her husband". She was always — in Leaksville and Raleigh, in Washington and abroad — a gracious dispenser of hospitality and a charming representative of North Carolina at its best. She served well her family, her community, her State, and her Nation, and we are all diminished by her passing.

Sec. 2. The General Assembly acknowledges for itself and for the people of North Carolina a deep sense of gratitude for the life and character of Mrs. Martha Blakeney Hodges and records its profound respect for her memory.

Sec. 3. Copies of this Resolution, certified by the Secretary of State, shall be transmitted to Governor Hodges and to the immediate members of the family of Mrs. Hodges.

Sec. 4. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. R. 1434

RESOLUTION 121

A JOINT RESOLUTION COMMENDING THE AFRICANA ART GALLERY TO THE CITIZENS OF NORTH CAROLINA.

WHEREAS, The Africana Art Gallery, Inc., Raleigh, North Carolina was incorporated under the laws of the State of North Carolina as a non-profit corporation for the following purposes as stated in its Articles of Incorporation:

To collect, receive, preserve and stimulate interest in, cultural objects with African or Black heritage and/or cultural background for the study of Afro-American history with emphasis on art form, meaning and to find outlets for talented artists who are creative in the Black Arts and teaching art, music and crafts.

WHEREAS, The Africana Art Gallery is being made possible through the voluntary efforts and support of interested citizens and business organizations; and

WHEREAS, space, paint, building materials and supplies have been donated by various companies and individuals to The Africana Art Gallery; and

WHEREAS, a distinguished group of North Carolina citizens now serve on the Board of Directors of the Africana Art Gallery and many public officials have given their support; and

WHEREAS, said Art Gallery is now operating at 512 West Hargett Street in the City of Raleigh, and has on display some 75 paintings ranging from modern abstract art to classical landscapes done by Negro artists from Wake County and the State of North Carolina;
Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina commends those persons responsible for creating and supporting The Africana Art Gallery, and the purposes and objectives herein set forth.

Sec. 2. That the General Assembly urges the Negro citizens of North Carolina to participate in the program promoted by The Africana Art Gallery, and commends it to all the citizens of North Carolina for their active support.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.

H. R. 1435

RESOLUTION 122

A JOINT RESOLUTION EXPRESSING THE APPRECIATION OF THE PEOPLE OF NORTH CAROLINA TO THE RALEIGH JUNIOR CHAMBER OF COMMERCE FOR ITS INTEREST AND SUPPORT IN THE CREATION OF THE STATE ZOO.

WHEREAS, the Raleigh Junior Chamber of Commerce has been the moving organization in the efforts of the people of North Carolina to create a zoological garden; and

WHEREAS, the Raleigh Junior Chamber of Commerce paid all of the expenses of the Zoo Study Commission during the past two years, thereby making it possible for a comprehensive study to be made concerning the feasibility of establishing a State Zoological Garden; and

WHEREAS, the State of North Carolina has now formally established the North Carolina Zoological Foundation and has appropriated the sum of two hundred and fifty thousand dollars ($250,000.00) to be used during the next biennium in adopting the recommendations of the Zoo Study Commission; and

WHEREAS, due to the untiring efforts and unlimited financial support furnished by the Raleigh Junior Chamber of Commerce, the people of North Carolina will, in the foreseeable future, have an outstanding zoological garden;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly extends on behalf of the people of North Carolina its gratitude to the Raleigh Junior Chamber of Commerce for helping to make a zoological garden available to all of the people of North Carolina.

Sec. 2. That this Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.
State of North Carolina,  
Department of State,  
Raleigh, July 3, 1969

I, Thad Eure, Secretary of State of North Carolina hereby certify that the foregoing volume was printed under the direction of the office of the Secretary of State and from ratified acts and resolutions on file in the office of the Secretary of State.
NUMERICAL INDEX TO SENATE AND HOUSE BILLS

SENATE BILLS—SESSION, 1969

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
<th>S.B.</th>
<th>Chapter</th>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>404</td>
<td>95</td>
<td>215</td>
<td>184</td>
<td>538</td>
</tr>
<tr>
<td>5</td>
<td>205</td>
<td>102</td>
<td>54</td>
<td>185</td>
<td>547</td>
</tr>
<tr>
<td>6</td>
<td>16</td>
<td>103</td>
<td>101</td>
<td>190</td>
<td>71</td>
</tr>
<tr>
<td>9</td>
<td>3</td>
<td>109</td>
<td>1213</td>
<td>191</td>
<td>254</td>
</tr>
<tr>
<td>13</td>
<td>1039</td>
<td>110</td>
<td>47</td>
<td>192</td>
<td>593</td>
</tr>
<tr>
<td>20</td>
<td>17</td>
<td>112</td>
<td>748</td>
<td>209</td>
<td>167</td>
</tr>
<tr>
<td>21</td>
<td>2</td>
<td>113</td>
<td>746</td>
<td>211</td>
<td>524</td>
</tr>
<tr>
<td>23</td>
<td>7</td>
<td>115</td>
<td>592</td>
<td>213</td>
<td>144</td>
</tr>
<tr>
<td>25</td>
<td>516</td>
<td>116</td>
<td>146</td>
<td>214</td>
<td>219</td>
</tr>
<tr>
<td>26</td>
<td>249</td>
<td>117</td>
<td>103</td>
<td>215</td>
<td>175</td>
</tr>
<tr>
<td>33</td>
<td>15</td>
<td>118</td>
<td>82</td>
<td>216</td>
<td>1300</td>
</tr>
<tr>
<td>34</td>
<td>44</td>
<td>120</td>
<td>216</td>
<td>218</td>
<td>378</td>
</tr>
<tr>
<td>35</td>
<td>51</td>
<td>123</td>
<td>55</td>
<td>222</td>
<td>348</td>
</tr>
<tr>
<td>36</td>
<td>79</td>
<td>124</td>
<td>56</td>
<td>223</td>
<td>386</td>
</tr>
<tr>
<td>37</td>
<td>11</td>
<td>128</td>
<td>623</td>
<td>224</td>
<td>202</td>
</tr>
<tr>
<td>39</td>
<td>12</td>
<td>130</td>
<td>112</td>
<td>225</td>
<td>176</td>
</tr>
<tr>
<td>40</td>
<td>100</td>
<td>131</td>
<td>83</td>
<td>228</td>
<td>220</td>
</tr>
<tr>
<td>41</td>
<td>1227</td>
<td>132</td>
<td>139</td>
<td>229</td>
<td>221</td>
</tr>
<tr>
<td>43</td>
<td>717</td>
<td>134</td>
<td>749</td>
<td>230</td>
<td>338</td>
</tr>
<tr>
<td>44</td>
<td>80</td>
<td>136</td>
<td>57</td>
<td>231</td>
<td>168</td>
</tr>
<tr>
<td>45</td>
<td>22</td>
<td>142</td>
<td>76</td>
<td>232</td>
<td>169</td>
</tr>
<tr>
<td>48</td>
<td>81</td>
<td>143</td>
<td>104</td>
<td>236</td>
<td>177</td>
</tr>
<tr>
<td>55</td>
<td>32</td>
<td>144</td>
<td>241</td>
<td>237</td>
<td>242</td>
</tr>
<tr>
<td>58</td>
<td>52</td>
<td>149</td>
<td>1172</td>
<td>238</td>
<td>663</td>
</tr>
<tr>
<td>59</td>
<td>1171</td>
<td>152</td>
<td>718</td>
<td>239</td>
<td>163</td>
</tr>
<tr>
<td>61</td>
<td>444</td>
<td>154</td>
<td>113</td>
<td>240</td>
<td>206</td>
</tr>
<tr>
<td>64</td>
<td>18</td>
<td>155</td>
<td>77</td>
<td>241</td>
<td>170</td>
</tr>
<tr>
<td>65</td>
<td>570</td>
<td>156</td>
<td>69</td>
<td>242</td>
<td>1215</td>
</tr>
<tr>
<td>66</td>
<td>445</td>
<td>160</td>
<td>1278</td>
<td>243</td>
<td>203</td>
</tr>
<tr>
<td>67</td>
<td>45</td>
<td>161</td>
<td>217</td>
<td>244</td>
<td>462</td>
</tr>
<tr>
<td>71</td>
<td>165</td>
<td>162</td>
<td>166</td>
<td>245</td>
<td>185</td>
</tr>
<tr>
<td>72</td>
<td>105</td>
<td>165</td>
<td>507</td>
<td>247</td>
<td>222</td>
</tr>
<tr>
<td>73</td>
<td>183</td>
<td>167</td>
<td>184</td>
<td>249</td>
<td>207</td>
</tr>
<tr>
<td>76</td>
<td>736</td>
<td>168</td>
<td>969</td>
<td>250</td>
<td>204</td>
</tr>
<tr>
<td>77</td>
<td>1112</td>
<td>169</td>
<td>126</td>
<td>251</td>
<td>349</td>
</tr>
<tr>
<td>78</td>
<td>541</td>
<td>170</td>
<td>145</td>
<td>254</td>
<td>598</td>
</tr>
<tr>
<td>85</td>
<td>838</td>
<td>171</td>
<td>218</td>
<td>256</td>
<td>164</td>
</tr>
<tr>
<td>87</td>
<td>53</td>
<td>173</td>
<td>143</td>
<td>264</td>
<td>442</td>
</tr>
<tr>
<td>88</td>
<td>46</td>
<td>177</td>
<td>174</td>
<td>265</td>
<td>389</td>
</tr>
<tr>
<td>89</td>
<td>19</td>
<td>178</td>
<td>1228</td>
<td>266</td>
<td>223</td>
</tr>
<tr>
<td>90</td>
<td>58</td>
<td>182</td>
<td>78</td>
<td>267</td>
<td>379</td>
</tr>
<tr>
<td>92</td>
<td>515</td>
<td>183</td>
<td>446</td>
<td>274</td>
<td>387</td>
</tr>
</tbody>
</table>
## Index to Session Laws

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
<th>S.B.</th>
<th>Chapter</th>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>277</td>
<td>1173</td>
<td>379</td>
<td>344</td>
<td>451</td>
<td>457</td>
</tr>
<tr>
<td>278</td>
<td>350</td>
<td>381</td>
<td>262</td>
<td>452</td>
<td>728</td>
</tr>
<tr>
<td>279</td>
<td>224</td>
<td>382</td>
<td>345</td>
<td>453</td>
<td>482</td>
</tr>
<tr>
<td>282</td>
<td>390</td>
<td>383</td>
<td>727</td>
<td>454</td>
<td>518</td>
</tr>
<tr>
<td>289</td>
<td>443</td>
<td>384</td>
<td>250</td>
<td>455</td>
<td>551</td>
</tr>
<tr>
<td>292</td>
<td>295</td>
<td>385</td>
<td>464</td>
<td>456</td>
<td>552</td>
</tr>
<tr>
<td>296</td>
<td>463</td>
<td>386</td>
<td>465</td>
<td>457</td>
<td>750</td>
</tr>
<tr>
<td>298</td>
<td>260</td>
<td>387</td>
<td>525</td>
<td>458</td>
<td>571</td>
</tr>
<tr>
<td>300</td>
<td>261</td>
<td>388</td>
<td>867</td>
<td>460</td>
<td>553</td>
</tr>
<tr>
<td>306</td>
<td>289</td>
<td>389</td>
<td>1115</td>
<td>464</td>
<td>667</td>
</tr>
<tr>
<td>307</td>
<td>290</td>
<td>390</td>
<td>356</td>
<td>465</td>
<td>483</td>
</tr>
<tr>
<td>309</td>
<td>291</td>
<td>392</td>
<td>346</td>
<td>466</td>
<td>839</td>
</tr>
<tr>
<td>311</td>
<td>791</td>
<td>393</td>
<td>548</td>
<td>468</td>
<td>970</td>
</tr>
<tr>
<td>312</td>
<td>792</td>
<td>394</td>
<td>474</td>
<td>469</td>
<td>554</td>
</tr>
<tr>
<td>313</td>
<td>1174</td>
<td>395</td>
<td>475</td>
<td>470</td>
<td>572</td>
</tr>
<tr>
<td>317</td>
<td>469</td>
<td>396</td>
<td>481</td>
<td>471</td>
<td>510</td>
</tr>
<tr>
<td>318</td>
<td>676</td>
<td>400</td>
<td>466</td>
<td>472</td>
<td>840</td>
</tr>
<tr>
<td>319</td>
<td>517</td>
<td>401</td>
<td>448</td>
<td>473</td>
<td>668</td>
</tr>
<tr>
<td>320</td>
<td>539</td>
<td>402</td>
<td>508</td>
<td>475</td>
<td>476</td>
</tr>
<tr>
<td>322</td>
<td>480</td>
<td>404</td>
<td>449</td>
<td>477</td>
<td>519</td>
</tr>
<tr>
<td>324</td>
<td>542</td>
<td>404</td>
<td>737</td>
<td>478</td>
<td>573</td>
</tr>
<tr>
<td>327</td>
<td>1090</td>
<td>405</td>
<td>738</td>
<td>479</td>
<td>719</td>
</tr>
<tr>
<td>337</td>
<td>1062</td>
<td>406</td>
<td>683</td>
<td>482</td>
<td>505</td>
</tr>
<tr>
<td>338</td>
<td>255</td>
<td>407</td>
<td>450</td>
<td>483</td>
<td>1177</td>
</tr>
<tr>
<td>239</td>
<td>546</td>
<td>409</td>
<td>684</td>
<td>484</td>
<td>720</td>
</tr>
<tr>
<td>340</td>
<td>594</td>
<td>411</td>
<td>399</td>
<td>485</td>
<td>625</td>
</tr>
<tr>
<td>344</td>
<td>351</td>
<td>412</td>
<td>357</td>
<td>486</td>
<td>534</td>
</tr>
<tr>
<td>345</td>
<td>533</td>
<td>413</td>
<td>451</td>
<td>487</td>
<td>685</td>
</tr>
<tr>
<td>346</td>
<td>352</td>
<td>419</td>
<td>452</td>
<td>488</td>
<td>686</td>
</tr>
<tr>
<td>347</td>
<td>353</td>
<td>421</td>
<td>467</td>
<td>489</td>
<td>687</td>
</tr>
<tr>
<td>352</td>
<td>339</td>
<td>423</td>
<td>626</td>
<td>490</td>
<td>654</td>
</tr>
<tr>
<td>353</td>
<td>340</td>
<td>424</td>
<td>666</td>
<td>492</td>
<td>1116</td>
</tr>
<tr>
<td>354</td>
<td>1175</td>
<td>425</td>
<td>858</td>
<td>493</td>
<td>751</td>
</tr>
<tr>
<td>355</td>
<td>1113</td>
<td>428</td>
<td>347</td>
<td>496</td>
<td>669</td>
</tr>
<tr>
<td>356</td>
<td>1114</td>
<td>429</td>
<td>506</td>
<td>498</td>
<td>555</td>
</tr>
<tr>
<td>359</td>
<td>447</td>
<td>431</td>
<td>307</td>
<td>500</td>
<td>556</td>
</tr>
<tr>
<td>361</td>
<td>341</td>
<td>433</td>
<td>793</td>
<td>501</td>
<td>484</td>
</tr>
<tr>
<td>362</td>
<td>1270</td>
<td>434</td>
<td>653</td>
<td>502</td>
<td>1178</td>
</tr>
<tr>
<td>363</td>
<td>397</td>
<td>435</td>
<td>550</td>
<td>503</td>
<td>688</td>
</tr>
<tr>
<td>368</td>
<td>398</td>
<td>439</td>
<td>453</td>
<td>504</td>
<td>1267</td>
</tr>
<tr>
<td>369</td>
<td>1079</td>
<td>440</td>
<td>549</td>
<td>505</td>
<td>458</td>
</tr>
<tr>
<td>370</td>
<td>296</td>
<td>441</td>
<td>454</td>
<td>507</td>
<td>989</td>
</tr>
<tr>
<td>372</td>
<td>354</td>
<td>442</td>
<td>526</td>
<td>511</td>
<td>557</td>
</tr>
<tr>
<td>373</td>
<td>624</td>
<td>443</td>
<td>455</td>
<td>512</td>
<td>655</td>
</tr>
<tr>
<td>374</td>
<td>355</td>
<td>444</td>
<td>1176</td>
<td>515</td>
<td>833</td>
</tr>
<tr>
<td>376</td>
<td>342</td>
<td>446</td>
<td>628</td>
<td>516</td>
<td>535</td>
</tr>
<tr>
<td>377</td>
<td>343</td>
<td>447</td>
<td>456</td>
<td>517</td>
<td>1179</td>
</tr>
<tr>
<td>378</td>
<td>473</td>
<td>449</td>
<td>509</td>
<td>524</td>
<td>558</td>
</tr>
</tbody>
</table>
## Index to Session Laws

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.B.</td>
<td>Chapter</td>
</tr>
<tr>
<td>S.B.</td>
<td>Chapter</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>526</th>
<th>961</th>
<th>631</th>
<th>795</th>
<th>722</th>
<th>1230</th>
</tr>
</thead>
<tbody>
<tr>
<td>529</td>
<td>932</td>
<td>632</td>
<td>943</td>
<td>723</td>
<td>734</td>
</tr>
<tr>
<td>530</td>
<td>940</td>
<td>634</td>
<td>796</td>
<td>725</td>
<td>739</td>
</tr>
<tr>
<td>535</td>
<td>1304</td>
<td>635</td>
<td>797</td>
<td>726</td>
<td>908</td>
</tr>
<tr>
<td>536</td>
<td>656</td>
<td>639</td>
<td>798</td>
<td>727</td>
<td>735</td>
</tr>
<tr>
<td>537</td>
<td>642</td>
<td>843</td>
<td>728</td>
<td>754</td>
<td></td>
</tr>
<tr>
<td>538</td>
<td>643</td>
<td>799</td>
<td>729</td>
<td>747</td>
<td></td>
</tr>
<tr>
<td>539</td>
<td>648</td>
<td>835</td>
<td>730</td>
<td>805</td>
<td></td>
</tr>
<tr>
<td>541</td>
<td>614</td>
<td>895</td>
<td>731</td>
<td>974</td>
<td></td>
</tr>
<tr>
<td>542</td>
<td>520</td>
<td>800</td>
<td>733</td>
<td>1067</td>
<td></td>
</tr>
<tr>
<td>543</td>
<td>559</td>
<td>709</td>
<td>734</td>
<td>806</td>
<td></td>
</tr>
<tr>
<td>544</td>
<td>893</td>
<td>1021</td>
<td>737</td>
<td>975</td>
<td></td>
</tr>
<tr>
<td>545</td>
<td>470</td>
<td>1282</td>
<td>738</td>
<td>1091</td>
<td></td>
</tr>
<tr>
<td>551</td>
<td>1261</td>
<td>971</td>
<td>740</td>
<td>1058</td>
<td></td>
</tr>
<tr>
<td>562</td>
<td>1262</td>
<td>801</td>
<td>742</td>
<td>994</td>
<td></td>
</tr>
<tr>
<td>563</td>
<td>1180</td>
<td>1284</td>
<td>743</td>
<td>976</td>
<td></td>
</tr>
<tr>
<td>566</td>
<td>1264</td>
<td>1254</td>
<td>745</td>
<td>995</td>
<td></td>
</tr>
<tr>
<td>572</td>
<td>627</td>
<td>972</td>
<td>747</td>
<td>977</td>
<td></td>
</tr>
<tr>
<td>574</td>
<td>657</td>
<td>803</td>
<td>749</td>
<td>1120</td>
<td></td>
</tr>
<tr>
<td>576</td>
<td>1301</td>
<td>670</td>
<td>751</td>
<td>844</td>
<td></td>
</tr>
<tr>
<td>577</td>
<td>536</td>
<td>1182</td>
<td>754</td>
<td>947</td>
<td></td>
</tr>
<tr>
<td>579</td>
<td>622</td>
<td>671</td>
<td>755</td>
<td>1216</td>
<td></td>
</tr>
<tr>
<td>581</td>
<td>906</td>
<td>944</td>
<td>756</td>
<td>900</td>
<td></td>
</tr>
<tr>
<td>582</td>
<td>1181</td>
<td>993</td>
<td>757</td>
<td>954</td>
<td></td>
</tr>
<tr>
<td>590</td>
<td>721</td>
<td>1183</td>
<td>759</td>
<td>1022</td>
<td></td>
</tr>
<tr>
<td>591</td>
<td>722</td>
<td>945</td>
<td>760</td>
<td>978</td>
<td></td>
</tr>
<tr>
<td>592</td>
<td>723</td>
<td>896</td>
<td>761</td>
<td>1217</td>
<td></td>
</tr>
<tr>
<td>595</td>
<td>941</td>
<td>1214</td>
<td>762</td>
<td>868</td>
<td></td>
</tr>
<tr>
<td>597</td>
<td>785</td>
<td>1070</td>
<td>765</td>
<td>845</td>
<td></td>
</tr>
<tr>
<td>598</td>
<td>1117</td>
<td>1063</td>
<td>766</td>
<td>1059</td>
<td></td>
</tr>
<tr>
<td>599</td>
<td>658</td>
<td>1064</td>
<td>769</td>
<td>1085</td>
<td></td>
</tr>
<tr>
<td>600</td>
<td>786</td>
<td>1229</td>
<td>770</td>
<td>901</td>
<td></td>
</tr>
<tr>
<td>601</td>
<td>834</td>
<td>1065</td>
<td>773</td>
<td>909</td>
<td></td>
</tr>
<tr>
<td>602</td>
<td>787</td>
<td>1066</td>
<td>775</td>
<td>979</td>
<td></td>
</tr>
<tr>
<td>603</td>
<td>907</td>
<td>752</td>
<td>776</td>
<td>980</td>
<td></td>
</tr>
<tr>
<td>605</td>
<td>788</td>
<td>1184</td>
<td>778</td>
<td>981</td>
<td></td>
</tr>
<tr>
<td>606</td>
<td>1281</td>
<td>1004</td>
<td>779</td>
<td>982</td>
<td></td>
</tr>
<tr>
<td>608</td>
<td>841</td>
<td>702</td>
<td>782</td>
<td>859</td>
<td></td>
</tr>
<tr>
<td>609</td>
<td>842</td>
<td>707</td>
<td>783</td>
<td>1071</td>
<td></td>
</tr>
<tr>
<td>611</td>
<td>894</td>
<td>708</td>
<td>784</td>
<td>902</td>
<td></td>
</tr>
<tr>
<td>613</td>
<td>1042</td>
<td>1188</td>
<td>791</td>
<td>1068</td>
<td></td>
</tr>
<tr>
<td>615</td>
<td>992</td>
<td>714</td>
<td>792</td>
<td>1121</td>
<td></td>
</tr>
<tr>
<td>618</td>
<td>724</td>
<td>715</td>
<td>793</td>
<td>984</td>
<td></td>
</tr>
<tr>
<td>620</td>
<td>789</td>
<td>716</td>
<td>794</td>
<td>1231</td>
<td></td>
</tr>
<tr>
<td>624</td>
<td>615</td>
<td>1119</td>
<td>795</td>
<td>9081</td>
<td></td>
</tr>
<tr>
<td>625</td>
<td>942</td>
<td>718</td>
<td>796</td>
<td>984</td>
<td></td>
</tr>
<tr>
<td>630</td>
<td>794</td>
<td>719</td>
<td>797</td>
<td>9091</td>
<td></td>
</tr>
</tbody>
</table>

1629
## Index to Session Laws

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1232</td>
<td>827</td>
</tr>
<tr>
<td>1127</td>
<td>864</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>831</td>
<td>1128</td>
</tr>
<tr>
<td>872</td>
<td>1087</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>832</td>
<td>1129</td>
</tr>
<tr>
<td>877</td>
<td>1221</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>833</td>
<td>1130</td>
</tr>
<tr>
<td>880</td>
<td>1249</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>834</td>
<td>968</td>
</tr>
<tr>
<td>881</td>
<td>1233</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>835</td>
<td>1131</td>
</tr>
<tr>
<td>884</td>
<td>1222</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>836</td>
<td>1027</td>
</tr>
<tr>
<td>885</td>
<td>1250</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>837</td>
<td>962</td>
</tr>
<tr>
<td>886</td>
<td>1253</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>838</td>
<td>1060</td>
</tr>
<tr>
<td>890</td>
<td>1256</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>839</td>
<td>1219</td>
</tr>
<tr>
<td>891</td>
<td>1234</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>840</td>
<td>1265</td>
</tr>
<tr>
<td>897</td>
<td>1081</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>841</td>
<td>1086</td>
</tr>
<tr>
<td>905</td>
<td>1285</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>842</td>
<td>1061</td>
</tr>
<tr>
<td>906</td>
<td>1286</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>843</td>
<td>1132</td>
</tr>
<tr>
<td>907</td>
<td>1287</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>844</td>
<td>1220</td>
</tr>
<tr>
<td>908</td>
<td>1288</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>845</td>
<td>1198</td>
</tr>
<tr>
<td>909</td>
<td>1289</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>846</td>
<td>1026</td>
</tr>
<tr>
<td>1241</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>847</td>
<td>1126</td>
</tr>
<tr>
<td>1133</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>848</td>
<td>1073</td>
</tr>
<tr>
<td>1256</td>
<td></td>
</tr>
</tbody>
</table>

### House Bills—Session, 1969

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>1074</td>
</tr>
<tr>
<td>56</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>114</td>
<td></td>
</tr>
<tr>
<td>1101</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>755</td>
<td></td>
</tr>
<tr>
<td>115</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>807</td>
<td></td>
</tr>
<tr>
<td>1219</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td></td>
</tr>
<tr>
<td>124</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td></td>
</tr>
<tr>
<td>112</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td></td>
</tr>
<tr>
<td>118</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td></td>
</tr>
<tr>
<td>119</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>69</td>
<td></td>
</tr>
<tr>
<td>127</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>178</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>71</td>
<td></td>
</tr>
<tr>
<td>132</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>76</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>130</td>
<td></td>
</tr>
<tr>
<td>740</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td></td>
</tr>
<tr>
<td>117</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td></td>
</tr>
<tr>
<td>192</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>142</td>
<td></td>
</tr>
<tr>
<td>1286</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td></td>
</tr>
<tr>
<td>89</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>302</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td></td>
</tr>
</tbody>
</table>

1630
# Index to Session Laws

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>147</td>
<td>118</td>
<td>237</td>
<td>147</td>
<td>309</td>
<td>190</td>
</tr>
<tr>
<td>149</td>
<td>34</td>
<td>238</td>
<td>148</td>
<td>310</td>
<td>134</td>
</tr>
<tr>
<td>150</td>
<td>61</td>
<td>240</td>
<td>75</td>
<td>311</td>
<td>151</td>
</tr>
<tr>
<td>152</td>
<td>127</td>
<td>241</td>
<td>97</td>
<td>312</td>
<td>152</td>
</tr>
<tr>
<td>154</td>
<td>90</td>
<td>242</td>
<td>87</td>
<td>313</td>
<td>243</td>
</tr>
<tr>
<td>155</td>
<td>135</td>
<td>244</td>
<td>120</td>
<td>314</td>
<td>125</td>
</tr>
<tr>
<td>157</td>
<td>1135</td>
<td>246</td>
<td>95</td>
<td>318</td>
<td>532</td>
</tr>
<tr>
<td>158</td>
<td>128</td>
<td>248</td>
<td>574</td>
<td>319</td>
<td>227</td>
</tr>
<tr>
<td>161</td>
<td>43</td>
<td>249</td>
<td>96</td>
<td>321</td>
<td>869</td>
</tr>
<tr>
<td>164</td>
<td>1013</td>
<td>250</td>
<td>263</td>
<td>324</td>
<td>153</td>
</tr>
<tr>
<td>166</td>
<td>537</td>
<td>251</td>
<td>264</td>
<td>325</td>
<td>265</td>
</tr>
<tr>
<td>169</td>
<td>129</td>
<td>252</td>
<td>1137</td>
<td>326</td>
<td>154</td>
</tr>
<tr>
<td>170</td>
<td>30</td>
<td>253</td>
<td>108</td>
<td>327</td>
<td>1004</td>
</tr>
<tr>
<td>174</td>
<td>208</td>
<td>254</td>
<td>121</td>
<td>329</td>
<td>228</td>
</tr>
<tr>
<td>175</td>
<td>99</td>
<td>255</td>
<td>98</td>
<td>330</td>
<td>179</td>
</tr>
<tr>
<td>176</td>
<td>119</td>
<td>258</td>
<td>1199</td>
<td>331</td>
<td>1200</td>
</tr>
<tr>
<td>177</td>
<td>62</td>
<td>259</td>
<td>616</td>
<td>332</td>
<td>196</td>
</tr>
<tr>
<td>178</td>
<td>225</td>
<td>260</td>
<td>149</td>
<td>335</td>
<td>142</td>
</tr>
<tr>
<td>179</td>
<td>91</td>
<td>261</td>
<td>109</td>
<td>338</td>
<td>471</td>
</tr>
<tr>
<td>180</td>
<td>63</td>
<td>262</td>
<td>308</td>
<td>339</td>
<td>267</td>
</tr>
<tr>
<td>181</td>
<td>39</td>
<td>263</td>
<td>140</td>
<td>340</td>
<td>292</td>
</tr>
<tr>
<td>185</td>
<td>1018</td>
<td>264</td>
<td>122</td>
<td>343</td>
<td>309</td>
</tr>
<tr>
<td>188</td>
<td>130</td>
<td>265</td>
<td>485</td>
<td>344</td>
<td>310</td>
</tr>
<tr>
<td>190</td>
<td>187</td>
<td>266</td>
<td>123</td>
<td>346</td>
<td>155</td>
</tr>
<tr>
<td>192</td>
<td>64</td>
<td>267</td>
<td>388</td>
<td>347</td>
<td>293</td>
</tr>
<tr>
<td>193</td>
<td>131</td>
<td>269</td>
<td>141</td>
<td>348</td>
<td>561</td>
</tr>
<tr>
<td>194</td>
<td>65</td>
<td>270</td>
<td>110</td>
<td>349</td>
<td>1110</td>
</tr>
<tr>
<td>196</td>
<td>66</td>
<td>271</td>
<td>111</td>
<td>351</td>
<td>156</td>
</tr>
<tr>
<td>197</td>
<td>405</td>
<td>274</td>
<td>107</td>
<td>352</td>
<td>191</td>
</tr>
<tr>
<td>200</td>
<td>106</td>
<td>278</td>
<td>1138</td>
<td>356</td>
<td>229</td>
</tr>
<tr>
<td>201</td>
<td>92</td>
<td>282</td>
<td>172</td>
<td>357</td>
<td>157</td>
</tr>
<tr>
<td>206</td>
<td>136</td>
<td>283</td>
<td>132</td>
<td>359</td>
<td>562</td>
</tr>
<tr>
<td>212</td>
<td>49</td>
<td>284</td>
<td>133</td>
<td>362</td>
<td>158</td>
</tr>
<tr>
<td>214</td>
<td>1104</td>
<td>285</td>
<td>1303</td>
<td>363</td>
<td>197</td>
</tr>
<tr>
<td>215</td>
<td>1271</td>
<td>286</td>
<td>1139</td>
<td>364</td>
<td>266</td>
</tr>
<tr>
<td>216</td>
<td>1105</td>
<td>287</td>
<td>124</td>
<td>365</td>
<td>159</td>
</tr>
<tr>
<td>217</td>
<td>93</td>
<td>288</td>
<td>226</td>
<td>366</td>
<td>213</td>
</tr>
<tr>
<td>219</td>
<td>86</td>
<td>289</td>
<td>1106</td>
<td>367</td>
<td>725</td>
</tr>
<tr>
<td>220</td>
<td>258</td>
<td>291</td>
<td>188</td>
<td>368</td>
<td>160</td>
</tr>
<tr>
<td>222</td>
<td>94</td>
<td>292</td>
<td>194</td>
<td>370</td>
<td>595</td>
</tr>
<tr>
<td>226</td>
<td>193</td>
<td>294</td>
<td>189</td>
<td>372</td>
<td>198</td>
</tr>
<tr>
<td>227</td>
<td>1136</td>
<td>295</td>
<td>150</td>
<td>373</td>
<td>230</td>
</tr>
<tr>
<td>228</td>
<td>948</td>
<td>296</td>
<td>1075</td>
<td>376</td>
<td>161</td>
</tr>
<tr>
<td>229</td>
<td>137</td>
<td>297</td>
<td>600</td>
<td>377</td>
<td>311</td>
</tr>
<tr>
<td>230</td>
<td>756</td>
<td>299</td>
<td>195</td>
<td>378</td>
<td>248</td>
</tr>
<tr>
<td>231</td>
<td>1258</td>
<td>300</td>
<td>1107</td>
<td>379</td>
<td>1111</td>
</tr>
<tr>
<td>232</td>
<td>138</td>
<td>307</td>
<td>1108</td>
<td>380</td>
<td>1140</td>
</tr>
<tr>
<td>235</td>
<td>560</td>
<td>308</td>
<td>297</td>
<td>381</td>
<td>173</td>
</tr>
<tr>
<td>H.B.</td>
<td>Chapter</td>
<td>H.B.</td>
<td>Chapter</td>
<td>H.B.</td>
<td>Chapter</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>------</td>
<td>---------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>382</td>
<td>209</td>
<td>470</td>
<td>304</td>
<td>552</td>
<td>214</td>
</tr>
<tr>
<td>383</td>
<td>601</td>
<td>471</td>
<td>272</td>
<td>553</td>
<td>564</td>
</tr>
<tr>
<td>394</td>
<td>358</td>
<td>472</td>
<td>298</td>
<td>554</td>
<td>523</td>
</tr>
<tr>
<td>397</td>
<td>1290</td>
<td>474</td>
<td>522</td>
<td>556</td>
<td>285</td>
</tr>
<tr>
<td>399</td>
<td>998</td>
<td>475</td>
<td>543</td>
<td>558</td>
<td>316</td>
</tr>
<tr>
<td>400</td>
<td>210</td>
<td>477</td>
<td>1143</td>
<td>559</td>
<td>286</td>
</tr>
<tr>
<td>404</td>
<td>486</td>
<td>478</td>
<td>360</td>
<td>560</td>
<td>1292</td>
</tr>
<tr>
<td>405</td>
<td>359</td>
<td>479</td>
<td>312</td>
<td>561</td>
<td>963</td>
</tr>
<tr>
<td>406</td>
<td>162</td>
<td>480</td>
<td>273</td>
<td>562</td>
<td>827</td>
</tr>
<tr>
<td>407</td>
<td>199</td>
<td>482</td>
<td>313</td>
<td>563</td>
<td>253</td>
</tr>
<tr>
<td>409</td>
<td>1223</td>
<td>483</td>
<td>1144</td>
<td>566</td>
<td>321</td>
</tr>
<tr>
<td>411</td>
<td>211</td>
<td>484</td>
<td>1145</td>
<td>568</td>
<td>932</td>
</tr>
<tr>
<td>412</td>
<td>231</td>
<td>485</td>
<td>237</td>
<td>569</td>
<td>1147</td>
</tr>
<tr>
<td>413</td>
<td>1201</td>
<td>486</td>
<td>314</td>
<td>570</td>
<td>287</td>
</tr>
<tr>
<td>414</td>
<td>575</td>
<td>487</td>
<td>1280</td>
<td>572</td>
<td>322</td>
</tr>
<tr>
<td>416</td>
<td>201</td>
<td>488</td>
<td>576</td>
<td>573</td>
<td>757</td>
</tr>
<tr>
<td>419</td>
<td>268</td>
<td>489</td>
<td>315</td>
<td>574</td>
<td>323</td>
</tr>
<tr>
<td>420</td>
<td>630</td>
<td>1141</td>
<td>575</td>
<td>689</td>
<td></td>
</tr>
<tr>
<td>421</td>
<td>269</td>
<td>576</td>
<td>318</td>
<td>576</td>
<td>729</td>
</tr>
<tr>
<td>422</td>
<td>200</td>
<td>497</td>
<td>1076</td>
<td>577</td>
<td>730</td>
</tr>
<tr>
<td>423</td>
<td>232</td>
<td>498</td>
<td>274</td>
<td>578</td>
<td>324</td>
</tr>
<tr>
<td>425</td>
<td>212</td>
<td>500</td>
<td>275</td>
<td>579</td>
<td>325</td>
</tr>
<tr>
<td>427</td>
<td>251</td>
<td>502</td>
<td>238</td>
<td>580</td>
<td>326</td>
</tr>
<tr>
<td>432</td>
<td>406</td>
<td>503</td>
<td>239</td>
<td>581</td>
<td>1283</td>
</tr>
<tr>
<td>433</td>
<td>1272</td>
<td>504</td>
<td>276</td>
<td>583</td>
<td>361</td>
</tr>
<tr>
<td>436</td>
<td>949</td>
<td>508</td>
<td>577</td>
<td>584</td>
<td>327</td>
</tr>
<tr>
<td>437</td>
<td>677</td>
<td>510</td>
<td>1146</td>
<td>585</td>
<td>1293</td>
</tr>
<tr>
<td>438</td>
<td>233</td>
<td>511</td>
<td>1291</td>
<td>586</td>
<td>362</td>
</tr>
<tr>
<td>443</td>
<td>244</td>
<td>514</td>
<td>319</td>
<td>587</td>
<td>478</td>
</tr>
<tr>
<td>444</td>
<td>234</td>
<td>519</td>
<td>240</td>
<td>588</td>
<td>741</td>
</tr>
<tr>
<td>446</td>
<td>270</td>
<td>520</td>
<td>277</td>
<td>589</td>
<td>328</td>
</tr>
<tr>
<td>448</td>
<td>245</td>
<td>521</td>
<td>672</td>
<td>590</td>
<td>288</td>
</tr>
<tr>
<td>449</td>
<td>407</td>
<td>522</td>
<td>678</td>
<td>591</td>
<td>329</td>
</tr>
<tr>
<td>450</td>
<td>252</td>
<td>523</td>
<td>305</td>
<td>592</td>
<td>363</td>
</tr>
<tr>
<td>452</td>
<td>271</td>
<td>526</td>
<td>278</td>
<td>594</td>
<td>380</td>
</tr>
<tr>
<td>453</td>
<td>259</td>
<td>527</td>
<td>279</td>
<td>595</td>
<td>381</td>
</tr>
<tr>
<td>454</td>
<td>259</td>
<td>528</td>
<td>477</td>
<td>598</td>
<td>330</td>
</tr>
<tr>
<td>455</td>
<td>317</td>
<td>529</td>
<td>294</td>
<td>600</td>
<td>808</td>
</tr>
<tr>
<td>457</td>
<td>235</td>
<td>532</td>
<td>487</td>
<td>605</td>
<td>731</td>
</tr>
<tr>
<td>458</td>
<td>256</td>
<td>533</td>
<td>631</td>
<td>606</td>
<td>408</td>
</tr>
<tr>
<td>459</td>
<td>246</td>
<td>534</td>
<td>280</td>
<td>608</td>
<td>382</td>
</tr>
<tr>
<td>462</td>
<td>247</td>
<td>536</td>
<td>281</td>
<td>609</td>
<td>331</td>
</tr>
<tr>
<td>463</td>
<td>236</td>
<td>540</td>
<td>488</td>
<td>610</td>
<td>383</td>
</tr>
<tr>
<td>465</td>
<td>872</td>
<td>540</td>
<td>320</td>
<td>611</td>
<td>299</td>
</tr>
<tr>
<td>466</td>
<td>1142</td>
<td>547</td>
<td>282</td>
<td>614</td>
<td>364</td>
</tr>
<tr>
<td>468</td>
<td>612</td>
<td>549</td>
<td>283</td>
<td>615</td>
<td>565</td>
</tr>
<tr>
<td>469</td>
<td>303</td>
<td>550</td>
<td>504</td>
<td>617</td>
<td>257</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>332</td>
</tr>
<tr>
<td>H.B.</td>
<td>Chapter</td>
<td>H.B.</td>
<td>Chapter</td>
<td>H.B.</td>
<td>Chapter</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>------</td>
<td>---------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>619</td>
<td>384</td>
<td>688</td>
<td>1151</td>
<td>748</td>
<td>403</td>
</tr>
<tr>
<td>620</td>
<td>333</td>
<td>689</td>
<td>579</td>
<td>750</td>
<td>1152</td>
</tr>
<tr>
<td>621</td>
<td>1148</td>
<td>690</td>
<td>412</td>
<td>752</td>
<td>430</td>
</tr>
<tr>
<td>622</td>
<td>334</td>
<td>692</td>
<td>413</td>
<td>754</td>
<td>377</td>
</tr>
<tr>
<td>623</td>
<td>514</td>
<td>693</td>
<td>414</td>
<td>755</td>
<td>431</td>
</tr>
<tr>
<td>624</td>
<td>679</td>
<td>694</td>
<td>415</td>
<td>760</td>
<td>432</td>
</tr>
<tr>
<td>625</td>
<td>911</td>
<td>695</td>
<td>809</td>
<td>762</td>
<td>460</td>
</tr>
<tr>
<td>626</td>
<td>489</td>
<td>696</td>
<td>527</td>
<td>766</td>
<td>528</td>
</tr>
<tr>
<td>627</td>
<td>335</td>
<td>697</td>
<td>416</td>
<td>769</td>
<td>633</td>
</tr>
<tr>
<td>628</td>
<td>409</td>
<td>698</td>
<td>417</td>
<td>772</td>
<td>433</td>
</tr>
<tr>
<td>629</td>
<td>1294</td>
<td>700</td>
<td>418</td>
<td>773</td>
<td>434</td>
</tr>
<tr>
<td>630</td>
<td>1077</td>
<td>701</td>
<td>419</td>
<td>774</td>
<td>435</td>
</tr>
<tr>
<td>631</td>
<td>300</td>
<td>702</td>
<td>491</td>
<td>775</td>
<td>436</td>
</tr>
<tr>
<td>632</td>
<td>301</td>
<td>703</td>
<td>376</td>
<td>776</td>
<td>492</td>
</tr>
<tr>
<td>633</td>
<td>306</td>
<td>704</td>
<td>420</td>
<td>777</td>
<td>606</td>
</tr>
<tr>
<td>634</td>
<td>578</td>
<td>705</td>
<td>691</td>
<td>778</td>
<td>437</td>
</tr>
<tr>
<td>635</td>
<td>836</td>
<td>706</td>
<td>619</td>
<td>779</td>
<td>58</td>
</tr>
<tr>
<td>636</td>
<td>468</td>
<td>707</td>
<td>1295</td>
<td>780</td>
<td>698</td>
</tr>
<tr>
<td>637</td>
<td>617</td>
<td>709</td>
<td>632</td>
<td>781</td>
<td>634</td>
</tr>
<tr>
<td>638</td>
<td>479</td>
<td>711</td>
<td>336</td>
<td>782</td>
<td>493</td>
</tr>
<tr>
<td>639</td>
<td>1149</td>
<td>712</td>
<td>512</td>
<td>783</td>
<td>438</td>
</tr>
<tr>
<td>640</td>
<td>365</td>
<td>714</td>
<td>1088</td>
<td>785</td>
<td>673</td>
</tr>
<tr>
<td>641</td>
<td>366</td>
<td>715</td>
<td>695</td>
<td>786</td>
<td>680</td>
</tr>
<tr>
<td>642</td>
<td>1273</td>
<td>716</td>
<td>459</td>
<td>787</td>
<td>1153</td>
</tr>
<tr>
<td>643</td>
<td>391</td>
<td>717</td>
<td>421</td>
<td>788</td>
<td>461</td>
</tr>
<tr>
<td>644</td>
<td>566</td>
<td>718</td>
<td>580</td>
<td>789</td>
<td>439</td>
</tr>
<tr>
<td>645</td>
<td>367</td>
<td>719</td>
<td>422</td>
<td>791</td>
<td>596</td>
</tr>
<tr>
<td>646</td>
<td>368</td>
<td>720</td>
<td>423</td>
<td>792</td>
<td>597</td>
</tr>
<tr>
<td>647</td>
<td>369</td>
<td>721</td>
<td>424</td>
<td>793</td>
<td>395</td>
</tr>
<tr>
<td>648</td>
<td>385</td>
<td>722</td>
<td>392</td>
<td>794</td>
<td>494</td>
</tr>
<tr>
<td>649</td>
<td>726</td>
<td>723</td>
<td>393</td>
<td>795</td>
<td>495</td>
</tr>
<tr>
<td>650</td>
<td>690</td>
<td>724</td>
<td>394</td>
<td>796</td>
<td>605</td>
</tr>
<tr>
<td>651</td>
<td>370</td>
<td>725</td>
<td>337</td>
<td>799</td>
<td>582</td>
</tr>
<tr>
<td>652</td>
<td>371</td>
<td>726</td>
<td>425</td>
<td>801</td>
<td>1154</td>
</tr>
<tr>
<td>653</td>
<td>659</td>
<td>727</td>
<td>426</td>
<td>802</td>
<td>860</td>
</tr>
<tr>
<td>654</td>
<td>1150</td>
<td>728</td>
<td>846</td>
<td>803</td>
<td>496</td>
</tr>
<tr>
<td>655</td>
<td>372</td>
<td>729</td>
<td>603</td>
<td>804</td>
<td>692</td>
</tr>
<tr>
<td>656</td>
<td>708</td>
<td>730</td>
<td>427</td>
<td>805</td>
<td>567</td>
</tr>
<tr>
<td>657</td>
<td>1187</td>
<td>731</td>
<td>428</td>
<td>807</td>
<td>874</td>
</tr>
<tr>
<td>658</td>
<td>373</td>
<td>735</td>
<td>513</td>
<td>810</td>
<td>693</td>
</tr>
<tr>
<td>659</td>
<td>374</td>
<td>736</td>
<td>696</td>
<td>811</td>
<td>1155</td>
</tr>
<tr>
<td>660</td>
<td>375</td>
<td>737</td>
<td>873</td>
<td>812</td>
<td>660</td>
</tr>
<tr>
<td>661</td>
<td>490</td>
<td>738</td>
<td>604</td>
<td>815</td>
<td>497</td>
</tr>
<tr>
<td>662</td>
<td>602</td>
<td>739</td>
<td>903</td>
<td>817</td>
<td>1156</td>
</tr>
<tr>
<td>663</td>
<td>618</td>
<td>742</td>
<td>710</td>
<td>819</td>
<td>875</td>
</tr>
<tr>
<td>664</td>
<td>511</td>
<td>744</td>
<td>429</td>
<td>821</td>
<td>498</td>
</tr>
<tr>
<td>665</td>
<td>410</td>
<td>745</td>
<td>697</td>
<td>825</td>
<td>655</td>
</tr>
<tr>
<td>666</td>
<td>411</td>
<td>747</td>
<td>581</td>
<td>827</td>
<td>1082</td>
</tr>
</tbody>
</table>

1633
## Index to Session Laws

<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>828</td>
<td>440</td>
<td>914</td>
<td>701</td>
<td>995</td>
<td>647</td>
</tr>
<tr>
<td>829</td>
<td>583</td>
<td>916</td>
<td>661</td>
<td>999</td>
<td>817</td>
</tr>
<tr>
<td>833</td>
<td>529</td>
<td>917</td>
<td>544</td>
<td>1000</td>
<td>1029</td>
</tr>
<tr>
<td>834</td>
<td>396</td>
<td>919</td>
<td>811</td>
<td>1005</td>
<td>830</td>
</tr>
<tr>
<td>836</td>
<td>530</td>
<td>920</td>
<td>674</td>
<td>1006</td>
<td>662</td>
</tr>
<tr>
<td>837</td>
<td>636</td>
<td>921</td>
<td>590</td>
<td>1008</td>
<td>1630</td>
</tr>
<tr>
<td>838</td>
<td>664</td>
<td>922</td>
<td>591</td>
<td>1011</td>
<td>714</td>
</tr>
<tr>
<td>839</td>
<td>694</td>
<td>927</td>
<td>812</td>
<td>1012</td>
<td>702</td>
</tr>
<tr>
<td>840</td>
<td>759</td>
<td>931</td>
<td>1242</td>
<td>1014</td>
<td>648</td>
</tr>
<tr>
<td>841</td>
<td>499</td>
<td>932</td>
<td>1160</td>
<td>1015</td>
<td>818</td>
</tr>
<tr>
<td>842</td>
<td>912</td>
<td>933</td>
<td>639</td>
<td>1019</td>
<td>1235</td>
</tr>
<tr>
<td>843</td>
<td>584</td>
<td>934</td>
<td>1028</td>
<td>1020</td>
<td>1162</td>
</tr>
<tr>
<td>844</td>
<td>699</td>
<td>936</td>
<td>1203</td>
<td>1021</td>
<td>703</td>
</tr>
<tr>
<td>849</td>
<td>500</td>
<td>940</td>
<td>620</td>
<td>1022</td>
<td>878</td>
</tr>
<tr>
<td>850</td>
<td>585</td>
<td>941</td>
<td>761</td>
<td>1023</td>
<td>1205</td>
</tr>
<tr>
<td>851</td>
<td>568</td>
<td>942</td>
<td>813</td>
<td>1029</td>
<td>621</td>
</tr>
<tr>
<td>855</td>
<td>441</td>
<td>945</td>
<td>640</td>
<td>1030</td>
<td>649</td>
</tr>
<tr>
<td>856</td>
<td>586</td>
<td>946</td>
<td>712</td>
<td>1031</td>
<td>665</td>
</tr>
<tr>
<td>858</td>
<td>607</td>
<td>947</td>
<td>713</td>
<td>1032</td>
<td>715</td>
</tr>
<tr>
<td>859</td>
<td>472</td>
<td>948</td>
<td>641</td>
<td>1034</td>
<td>988</td>
</tr>
<tr>
<td>860</td>
<td>531</td>
<td>950</td>
<td>642</td>
<td>1040</td>
<td>819</td>
</tr>
<tr>
<td>862</td>
<td>637</td>
<td>951</td>
<td>814</td>
<td>1041</td>
<td>1005</td>
</tr>
<tr>
<td>864</td>
<td>501</td>
<td>952</td>
<td>815</td>
<td>1045</td>
<td>743</td>
</tr>
<tr>
<td>865</td>
<td>569</td>
<td>953</td>
<td>545</td>
<td>1046</td>
<td>650</td>
</tr>
<tr>
<td>866</td>
<td>608</td>
<td>955</td>
<td>643</td>
<td>1047</td>
<td>651</td>
</tr>
<tr>
<td>867</td>
<td>1157</td>
<td>956</td>
<td>675</td>
<td>1048</td>
<td>820</td>
</tr>
<tr>
<td>868</td>
<td>933</td>
<td>958</td>
<td>762</td>
<td>1049</td>
<td>913</td>
</tr>
<tr>
<td>871</td>
<td>700</td>
<td>959</td>
<td>964</td>
<td>1050</td>
<td>855</td>
</tr>
<tr>
<td>872</td>
<td>502</td>
<td>960</td>
<td>861</td>
<td>1054</td>
<td>1279</td>
</tr>
<tr>
<td>873</td>
<td>1202</td>
<td>962</td>
<td>862</td>
<td>1957</td>
<td>682</td>
</tr>
<tr>
<td>877</td>
<td>1158</td>
<td>964</td>
<td>644</td>
<td>1058</td>
<td>950</td>
</tr>
<tr>
<td>878</td>
<td>1159</td>
<td>965</td>
<td>999</td>
<td>1060</td>
<td>1031</td>
</tr>
<tr>
<td>879</td>
<td>1188</td>
<td>967</td>
<td>863</td>
<td>1062</td>
<td>864</td>
</tr>
<tr>
<td>882</td>
<td>638</td>
<td>968</td>
<td>965</td>
<td>1063</td>
<td>821</td>
</tr>
<tr>
<td>883</td>
<td>828</td>
<td>970</td>
<td>1204</td>
<td>1070</td>
<td>768</td>
</tr>
<tr>
<td>884</td>
<td>587</td>
<td>971</td>
<td>1161</td>
<td>1074</td>
<td>769</td>
</tr>
<tr>
<td>888</td>
<td>876</td>
<td>974</td>
<td>645</td>
<td>1075</td>
<td>822</td>
</tr>
<tr>
<td>889</td>
<td>609</td>
<td>975</td>
<td>646</td>
<td>1076</td>
<td>652</td>
</tr>
<tr>
<td>891</td>
<td>588</td>
<td>977</td>
<td>681</td>
<td>1080</td>
<td>704</td>
</tr>
<tr>
<td>892</td>
<td>854</td>
<td>978</td>
<td>763</td>
<td>1081</td>
<td>770</td>
</tr>
<tr>
<td>893</td>
<td>503</td>
<td>982</td>
<td>764</td>
<td>1082</td>
<td>611</td>
</tr>
<tr>
<td>894</td>
<td>760</td>
<td>983</td>
<td>765</td>
<td>1083</td>
<td>716</td>
</tr>
<tr>
<td>897</td>
<td>810</td>
<td>985</td>
<td>1019</td>
<td>1090</td>
<td>771</td>
</tr>
<tr>
<td>899</td>
<td>847</td>
<td>988</td>
<td>766</td>
<td>1092</td>
<td>1163</td>
</tr>
<tr>
<td>902</td>
<td>610</td>
<td>989</td>
<td>742</td>
<td>1094</td>
<td>824</td>
</tr>
<tr>
<td>903</td>
<td>711</td>
<td>990</td>
<td>1274</td>
<td>1096</td>
<td>705</td>
</tr>
<tr>
<td>906</td>
<td>829</td>
<td>991</td>
<td>877</td>
<td>1097</td>
<td>706</td>
</tr>
<tr>
<td>913</td>
<td>589</td>
<td>994</td>
<td>767</td>
<td>1098</td>
<td>825</td>
</tr>
</tbody>
</table>

### 1634
<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1099</td>
<td>848</td>
<td>1169</td>
<td>886</td>
<td>1258</td>
<td>1259</td>
</tr>
<tr>
<td>1100</td>
<td>904</td>
<td>1170</td>
<td>779</td>
<td>1259</td>
<td>1045</td>
</tr>
<tr>
<td>1101</td>
<td>1164</td>
<td>1171</td>
<td>832</td>
<td>1260</td>
<td>1014</td>
</tr>
<tr>
<td>1102</td>
<td>879</td>
<td>1173</td>
<td>951</td>
<td>1261</td>
<td>926</td>
</tr>
<tr>
<td>1103</td>
<td>849</td>
<td>1174</td>
<td>851</td>
<td>1262</td>
<td>1002</td>
</tr>
<tr>
<td>1104</td>
<td>880</td>
<td>1175</td>
<td>780</td>
<td>1263</td>
<td>1207</td>
</tr>
<tr>
<td>1106</td>
<td>831</td>
<td>1178</td>
<td>781</td>
<td>1265</td>
<td>967</td>
</tr>
<tr>
<td>1107</td>
<td>707</td>
<td>1180</td>
<td>823</td>
<td>1266</td>
<td>1011</td>
</tr>
<tr>
<td>1109</td>
<td>744</td>
<td>1184</td>
<td>1043</td>
<td>1267</td>
<td>927</td>
</tr>
<tr>
<td>1110</td>
<td>745</td>
<td>1190</td>
<td>920</td>
<td>1270</td>
<td>1012</td>
</tr>
<tr>
<td>1112</td>
<td>881</td>
<td>1191</td>
<td>921</td>
<td>1271</td>
<td>928</td>
</tr>
<tr>
<td>1113</td>
<td>837</td>
<td>1192</td>
<td>1092</td>
<td>1272</td>
<td>892</td>
</tr>
<tr>
<td>1114</td>
<td>955</td>
<td>1197</td>
<td>782</td>
<td>1274</td>
<td>929</td>
</tr>
<tr>
<td>1115</td>
<td>1165</td>
<td>1199</td>
<td>1189</td>
<td>1276</td>
<td>1208</td>
</tr>
<tr>
<td>1116</td>
<td>882</td>
<td>1200</td>
<td>1296</td>
<td>1278</td>
<td>1046</td>
</tr>
<tr>
<td>1120</td>
<td>790</td>
<td>1201</td>
<td>887</td>
<td>1285</td>
<td>1209</td>
</tr>
<tr>
<td>1121</td>
<td>1255</td>
<td>1202</td>
<td>1007</td>
<td>1286</td>
<td>1210</td>
</tr>
<tr>
<td>1122</td>
<td>870</td>
<td>1203</td>
<td>1008</td>
<td>1289</td>
<td>930</td>
</tr>
<tr>
<td>1124</td>
<td>772</td>
<td>1207</td>
<td>1009</td>
<td>1292</td>
<td>936</td>
</tr>
<tr>
<td>1125</td>
<td>883</td>
<td>1208</td>
<td>1044</td>
<td>1294</td>
<td>990</td>
</tr>
<tr>
<td>1126</td>
<td>865</td>
<td>1209</td>
<td>966</td>
<td>1295</td>
<td>1016</td>
</tr>
<tr>
<td>1127</td>
<td>884</td>
<td>1210</td>
<td>888</td>
<td>1296</td>
<td>1047</td>
</tr>
<tr>
<td>1130</td>
<td>773</td>
<td>1211</td>
<td>852</td>
<td>1297</td>
<td>1015</td>
</tr>
<tr>
<td>1131</td>
<td>956</td>
<td>1212</td>
<td>853</td>
<td>1298</td>
<td>951</td>
</tr>
<tr>
<td>1132</td>
<td>1032</td>
<td>1213</td>
<td>1001</td>
<td>1301</td>
<td>937</td>
</tr>
<tr>
<td>1134</td>
<td>914</td>
<td>1214</td>
<td>1010</td>
<td>1304</td>
<td>1168</td>
</tr>
<tr>
<td>1136</td>
<td>826</td>
<td>1215</td>
<td>957</td>
<td>1305</td>
<td>959</td>
</tr>
<tr>
<td>1139</td>
<td>1166</td>
<td>1216</td>
<td>1167</td>
<td>1306</td>
<td>938</td>
</tr>
<tr>
<td>1141</td>
<td>856</td>
<td>1217</td>
<td>783</td>
<td>1307</td>
<td>1048</td>
</tr>
<tr>
<td>1144</td>
<td>915</td>
<td>1219</td>
<td>958</td>
<td>1308</td>
<td>1049</td>
</tr>
<tr>
<td>1147</td>
<td>866</td>
<td>1220</td>
<td>889</td>
<td>1309</td>
<td>960</td>
</tr>
<tr>
<td>1148</td>
<td>774</td>
<td>1221</td>
<td>1190</td>
<td>1310</td>
<td>1033</td>
</tr>
<tr>
<td>1150</td>
<td>916</td>
<td>1222</td>
<td>857</td>
<td>1312</td>
<td>1034</td>
</tr>
<tr>
<td>1151</td>
<td>917</td>
<td>1224</td>
<td>905</td>
<td>1313</td>
<td>939</td>
</tr>
<tr>
<td>1152</td>
<td>850</td>
<td>1225</td>
<td>1093</td>
<td>1314</td>
<td>1017</td>
</tr>
<tr>
<td>1153</td>
<td>1020</td>
<td>1227</td>
<td>1206</td>
<td>1317</td>
<td>991</td>
</tr>
<tr>
<td>1154</td>
<td>918</td>
<td>1236</td>
<td>890</td>
<td>1318</td>
<td>1237</td>
</tr>
<tr>
<td>1156</td>
<td>775</td>
<td>1238</td>
<td>922</td>
<td>1319</td>
<td>1297</td>
</tr>
<tr>
<td>1157</td>
<td>1083</td>
<td>1239</td>
<td>784</td>
<td>1320</td>
<td>1169</td>
</tr>
<tr>
<td>1158</td>
<td>1006</td>
<td>1241</td>
<td>952</td>
<td>1324</td>
<td>1089</td>
</tr>
<tr>
<td>1159</td>
<td>1041</td>
<td>1247</td>
<td>935</td>
<td>1326</td>
<td>1191</td>
</tr>
<tr>
<td>1160</td>
<td>934</td>
<td>1248</td>
<td>1236</td>
<td>1328</td>
<td>1252</td>
</tr>
<tr>
<td>1161</td>
<td>919</td>
<td>1249</td>
<td>953</td>
<td>1329</td>
<td>1050</td>
</tr>
<tr>
<td>1162</td>
<td>885</td>
<td>1251</td>
<td>923</td>
<td>1330</td>
<td>1035</td>
</tr>
<tr>
<td>1164</td>
<td>776</td>
<td>1252</td>
<td>891</td>
<td>1331</td>
<td>1051</td>
</tr>
<tr>
<td>1165</td>
<td>1000</td>
<td>1254</td>
<td>871</td>
<td>1332</td>
<td>1218</td>
</tr>
<tr>
<td>1167</td>
<td>777</td>
<td>1255</td>
<td>924</td>
<td>1337</td>
<td>1224</td>
</tr>
<tr>
<td>1168</td>
<td>778</td>
<td>1257</td>
<td>925</td>
<td>1338</td>
<td>1036</td>
</tr>
</tbody>
</table>

1635
<table>
<thead>
<tr>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
<th>H.B.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1339</td>
<td>1052</td>
<td>1372</td>
<td>1078</td>
<td>1401</td>
<td>1197</td>
</tr>
<tr>
<td>1340</td>
<td>1053</td>
<td>1373</td>
<td>1057</td>
<td>1403</td>
<td>1211</td>
</tr>
<tr>
<td>1345</td>
<td>1260</td>
<td>1375</td>
<td>1194</td>
<td>1405</td>
<td>1212</td>
</tr>
<tr>
<td>1346</td>
<td>1054</td>
<td>1378</td>
<td>1096</td>
<td>1407</td>
<td>1245</td>
</tr>
<tr>
<td>1347</td>
<td>1192</td>
<td>1380</td>
<td>1195</td>
<td>1408</td>
<td>1246</td>
</tr>
<tr>
<td>1148</td>
<td>1055</td>
<td>1384</td>
<td>1109</td>
<td>1409</td>
<td>1247</td>
</tr>
<tr>
<td>1349</td>
<td>1193</td>
<td>1386</td>
<td>1238</td>
<td>1411</td>
<td>1298</td>
</tr>
<tr>
<td>1353</td>
<td>1037</td>
<td>1388</td>
<td>1196</td>
<td>1414</td>
<td>1305</td>
</tr>
<tr>
<td>1355</td>
<td>1098</td>
<td>1389</td>
<td>1084</td>
<td>1415</td>
<td>1248</td>
</tr>
<tr>
<td>1356</td>
<td>1094</td>
<td>1391</td>
<td>1239</td>
<td>1416</td>
<td>1225</td>
</tr>
<tr>
<td>1359</td>
<td>1097</td>
<td>1393</td>
<td>1243</td>
<td>1420</td>
<td>1299</td>
</tr>
<tr>
<td>1360</td>
<td>1098</td>
<td>1394</td>
<td>1275</td>
<td>1422</td>
<td>1276</td>
</tr>
<tr>
<td>1363</td>
<td>1099</td>
<td>1395</td>
<td>1244</td>
<td>1426</td>
<td>1226</td>
</tr>
<tr>
<td>1366</td>
<td>1170</td>
<td>1399</td>
<td>1269</td>
<td>1429</td>
<td>1302</td>
</tr>
<tr>
<td>1368</td>
<td>1095</td>
<td>1400</td>
<td>1240</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INDEX TO 1969 SESSION LAWS

(Suggestions for use: When looking for a local law, look under the name of the particular county, city or town involved.

When looking for a law which amends or repeals a certain statute or law, look under the heading “General Statutes” or “Laws Amended or Repealed”.)

A         Chapter

Aberdeen, Town of:                         122

Accountants—see Public Accountants

Acknowledgments:

A. A.B.C. stores, establishment

Attorneys-in-fact, instruments improperly acknowledged, validated 951
Corporate deeds and other conveyances, improperly acknowledged, validated 953
Married women, acknowledgments without private examination, validated 1008
Notaries public, acts validated 639, 716
Notaries using seal with incorrect State designation, acts validated 83
Register of deeds, certification of acknowledgments other than his own 664

Adjutant General—see under State Officials

Administration—see Estates

Administration, Department of—see under State Departments

Administrative Agencies and Boards—see State Agencies and Administrative Boards

Administrators—see Estates

Adoption:

Birth certificates, date of birth 977
Change of name, adults 21
Illegitimate child, effect of legitimation upon consent by mother 534

Advertising:

False and misleading advertising; exemption of advertising media 833
Poultry, regulatory law, false advertising prohibited 464

Advisory Budget Commission—see under State Commissions

1637
INDEX TO SESSION LAWS

Aged—see Social Services

Agriculture: (for Commissioner of Agriculture, see under State Officials)
   Animals and poultry, infectious disease control ........................................ 693
   Apples, promotion of sale, marketing assessments ...................................... 605
   Cattle sales, promotion, collection of assessments .................................... 184
   Cattle with brucellosis, regulatory law ..................................................... 465
   Compulsory Meat Inspection Act ............................................................... 893
   Eggs for sale, standards .............................................................................. 139
   Farm chemicals, exemption from sales tax ................................................. 907
   Feeder pigs, regulation of public sales ....................................................... 983
   Fences, cleared land, height, law repealed ................................................ 691
   Laurel Springs Livestock Weighing Station Committee, creation, functions, appropriation ................................................................. 1139
   Livestock and poultry, infectious disease control ....................................... 606
   Peaches, upgraded, exemption from labeling requirements ........................ 849
   Poultry, regulatory statutes .......................................................................... 464, 606
   Products promotion, referendum by mail on assessments; procedures ......... 111
   Seed law fees collection; regulation of dealers and growers ...................... 105
   Soil and water conservation, application of act to all counties .................. 1003
   Statistical report payments by Agriculture Department to counties .......... 796
   Swine with hog cholera, destruction; indemnity payments ....................... 525
   Tobacco and tobacco products, appropriation for research and experimentation ............................................................................................................. 1141
   Tobacco museum, provision for establishment ........................................... 840

Ahoskie, Town of:
   Corporate limits, establishment .................................................................. 360

Aid to Dependent Children—see Social Services

Air Pollution—see Pollution

Airports and Aircraft: (for local acts, see particular county or municipality)
   Department of Conservation and Development, authority to accept federal grants and to acquire property for airports ........................................ 1109
   State aid to airports ..................................................................................... 293

Alamance County:
   Airport Authority, establishment ................................................................ 814
   Alcoholic beverages, purchase-transportation permits ............................... 617
   Board of Education, appointment of members .......................................... 248
   Act amended ................................................................................................ 500

1638
### Alamance County—(Continued)
- County officials, compensation ........................................... 318
- Elections, persons having access to voting enclosure .................. 1280
- Jailer, appointment by sheriff ................................................. 498
- Law library, use of funds ....................................................... 485
- Municipalities, assistance to persons relocated ........................... 551
- Open spaces and areas, acquisition ......................................... 643
- Plumbing inspectors, appointment ............................................ 675

#### Albemarle, City of:
- Cable television service, operation ........................................... 666
- Local improvements, methods of assessment ................................ 592

### Alcoholic Beverages: (for local acts, see particular county or municipality)
- Advisory Council on Alcoholism, creation; functions .................... 676
- Alcoholics:
  - Chronic alcoholics acquitted of public drunkenness,
    commitments regulated ....................................................... 469
  - Revocation of driver’s licenses ........................................... 1125
- Beer and wine:
  - County elections, form of ballot; effect on sale in municipalities .. 647
  - Excise tax, discounts ....................................................... 1239
  - Excise tax, resident manufacturers; beverages
    furnished free on premises ................................................. 1268
  - Fortified wine, limitation on purchase and transportation; permits 598
  - Hours of sale and consumption .......................................... 1131
  - Malt beverages, sales to persons under age 18,
    prima facie evidence ....................................................... 998
- Brewers, resident, sale to licensed wholesalers ........................... 732
- Driving under influence:
  - Chemical tests, implied consent statute ................................ 1074
  - Drivers’ licenses, suspension for convictions in Federal Courts ... 988
  - Limited driving permits after conviction ................................ 1283
  - Punishment ........................................................................... 50
- Excess amounts, permits for purchase and transportation ............... 617
- Illegal transportation of liquors, confiscation of motor vehicle ...... 789
- Inebriates, out-patient treatment ............................................ 1127
- Local boards:
  - Expenditures for education, research and rehabilitation ............ 902
  - Sale of real and personal property ..................................... 118
- Prison employees subject to addiction, restrictions as to employment 382
Alcoholic Beverages—(Continued)
Resident breweries, license tax, transshipments .......................... 1057
Riots and civil disorders, suspension of sale of alcoholic beverages .. 869
State Board of Alcoholic Control, appointment of members;
tenure; powers and duties of chairman ........................................ 294
Tax statutes, amended ................................................................. 1075
Transportation in for-hire passenger vehicles, regulations .......... 1018

Alcoholics—see Insane Persons and Incompetents
Aldermen—see particular municipality
Alexander County:
Board of Education:
Appointment of members ........................................................... 248
Election of members ................................................................... 774

Alimony—see Divorce and Alimony
 Alleghany County:
Alcoholic beverages, purchase—transportation permits ............... 617
Board of Commissioners:
Appointment of tax official ......................................................... 565
Compensation of members .......................................................... 459
Board of Education:
Appointment of members ........................................................... 248
Compensation of members .......................................................... 459
Conveyance of property to County ................................................. 529
Elections, registration of voters ..................................................... 171
Justices of peace, appointments .................................................. 1033
Land surveyors, licensing procedure ............................................. 227
Laurel Springs Livestock Weighing Station Committee,
appointment of member ............................................................. 1139

Ambulance Services:
Assigned risk motor vehicle insurance,county and municipal systems ......................................................... 744
Counties, ambulance commission, creation; functions .................. 147
Liens on real estate for ambulance services at public expense ...... 684
Liens upon recoveries for personal injuries ................................. 450

Amendments to State Constitution—see Constitution of North Carolina
Anatomical Gift Act ................................................................. 84

Angier, Town of:
A.B.C. store, establishment ....................................................... 626
## INDEX TO SESSION LAWS

### Animals:
(see also Dogs; Game and Game Laws; Agriculture; for local acts, see particular county or municipality)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle sales, promotion, collection of assessments</td>
<td>184</td>
</tr>
<tr>
<td>Cattle with brucellosis, regulatory law</td>
<td>465</td>
</tr>
<tr>
<td>Compulsory Meat Inspection Act</td>
<td>893</td>
</tr>
<tr>
<td>Cruelty to animals, civil remedies for protection</td>
<td>831</td>
</tr>
<tr>
<td>Feeder pigs, regulation of public sales</td>
<td>983</td>
</tr>
<tr>
<td>Fences, regulatory statutes repealed</td>
<td>691</td>
</tr>
<tr>
<td>Infectious disease control statutes</td>
<td>606, 693</td>
</tr>
<tr>
<td>Laurel Springs Livestock Weighing Station Committee, functions; weighing fees</td>
<td>1139</td>
</tr>
<tr>
<td>Official State Mammal, adoption</td>
<td>1207</td>
</tr>
<tr>
<td>Swine with hog cholera, destruction; indemnity payments</td>
<td>525</td>
</tr>
</tbody>
</table>

### Annulment of Marriage—see Divorce and Alimony;
Marriage and Marriage Laws

### Anson County:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance services, collection of charges</td>
<td>708</td>
</tr>
<tr>
<td>Anson County Historical Society, Inc., State appropriation</td>
<td>1135</td>
</tr>
<tr>
<td>Anson County Hospital, purchase of contiguous property</td>
<td>492</td>
</tr>
<tr>
<td>Board of Education, appointment of members; terms of office</td>
<td>377</td>
</tr>
<tr>
<td>Senate, numbering of seats in elections</td>
<td>985</td>
</tr>
</tbody>
</table>

### Anson County Historical Society, Inc.:

| Appropriations                                           | 1135 |

### Antique Firearms:

| Definition; purchases authorized                          | 101  |

### Appeals—see Civil Procedure; Criminal Procedure

### Appearance Bonds—see Surety Bonds; for local acts, see particular county or municipality

### Appropriations:

<table>
<thead>
<tr>
<th>Acts appropriating funds for State Departments, Institutions and Agencies:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Improvement Appropriation Act of 1969</td>
<td>755</td>
</tr>
<tr>
<td>Current Operations (1969-71)</td>
<td>807</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agriculture, Department of, appropriations for:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Plain Vegetable Research Station, land and facilities</td>
<td>1173</td>
</tr>
<tr>
<td>Poultry Disease Diagnostic Laboratory, equipment</td>
<td>1101</td>
</tr>
<tr>
<td>Regional diagnostic laboratory, building and equipping</td>
<td>1300</td>
</tr>
<tr>
<td>Anson County Historical Society, Inc., appropriation</td>
<td>1135</td>
</tr>
</tbody>
</table>
## Appropriations—(Continued)

<table>
<thead>
<tr>
<th>Archives and History, Department of, appropriations for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alamance Battleground, Visitor Center—Museum, improvements</td>
</tr>
<tr>
<td>Alexander, Hezekiah, home, restoration</td>
</tr>
<tr>
<td>Belhaven Memorial Museum, cataloging, filing and planning</td>
</tr>
<tr>
<td>Bentonville State Historic Site, purchase of additional land</td>
</tr>
<tr>
<td>&quot;Blandwood&quot;, preservation and protection</td>
</tr>
<tr>
<td>Carteret County historical research, preservation and restoration</td>
</tr>
<tr>
<td>Colonial Records Project, continuation</td>
</tr>
<tr>
<td>Fort Dobbs, land purchase, development and research</td>
</tr>
<tr>
<td>Hillsborough, real estate acquisition, historic restoration and development</td>
</tr>
<tr>
<td>Historic Carson House</td>
</tr>
<tr>
<td>Historic Edenton, restoration and maintenance of historic homes</td>
</tr>
<tr>
<td>Historic Halifax State Historic Site and other purposes</td>
</tr>
<tr>
<td>Historic Hope, repair and restoration</td>
</tr>
<tr>
<td>Lane, Joel, Home, repair and restoration</td>
</tr>
<tr>
<td>Lenoir, William, House, repair and restoration</td>
</tr>
<tr>
<td>Moores Creek National Military Park, acquisition of land</td>
</tr>
<tr>
<td>Murfreesboro, historic preservation in town</td>
</tr>
<tr>
<td>Museum-Visitor Center, Confederate Gunboat</td>
</tr>
<tr>
<td>C.S.S. Neuse, construction</td>
</tr>
<tr>
<td>Wright Tavern, repair and restoration</td>
</tr>
<tr>
<td>Blind, State Commission for, appropriations for State aid to counties for payment of social workers</td>
</tr>
<tr>
<td>Brevard Music Center, appropriation</td>
</tr>
<tr>
<td>Capital Improvement Appropriations Act of 1963, amendment as to Fayetteville State Teachers College, Student Center</td>
</tr>
<tr>
<td>Capital Improvement Appropriation Act of 1965, amendment as to self-liquidating projects</td>
</tr>
<tr>
<td>Capital Improvement Appropriations Act of 1967, amendment as to self-liquidating projects of Western Carolina University, Appalachian State University and Wilmington College</td>
</tr>
<tr>
<td>Commission on Education and Employment of Women, appropriations</td>
</tr>
<tr>
<td>Community Colleges Department, appropriations for:</td>
</tr>
<tr>
<td>Operating funds</td>
</tr>
<tr>
<td>Tri-County Technical Institute Unit, operation expenses</td>
</tr>
<tr>
<td>Conservation and Development, Department of, appropriations for: Employment of additional personnel to assist county forest rangers</td>
</tr>
</tbody>
</table>

1642
Appropriations—(Continued)
Conservation and Development, Department of, Appropriations for—(Continued)
Fire Fighting headquarters and equipment in Chowan County ........ 1168
Implementation of Mining Registration Act of 1969 and to create position of State Mining Engineer ................. 1161
Raven Rock State Park, purchase of lands for establishment .... 1163
Seashore Development functions .................................. 1143
Spillway gate at Lake Waccamaw, construction ................. 1149
State Park at Lake Waccamaw, land acquisition ............... 1220
Study of estuaries and comprehensive plan .................... 1164
East Carolina University, Appropriations for:
School of Allied Health Professions, operating budget .......... 1299
School of Medicine curriculum, planning and development .... 1189
Education, State Board of, Appropriations for:
Hospital programs of nursing education ............................ 1138
Study of need for instruction in Environment and Natural Resources ................................. 1103
Transportation of special education pupils,
use of appropriations specified .................................... 1293
Vocational rehabilitation centers, study of needs ............. 1169
Higher Education Board, Appropriations for assistance
for medical students at Duke and Wake Forest Universities .... 1273
Industrial Development Commission for Martin County,
appropriation for aiding Roanoke River Project ............... 1160
Interstate Cooperation Commission, Appropriations for:
Contribution to Advisory Commission on Intergovernmental Relations .................................................. 1203
Operating expenses .................................................. 1202
Justice Department, Appropriations for:
Counsel for indigent defendants .................................. 1266
Police Information Network .......................................... 1267
Laurel Springs Livestock Weighing Station Committee,
appropriation .......................................................... 1139
Medical Care Commission, recruitment of nurses and others in health professions, expenditure of appropriations .......... 1219
Municipal Street aid (Powell bill) funds, annual appropriation;
clarifying amendments .................................................. 665
North Carolina Association of Rescue Squads, Appropriation for communications center .................. 1136
North Carolina Housing Corporation, appropriation 1162
North Carolina School for the Deaf at Morganton, appropriations for chapel, construction and furnishing 1264
North Carolina State University at Raleigh, appropriations for:
  Addition to Broughton Hall, completion 1265
  Nuclear Science and Engineering Center, emergency appropriation 214
  Research and experimentation, tobacco and tobacco products 1141
  Textile extension program 1211
North Carolina Symphony Society, Incorporated, appropriations 1105
North Carolina Zoological Authority, appropriation to aid in establishing Zoological Garden 1271
Parrott, Lemuel, appropriation of compensation for unjust imprisonment 1183
Public Instruction, Department of, appropriations for Division of Vocational Rehabilitation 1297
Revenue Department, appropriations for soft drink tax and tobacco tax units, administration 1212
State Home and Industrial School for Girls, appropriations for chapel improvements 1261
State Training School for Girls, appropriations for chapel construction 1262
Teachers' and State Employees' Retirement System, appropriations for increase in pensions to former teachers and employees 1156
University of North Carolina at Chapel Hill, appropriations for:
  Center for Alcoholic Studies, establishment and operation 1111
  Department of Family Medicine at School of Medicine 1108
  Division of Health Affairs, for special teaching program for medical students 1107
University of North Carolina at Greensboro, appropriations for Parkway Playhouse, repairs 1167
Vagabond School of the Drama, Inc., appropriation for operation, construction and expansion 1102
Arapahoe, Town of:
  Charter, reactivation; appointment of officials 200
Archdale, Town of:
  Merger with Town of Trinity 667
Archdale-Trinity, City of:
  Incorporation 667
Architects:
  Capital improvement projects, selection of architects 1157
  Landscape architects, licensing act 672
  Professional corporations 718
INDEX TO SESSION LAWS

Chapter

Archives—see Historical Matters; State Department of Archives and History

Arlington, Town of:
  Election, validation; new registration ........................................ 824

Armed Forces—see Military Affairs; National Guard

Armories—see National Guard

Arrest—see Criminal Procedure

Art Galleries—see Museums

Ashe County:
  Board of Commissioners:
    Conveyance of property to hospital ........................................ 1084
    Tax levy for public library .................................................. 1049
  Board of Education, appointment of members .............................. 248
  Board of Elections, registration of voters ................................ 298
  Elections, registration of voters ............................................. 171
  Justices of peace, appointments ................................................ 1033
  Laurel Springs Livestock Weighing Station Committee, appointment of member ........................................ 1139

Asheboro, City of:
  Ash-Rand Rescue, Inc., lease of property ................................... 419
  Board of Education:
    Conveyance of property ...................................................... 1234
    Lease of property to City .................................................... 233
    Residence requirements ........................................................ 172

Asheville, City of:
  Airport property, private sale .................................................. 939
  Asheville-Biltmore College, continuing liability
    for indebtedness incurred in aiding ........................................ 297
  City Council, election and terms of office ................................. 165
  Initiative, referendum and recall, procedures ............................. 313
  Library Board, appointment and terms of members ........................ 329
  Tax scrolls, official records .................................................... 778

Assessments—see Taxes (for local acts see particular county or municipality)

Assignments:
  Group life insurance and annuities, assignment of interests ............ 319

Asylum—see Insane Persons and Incompetents; State Institutions

Atlantic Beach, Town of:
  Police department, territorial jurisdiction .................................. 327

1645
Attachment—see Civil Procedure

Attorney General—see under State Officials

Attorneys at Law:
- Discipline and disbarment, appeals ............................................. 44
- District Bars, membership fees .................................................. 241
- Fees as costs in certain actions for damages ............................... 786
- Indigent defendants, appropriations for payment of counsel ............. 1266
- Indigent persons, provision for legal counsel; public defender system 1013
- Judgments, payments to clerk; disbursement procedure, waiver of notice ................................................................. 18
- Oath before admission to practice, judges authorized to administer . 44
- Practice of law, persons disqualified .......................................... 44
- Professional Corporation Act ..................................................... 718
- Welfare applicants or recipients, provision for attorneys services .. 735

Attorneys-in-fact—see Principal and Agent

Auditors—see State Auditor under State Officials; Public Accountants; for local acts see particular county or municipality

Aurora, Town of:
- Mayor and Commissioners, notice of candidacy .............................. 256

Automobiles—see Motor Vehicles

Avery County:
- Board of Commissioners, election and compensation of members .... 698
- Board of Education:
  - Appointment of members ....................................................... 248
  - Election of members ............................................................. 1181
- Elections, registration of voters ................................................. 171

Ayden, Town of:
- Corporate limits, establishment ................................................. 579
- Elections, time of holding; validation of acts ................................ 287

B

Bad checks—see Negotiable Instruments and Worthless Checks

Bail—see Surety Bonds

Bakeries:
- Use of coloring in bread and other bakery products prohibited ....... 1121

1646
Index to Session Laws

Chapter

Banks and Banking:
Burial associations, inoperative, transfer of deposits .......... 1083
Coercion of borrowers as to insurance, prohibited ............... 1032
Excise tax:
   Rates .......................................................... 1075
   Return date .................................................... 1282
Fees for operating Commissioner's office, determination ........ 229
Fiduciary services by foreign corporations of adjacent states;
   appointment of process agent ................................. 839
Funds held under pre-need burial contracts, regulation ........ 187
Interest, legal rates ................................................ 1303
Joint accounts, payments upon death of one depositor .......... 863
Legal holidays .................................................... 521
Officers and employees, loans ................................. 41
State Banking Commission, appointment of members .......... 920
Uniform Commercial Code, miscellaneous amendments .......... 1115

Barbiturates—see Drugs and Druggists

Battleboro, Town of:
   Corporate limits, extension .................................. 580

Beach Areas:
   Bonds for beach erosion control and similar projects, maturity .. 475
   Cape Lookout National Seashore, acquisition of lands .......... 904
   Erosion control, flood and hurricane protection projects,
      special assessments ......................................... 474
   Fire and extended coverage insurance, provision for .......... 249
   Marshlands, tax valuation limitations .......................... 945
   Act amended .................................................... 1250
North Carolina Seashore Commission, abolished; duties transferred. 1143

Beaufort County:
   Alcoholic beverages, purchase-transportation permits .......... 617
   Belhaven, additional seat of court ................................ 527
   Board of Education, appointment of members .................. 248
   Elections, persons having access to voting enclosure .......... 1280
   Hunting with dogs, regulations .................................. 265

Beer—see Alcoholic Beverages

Belhaven, Town of:
   Charter, revision and consolidation ............................ 714
   District Court, additional seat of court ....................... 527
   Town Manager, appointment; election on form of government .. 60

1647
INDEX TO SESSION LAWS

Chapter

Belmont, City of:
   City Manager, appointment ........................................ 930

Benefits—see Social Services; Retirement Systems

Bertie County:
   Ad valorem taxes, validation of levies and sales ................ 572
   Board of Commissioners, compensation of members .............. 554
   Board of Education, appointment of members ................... 248
   Windsor Township Development Commission, investment of funds .. 456

Bessemer City, Town of:
   A.B.C. stores, establishment ..................................... 77

Bethel, Town of:
   Corporate limits, establishment ................................... 505
   Act amended .......................................................... 997

Bill of Costs—see Salaries and Fees; for local acts
   see particular county or municipality

Bills and Notes—see Negotiable Instruments and Worthless Checks

Birds—see Game and Game Laws; for local acts
   see particular county or municipality

Birth Certificates—see Vital Statistics

Biscoe, Town of:
   A.B.C. stores, establishment ..................................... 145
   Property, conveyance to County .................................. 346

Black Mountain, Town of:
   Charter, amendments ............................................. 1034
   Sale of beer and wine, law repealed ............................. 650

Bladen County:
   Ambulance services, collection of charges ..................... 708

Blind Persons:
   Commission for the Blind, release of information
      to Motor Vehicles and Revenue Departments .................. 871
   Compulsory schooling for blind children;
      State provision for education ................................ 749
   Elections, assistance for blind voters .......................... 175
   Governor Morehead School, provision for clothing and transportation 749
   Lake Norman, fishing without license ........................... 761
   State Commission for the Blind, membership, meetings, functions .. 1255
   Vending stand operators, retirement benefits .................. 1255

1648
INDEX TO SESSION LAWS

Chapter

Board of Agriculture—see State Board of Agriculture; County, see particular county

Board of Conservation and Development—see State Board of Conservation and Development

Board of Education—State, see State Board of Education; Local, see under particular county or municipality

Board of Health—see State Board of Public Health; County, see particular county

Board of Mental Health—see State Board of Mental Health

Board of Social Services—see State Board of Social Services; County, see particular county

Boarding and Convalescent Homes—see Hospitals and Hospital Districts; Convalescent Homes

Boarding Houses—see Hotels and Restaurants

Boards—State, see particular boards; State Agencies and Administrative Boards; Local, see particular county or municipality

Boats and Other Watercraft:

Boats operated on private ponds, exemption from motorboat law .. 87
Commercial fish boats, licenses ................................. 1243
N. C. Water Safety Committee, creation, appointment of members, functions .................................. 1093
Uniform State Waterway Marking System, adoption .................. 1093

Bonds and Notes: (see also Surety Bonds; for local acts, see particular county or municipality)

Beach erosion control and similar projects, maturity of bonds ...... 475
Cable television systems, period of usefulness,
Municipal Finance Act ............................................. 834
County bonds, time for issuance following dissolved injunction .. 99
County bonds and notes, interest rate limitation removed .......... 687
County Finance Act, amendments as to debt limitations ............. 996
Act repealed .......................................................... 1289
Drainage districts, maximum interest rate .......................... 878
Facsimile seals and signatures .................................... 29
Good faith checks by bidders on bonds and notes ..................... 943
Institutions of higher education, revenue bonds, interest rate ...... 1158
Metropolitan Sewerage Districts Act, revenue bonds ................. 993
INDEX TO SESSION LAWS

Chapter

Bonds and Notes—(Continued)
Municipal bonds, statement of bonded indebtedness, deduction of sewer system debt ....................... 1092
Municipal Finance Act:
   Cable television systems, period of usefulness ........................................ 834
   Debt limitations, amendments ......................................................... 995
   Act repealed .................................................................................. 1288
   Interest rate limitation removed .................................................... 686
   Statement of bonded debt; sewer system debt deduction .......... 1092
North Carolina Housing Corporation, issuance of bonds and notes; tax exemption ........................................... 1235
North Carolina Stadium Authority, notes, interest rate ............... 1198
Revenue Bond Act:
   Interest rate limitation removed .................................................... 688
   Terms redefined; pledge of revenues; refunding bonds ................. 1118
   Single bond without coupons, issuance authorized ....................... 685
   State Construction Finance Authority, revenue bonds ................. 1048
   State Highway Bond Act, interest rate, referendum on amendments 379
University of North Carolina at Chapel Hill, revenue bonds
   for auxiliary facilities, interest rate; time for issuance ............ 1236
University of North Carolina at Greensboro, revenue bonds
   for construction of dormitory facility ............................................ 1205
Water and sewer authorities, revenue bonds, interest rate .......... 850
Water storage facilities, counties and municipalities,
time for issuance of bonds ................................................................. 407

Boone, Town of:
   Charter, amendments; sale of property ............................................ 905

Bottled Drinks:
   Ingredients, soft drinks, regulations ............................................. 49
   Sanitation requirements ................................................................. 1068
   Soft Drink Tax Act ................................................................. 1075
   Act amended ........................................................................... 1247, 1251

Boundaries of State—see State Boundaries

Brevard Music Center:
   Appropriation ........................................................................ 1281

Brokers: (see also Principal and Agent)
   Real estate brokers, regulatory law amendments ...................... 191

1650
**Index to Session Laws**

**Chapter**

**Brunswick County:**
- Alcoholic beverages, purchase-transportation permits ........................................ 617
- Ambulance services, collection of charges ......................................................... 708
- Board of Commissioners, compensation of members ........................................... 726
- Board of Education:
  - Appointment of members .................................................................................. 248
  - Compensation of members ................................................................................ 1052
- Register of deeds, compensation ......................................................................... 726
- Sheriff and deputies, compensation and appointment ........................................... 690
- Worthless checks, penalty for issuance ................................................................ 157
- Zoning, authority of county and municipalities ..................................................... 410

**Budget Appropriation Act**—see Appropriations

**Budget Bureau**—see Department of Administration under State Departments

**Budget, Director of**—see under State Officials

**Building Code and Regulations**—see State Building Code

**Buildings:** (see also Public Buildings and Grounds)
- Building codes, state and local, statutes relating to, amended ......................... 1229
- County regulations, inspections; condemnation of unsafe buildings ............. 1066
- Construction loans, legal rates of interest;
  - maximum fees and charges .............................................................................. 1303
- Electrical inspections, county inspectors;
  - enforcement of regulatory laws ........................................................................ 1064
- Historically or architecturally significant buildings,
  - identification and protection ............................................................................. 577
- House trailers for use as residences, construction requirements .................... 463
- Inspections, statutory amendments ...................................................................... 1063
- Mobile homes, Uniform Standards Code ............................................................ 961
- Municipal regulations, inspections;
  - condemnation of unsafe buildings .................................................................. 1065
- State Building Code, means of ingress, regulation authorized ......................... 567

**Unit dwellings:**
- Procedures for demolition, removal; appeals ...................................................... 868
- Repair, closing, demolition, law applicable to counties ..................................... 913
- Unit Ownership Act, definition of “building” and
  “condominium unit” ............................................................................................... 848

**Buncombe County:**
- Alcoholic beverages, purchase-transportation permits ....................................... 617
- Ambulance services, collection of charges ......................................................... 708

1651
Buncombe County—(Continued)
   Asheville-Biltmore College, continuing liability
      for indebtedness incurred in aiding ......................... 297
   Black Mountain-Swannanoa Recreation District, establishment .... 957
Board of Commissioners:
   Appropriation for Eliada Home for Children ...................... 1038
   Appropriations to Chamber of Commerce ........................ 436
   Compensation of members .......................................... 903
   Supplemental tax for public schools ............................. 1095
General County Court, appointment of judges; transfer of jury cases 630
   Justices of peace, appointments .................................. 1033
Municipalities:
   Assistance to persons relocated ................................. 551
   Subdivision control .............................................. 435
   Tax scrolls, official records .................................... 778
Burial Associations: (see also Cemeteries and Funeral Directors)
   Assessments against mutual burial associations ............... 1006
   Bank deposits of inoperative association, transfer .......... 1083
   Regulatory act, amendments ..................................... 1041
Burke County:
   Alcoholic beverages, purchase-transportation permits ........ 617
   Board of Education, transfer of property of school districts ... 1043
   Morganton City Board of Education, conveyance of property .... 590
Burlington, City of:
   Airport Authority, establishment .................................. 814
   Conveyance of property, validation ................................ 748
   Firemen's Relief Fund, creation of separation funds ............. 321
   Local development fund, appropriations ........................ 642
   Real property, private sale of certain tract .................... 395
Burnsville, Town of:
   A.B.C. stores, establishment ....................................... 925
Business Corporation Act—see Corporations
Business Schools—see Schools and School Districts
Busses—see Motor Carriers; Motor Vehicles

C

Cabarrus County:
   Board of Commissioners, limitations on issuance of school bonds 137
   Act repealed; prior law re-enacted ................................ 568
   Act amended ......................................................... 1097

1652
INDEX TO SESSION LAWS

Chapter

Cabarrus County—(Continued)
Board of Education, exchange of property ......................... 307
Justices of peace, appointments .................................... 1033
Mount Pleasant, zoning authority .................................... 11
Register of deeds, compensation ..................................... 448
Senate, numbering of seats in elections ............................ 985
Sheriff, compensation .................................................. 508

Cable Television—see Radio and Television

Caldwell County:
Alcoholic beverages, purchase-transportation permits ............ 617
Ambulance services, collection of charges ........................ 708
Board of Commissioners:
  Compensation of members ...................................... 467
  Expenditures for soil and water conservation .................. 174
Board of Education, boundaries of Lenoir
  School Administrative Unit ..................................... 3
  Technical institute, tax levy .................................... 1026

Camden County:
Board of Education, appointment of members ..................... 248
Elections, registration of voters .................................... 171

Cancer Control Program:
  Immunity from liability of persons reporting cancer .......... 5

Candor, Town of:
Property, conveyance to County ................................... 346

Cape Carteret, Town of:
Board of Commissioners, election and installation ............... 283

Capital Improvements—see Public Buildings and Grounds

Capital Improvements Appropriations—see Appropriations

Carnivals—see Counties; for local acts, see particular county or municipality

Carrboro, Town of:
Charter, reorganization ............................................. 660
Zoning, territorial jurisdiction .................................... 1088

Carriers: (see also Motor Vehicles)
  Cigarettes, unlawful transportation in violation of tax law .... 1075
INDEX TO SESSION LAWS

Chapter

Carriers—(Continued)

Common carriers, franchise tax ........................................ 600
   Act amended ............................................................. 1056, 1098
For hire vehicles, transportation of alcoholic beverages, regulations .... 1018
Interstate common carriers, penalties for failure
   to register authority .................................................. 645
Interstate motor carriers of commodities, registration .................. 721
Motor common carriers vehicle inspection ................................ 763
Motor vehicle registration and license fees ................................ 600
   Act amended ............................................................. 1056, 1098
Passenger busses, regulation of width .................................. 880
Radio common carriers, regulation ...................................... 766
Taxicabs, exemption from regulation .................................... 681

Carteret County:
Ad valorem taxes, limitations on foreclosure actions .................. 361
Alcoholic beverages, purchase-transportation permits .................. 617
Elections, registration of voters ......................................... 171
Tax collector, term of office ............................................ 494

Caswell County:
Ambulance services, collection of charges ................................ 708
Board of Commissioners:
   Compensation of members ............................................ 56
   Levy of taxes for special purposes .................................. 1024
   Publication of fiscal data ............................................. 55
   Tax levy for watershed improvement program ....................... 553
Elections, registration of voters ......................................... 171
Justices of peace, appointments ......................................... 1033
   Act amended ............................................................. 1302
Warranty deeds, execution by County and municipalities .............. 223

Catawba County:
Ad valorem taxes, discount for prepayment ................................ 566
Alcoholic beverages, purchase-transportation permits ................. 617
Ambulance services:
   Collection of charges ................................................. 708
   Obtaining without intent to pay .................................... 292
Board of Commissioners, regulation of tax listing ..................... 523
Board of Education, appointment of members .......................... 248
   Act amended; election of members .................................. 874
Lake Norman Marine Commission, establishment ......................... 1089

1654
## Index to Session Laws

<table>
<thead>
<tr>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries: (see also Burial Associations and Funeral Directors)</td>
</tr>
<tr>
<td>Monuments and tombstones, removal or defacing, exceptions</td>
</tr>
<tr>
<td>Municipal corporations, transfer of cemetery properties and funds to religious and charitable organizations</td>
</tr>
<tr>
<td>Perpetual care cemeteries:</td>
</tr>
<tr>
<td>Assessments</td>
</tr>
<tr>
<td>Sale to churches or municipalities</td>
</tr>
<tr>
<td>Sanitary Districts, acceptance of lands donated for cemetery purposes</td>
</tr>
<tr>
<td>Certified Public Accountants—see Public Accountants</td>
</tr>
<tr>
<td>Chadbourn, Town of:</td>
</tr>
<tr>
<td>Corporate limits, extension</td>
</tr>
<tr>
<td>Chapel Hill, Town of:</td>
</tr>
<tr>
<td>Charter, revisions</td>
</tr>
<tr>
<td>Off-street parking fund, establishment</td>
</tr>
<tr>
<td>Real estate, exchange of tracts</td>
</tr>
<tr>
<td>Rights of way, acquisition; procedure</td>
</tr>
<tr>
<td>Sidewalk improvements, assessment without petition</td>
</tr>
<tr>
<td>Zoning, territorial jurisdiction; assessment ratios</td>
</tr>
<tr>
<td>Charitable Institutions:</td>
</tr>
<tr>
<td>Cemetery properties and funds, transfer from municipal corporations</td>
</tr>
<tr>
<td>Counties, aid to organizations providing vocational rehabilitation programs for handicapped persons</td>
</tr>
<tr>
<td>Solicitations regulated</td>
</tr>
<tr>
<td>Charlotte, City of:</td>
</tr>
<tr>
<td>Ad valorem taxes, discounts and penalties</td>
</tr>
<tr>
<td>Charlotte-Mecklenburg Board of Education:</td>
</tr>
<tr>
<td>Compensation of members</td>
</tr>
<tr>
<td>Payment of premiums for group insurance</td>
</tr>
<tr>
<td>Charlotte-Mecklenburg Charter Commission, establishment</td>
</tr>
<tr>
<td>Charter, revisions</td>
</tr>
<tr>
<td>Chief of Police, probationary promotions</td>
</tr>
<tr>
<td>City Council, election of members</td>
</tr>
<tr>
<td>Civic center, joint operation</td>
</tr>
<tr>
<td>Contracts, regulation and approval</td>
</tr>
<tr>
<td>Eminent domain, exercise of power for airport purposes</td>
</tr>
<tr>
<td>Firemen's Retirement System, investments in stock</td>
</tr>
</tbody>
</table>
Charlotte, City of—(Continued)
  Mayor, voting powers ...................................................... 916
  Police Department, territorial jurisdiction .......................... 1170

Chatham County:
  Ambulance service, obtaining without intent to pay .................. 292
  Board of Education, appointment of members .......................... 248
  Elections, registration of voters ........................................ 171

Chattel Mortgages—see Mortgages and Deeds of Trust

Checks—see Negotiable Instruments and Worthless Checks

Cherokee County:
  Board of Commissioners, election of members ......................... 589
  Board of Education, election of members ................................ 476
  Deputy sheriffs, compensation .......................................... 972
  Elections, registration of voters ........................................ 171
  House of Representatives, numbering of seats in elections .......... 985
  Register of Deeds, compensation ....................................... 203
  Sheriff, compensation .................................................... 203

Cherryville, City of:
  Airport, joint operation ............................................... 697
  Charter, revision and consolidation ..................................... 581
  Gaston County Board of Education, title to school property ...... 980
  Mayor and Commissioners, compensation ................................ 429

Children: (see also Minors)
  Adopted children, birth certificates, date of birth .................. 977
  Adoption of illegitimate child, effect of legitimation
    after mother's consent .............................................. 534
  Afflicted children:
    Exclusion from public schools ...................................... 340
    Exemption from compulsory school attendance law ................. 339
  Aid to dependent children; child care institutions ................ 546
  Blind and deaf children, compulsory schooling;
    State provision for education ..................................... 749
  Compulsory school attendance law, revisions ........................ 799
  Control of children by parents or guardian, regulatory act ....... 1080
  Defective children, public exhibition prohibited .................... 457
  Full-time care services, regulation .................................. 908
  Act amended ........................................................... 1081
  Handicapped dependent children, nonsupport, misdemeanor .......... 889

1656
Children—(Continued)

Harmful materials, protection of minors, regulatory act .................. 1215
Hearing-impaired children, program of education .......................... 1166
Juvenile offenses, court jurisdiction; probation ............................ 911
Mentally retarded children, accident, health, hospital and medical insurance, continuation of coverage ......................... 745
Non support of child, punishment ........................................ 1045
Removal from State, when subject to judicial custody; felony ......... 81
Veterans, scholarships for children ........................................ 720, 741
Working hours, regulations ................................................ 962
Yearly allowance for support from parent's estate ...................... 269

Chiropodists—see Podiatry

Chiropractors:

Accident and health insurance policies, payment for services of licensed chiropractors ................................................... 679
Professional Corporation Act .................................................. 718

Chowan County:

Board of Elections, selection of polling places and officials in Town of Edenton ......................................................... 108
Building permits, issuance .................................................... 424

Churches:

Activity busses, speed limits .................................................. 1000
Busses, regulation ............................................................... 264
Cemetery properties and funds, transfer from municipal corporations ................................................................. 402
Interest rate, building and improvement loans ........................... 40
Perpetual care cemeteries, purchase ....................................... 851

Civil Disorder—see Riots and Civil Disorders

Civil Procedure:

Actions affecting public interest, Attorney General participation ... 535
Afflicted children, exclusion from public schools, appeals from administrative decisions ............................. 340
Ambulance service charges, liens upon recoveries for personal injuries ............................................................. 450
Animals, civil remedies for protection from cruelty ..................... 831
Appeals, miscellaneous statutes amended .................................. 44
Attachment and garnishment, ad valorem taxes .......................... 1029
Attorneys fees as costs, certain actions for damages .................... 786

1657
### INDEX TO SESSION LAWS

#### Civil Procedure—(Continued)

<table>
<thead>
<tr>
<th>Clause</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borrowers, civil remedy for enforcement of act prohibiting coercive conduct by lending institutions as to insurance</td>
<td>1032</td>
</tr>
<tr>
<td>Building codes, civil remedies for enforcement</td>
<td>1229</td>
</tr>
<tr>
<td>Buildings:</td>
<td></td>
</tr>
<tr>
<td>Regulatory laws and orders of county inspectors, equitable enforcement</td>
<td>1066</td>
</tr>
<tr>
<td>Regulatory laws and orders of municipal inspectors, equitable enforcement</td>
<td>1065</td>
</tr>
<tr>
<td>Child control act, civil enforcement; appeals</td>
<td>1080</td>
</tr>
<tr>
<td>Condemnation actions:</td>
<td></td>
</tr>
<tr>
<td>Notice, indexing; effect</td>
<td>864</td>
</tr>
<tr>
<td>Special masters, compensation</td>
<td>1016</td>
</tr>
<tr>
<td>Withdrawal of deposits</td>
<td>649</td>
</tr>
<tr>
<td>Contracts under seal, actions and counterclaims, additional defendants</td>
<td>810</td>
</tr>
<tr>
<td>Corporations, orders and decrees concerning dissolutions, recording and indexing</td>
<td>965</td>
</tr>
<tr>
<td>Court of Appeals, Utilities Commission cases, appeal procedure</td>
<td>614</td>
</tr>
<tr>
<td>Drainage district proceedings, appeals from rulings of Clerk</td>
<td>192</td>
</tr>
<tr>
<td>Act amended</td>
<td>440, 1002</td>
</tr>
<tr>
<td>Employment Security Commission cases, appeals from Superior Court</td>
<td>575</td>
</tr>
<tr>
<td>Garnishment for taxes, negotiable instruments issued by garnishee to taxpayer</td>
<td>1071</td>
</tr>
<tr>
<td>Hearing aid dealers and fitters, regulatory act, civil remedies for enforcement</td>
<td>999</td>
</tr>
<tr>
<td>Immunity from civil liability—see Tortfeasors</td>
<td></td>
</tr>
<tr>
<td>Insurance Commissioner, appeals from rulings in beach area insurance matters</td>
<td>249</td>
</tr>
<tr>
<td>Judgments, payments to Clerk; disbursement procedure, waiver of notice by attorney</td>
<td>18</td>
</tr>
<tr>
<td>Judicial Department Act of 1965,’miscellaneous amendments</td>
<td>1190</td>
</tr>
<tr>
<td>Jurors, miscellaneous amendments to statutes</td>
<td>205</td>
</tr>
<tr>
<td>Liens of laborers and materialmen, enforcement actions</td>
<td>1112</td>
</tr>
<tr>
<td>Meat Inspection Act, remedies for enforcement</td>
<td>893</td>
</tr>
<tr>
<td>Minors, protection from harmful materials, civil remedies</td>
<td>1215</td>
</tr>
<tr>
<td>Motor vehicle driver’s license, appeal from revocation order under implied consent law</td>
<td>1074</td>
</tr>
<tr>
<td>North Carolina Housing Corporation, enforcement of duties; remedies of obligation holders</td>
<td>1235</td>
</tr>
</tbody>
</table>
Civil Procedure—(Continued)

Obstructing justice by violating court orders,
punishment for contempt ........................................ 1128

Partition proceeding:
Creation of tenancy by entirety in division of land .............. 748
Dedication of streets ........................................... 45

Passenger Tramway Safety Act, enforcement
of Labor Commissioner’s orders .................................. 1021

Personal injury actions, statements inadmissible in evidence
unless copies furnished .......................................... 692

Physician-patient privilege, compelling disclosure of information ... 914

Presidential electors, enforcement of penalties
for failure to perform duties .................................... 949

Public records, proof by affidavit ................................ 886

Riots and civil disorders, civil remedies .......................... 869

Rules amended:
No. 4 .................................................................. 895
No. 14 .................................................................. 810
Nos. 17, 18, 34, 40, 41 ............................................. 895
No. 45 .................................................................. 886
Nos. 50, 52, 53 ....................................................... 895

Rules of procedure act, 1967, effective date postponed ........... 803

State-owned lakes and estuarine waters,
injunctions against unauthorized dredging ....................... 791

Unfair competition and deceptive practices, civil remedies ........ 833

Unfit dwellings, injunctions against orders requiring
demolition or removal .............................................. 868

Wrongful death actions, damages recoverable; evidence .......... 215

Clams—see Fish and Fisheries

Clay County:

Board of Education, appointment of members ...................... 248
Elections, registration of voters .................................... 171
House of Representatives, numbering of seats in elections ........ 985
Pistol permits, issuance ............................................ 276
Register of Deeds, compensation ................................... 263

Clayton, Town of:
Elections, eligible candidates and voters ............................. 257

Clerks of Superior Court—see under Courts;
for local acts, see particular county
## Index to Session Laws

<table>
<thead>
<tr>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland County:</td>
</tr>
<tr>
<td>Board of Commissioners, regulation of tax listing</td>
</tr>
<tr>
<td>Director of Finance, appointment; powers and duties</td>
</tr>
<tr>
<td>Municipalities:</td>
</tr>
<tr>
<td>Assistance to persons relocated</td>
</tr>
<tr>
<td>Establishment of A.B.C. stores</td>
</tr>
<tr>
<td>Polkville, incorporation</td>
</tr>
<tr>
<td>Senate, numbering of seats in elections</td>
</tr>
<tr>
<td>Clinton, City of:</td>
</tr>
<tr>
<td>Alcoholic beverages, purchase-transportation permits</td>
</tr>
<tr>
<td>Firemen's Supplemental Retirement Fund, establishment; payment of benefits</td>
</tr>
<tr>
<td>Mayor and Councilmen, compensation</td>
</tr>
<tr>
<td>Coats, Town of:</td>
</tr>
<tr>
<td>Mayor and Commissioners, election and terms of office</td>
</tr>
<tr>
<td>Cofield, Village of:</td>
</tr>
<tr>
<td>Charter, incorporation</td>
</tr>
<tr>
<td>Collection Agencies:</td>
</tr>
<tr>
<td>Regulatory act</td>
</tr>
<tr>
<td>Columbus County:</td>
</tr>
<tr>
<td>Alcoholic beverages, purchase-transportation permits</td>
</tr>
<tr>
<td>Ambulance services, collection of charges</td>
</tr>
<tr>
<td>Board of Commissioners, compensation of members</td>
</tr>
<tr>
<td>Board of Education:</td>
</tr>
<tr>
<td>Appointment of member</td>
</tr>
<tr>
<td>Appointment of members</td>
</tr>
<tr>
<td>Compensation of members; appointment of member</td>
</tr>
<tr>
<td>Elections, registration of voters</td>
</tr>
<tr>
<td>Whiteville Airport Authority, conveyance of property; authority abolished</td>
</tr>
</tbody>
</table>

Commerce—see Trade and Commerce

Commissioners, County—see Counties; for local acts, see particular county

Commissioners, State—see State Officials

Commissioners, Town or City—see Municipal Corporations; for local acts see particular municipality

Commissions, State—see State Commissions

1660
INDEX TO SESSION LAWS

Chapter

Community Colleges—see State Institutions

Compensation—see Salaries and Fees; for local acts, see particular county or municipality

Compensation Laws—see Workmen's Compensation Act; Employment Security Law

Concord, City of:
A.B.C. officers, appointment ........................................ 221
Alcoholic beverages, purchase-transportation permits .................. 617
Concord City Board of Education, election of members ................ 71
Kannapolis Sanitary District, acquisition of sewer lines ............... 668

Condemnation Proceedings—see Eminent Domain

Condominium:
Unit Ownership Act, definition of "building" and "condominium unit" .......................... 848

Confederate Woman's Home:
Corporate existence extended ........................................ 116

Constitution of North Carolina, Proposed Amendments:
(see front of volume for Constitution and Index)
Administrative reorganization ........................................ 932
Complete revision ....................................................... 1258
Escheats, reassignment ................................................. 827
Extra sessions of General Assembly on legislative call ................ 1270
Income taxes .................................................................... 872
Literacy requirement for voting, abolition .............................. 1004
State and Local Finance .................................................. 1200

Consumer Protection:
Consumer Finance Act, licensing of lenders;
maximum fees and interest charges .................................. 1303
Proceedings before courts, boards and agencies,
intervention by Attorney General ..................................... 535
Unfair methods of competition and deceptive practices,
civil remedies .............................................................. 833

Contingency and Emergency Fund:
Scholarships for children of war veterans ............................ 741

Contractors:
Electrical contractors, licensing and regulation ...................... 669
Highway construction projects, time for filing claims
against contractor and surety ........................................... 621

1661
## INDEX TO SESSION LAWS

**Contracts and Purchases:**
- Construction projects, contract controversies, settlement procedures. 950
- Department of Administration, acquisition of property .......... 1091
- Legislative Services Commission, contracts for services;
  acquisition of equipment and supplies .......................... 1184
- Local governmental units, contracts for debts subject to constitutional limitations, referenda authorized .......... 944
- N. C. State University at Raleigh, procurement of insurance against nuclear reactor hazards .................. 1023
- School textbooks and instructional materials; contract procedures .. 519
- Schools, temporary classroom trailers, contractors act,
  not applicable ........................................... 1022
- Swamplands, drainage and construction agreements .......... 1046

**Conveyances**—see Deeds and Conveyances

**Convicts**—see Prisons and Prisoners

**Cooleemee, Town of:**
- Incorporation ............................................ 959

**Cooperative Associations:**
- Electric and telephone membership corporations:
  - Borrowings authorized; interest rate ......................... 670
  - Directors, per diem allowances ................................ 760
  - Security instruments, after-acquired property clause, effect 813

**Corporate Limits**—see Municipal Corporations; for local acts see particular municipality

**Corporations:**
- Business Corporation Act, miscellaneous amendments .......... 751
- Common carriers, franchise tax .................................. 600
  - Act amended ............................................. 1056, 1098
- Deeds and other conveyances, improperly acknowledged, validated . 953
- Deeds without seals, validated .................................. 815
- Dissolution orders and decrees, charter cancellations,
  recording and indexing ..................................... 965
- Electrical contracting corporations, licensing law .............. 669
- Foreign corporations of adjacent States, fiduciary services;
  appointment of process agent ................................ 839

**Income taxes:**
- Deduction of dividends from subsidiaries and from holding companies .......... 1124
- Gain or loss upon sales pursuant to liquidation plan .......... 1113

1662
### Index to Session Laws

**Corporations**—(Continued)
- Indemnification of directors, officers, employees ........................................ 797
- Intangibles tax, corporate shares owned by certain corporations exempt .................. 1122
- Loans to corporations, rate of interest; commercial factor defined ....................... 896
- Non-Profit Corporation Act, miscellaneous amendments ..................................... 875
- Professional Corporation Act .................................................................................. 718
- Public utility affiliates, inspection of records .......................................................... 764

**Correctional Institutions**—see State Institutions

**Cost Bonds**—see Surety Bonds

**Costs**—see Salaries and Fees; for local acts see particular county or municipality

**Council of State**—see under State Officials

**Counties:**
- Ad valorem taxes:
  - Appeals to State Board of Assessments ................................................................. 7
  - Attachment and garnishment proceedings ............................................................. 1029
  - Discount schedules, adoption; prepayments regulated ......................................... 921
  - Employee lists, limitation upon use by tax officials ........................................... 305
  - Exemption of counties removed from various statutes ........................................ 1003
  - Marshlands, tax valuation limitations .................................................................... 945
    - Act amended ........................................................................................................ 1250
  - Movable tangible personal property, place of listing .......................................... 940
  - Timberlands of State or related foundations, contributions in lieu of taxes ............ 1185
  - Airports, State aid .................................................................................................. 293
  - Alcoholic beverages—see that topic
  - Ambulance and rescue squad systems, assigned risk insurance ............................. 744
  - Ambulance services at county expense, lien upon real estate ................................ 684

**Board of commissioners:**
- Aid to charitable organizations with vocational rehabilitation programs .............. 802
- Air pollution control programs ................................................................................. 538
- Ambulance commission, creation; functions ......................................................... 147
- Attachment and garnishment for taxes, fees for serving notices ........................... 1029
- Beach erosion control, flood and hurricane protection, special assessments ............. 474

1663
INDEX TO SESSION LAWS

Counties—(Continued)
Board of Commissioners—(Continued)
  Blind children, Governor Morehead School,
  provision for clothing and transportation .................................. 749
  Budget estimates and resolutions, time limitations ....................... 976
  Building inspectors, appointment and duties;
  county exemptions removed ....................................................... 1010
  Carnivals and shows, county exemptions removed .......................... 1003
  Clerk to board, appointment; duties ........................................ 207
  Compensation and allowances, members, authority to fix ................ 180
  Debts subject to constitutional limitations, referenda authorized ...... 944
  Electrical inspectors, appointment and regulation;
  determination of fees ................................................................... 1064
  Executive Secretary, board of elections, compensation .................. 750
  Form of government, composition and election of board,
  modification .............................................................................. 717
  Garbage removal and disposal, county exemptions removed ............... 1003
  Housing Authority, Board of Commissioners,
  authority to perform functions .................................................... 785
  Inspection department, creation; jurisdiction, powers and duties ..... 1066
  Meetings, time, place and procedures ......................................... 349
  Act amended ............................................................................... 1036
  Officers and employees, determination of number,
  salaries and allowances ................................................................ 358
  Act amended ............................................................................... 1017
  Ordinance-making powers ................................................................ 36
  Plumbing inspection, county exemptions removed ............................ 1003
  Reapportionment, election and residence areas .............................. 994
  Redevelopment commissions, county and regional, establishment .... 1208
  Register of deeds:
    Approval of bond; maximum amount .......................................... 636
    Per diem as clerk to board ......................................................... 80
    Provision for official seal .......................................................... 1028
  Riots and civil disorders, authority for remedial action;
  ordinance powers ......................................................................... 869
  Salary reductions, statute repealed .............................................. 870
  Subdivision control, county exemptions removed ............................ 1010
  Vacancies, manner of filling ......................................................... 222
  Water and sewerage systems, assessments;
  county exemption removed .......................................................... 1010

1664
### Counties—(Continued)

**Board of Commissioners—(Continued)**

- Welfare liens, release ........................................ 1216
- Zoning and regulation of buildings, county exemptions removed .. 1010

**Boards of education**—see Schools and School Districts

**Board of health, county and district, additional members** ............ 719

**Bonds and Notes:**

- Beach erosion control and similar projects, maturity .................. 475
- Debt limitations .................................................................. 996
- Act repealed ....................................................................... 1289
- Facsimile seals and signatures ........................................... 29
- Interest rate limitation removed ........................................ 687
- Single bond without coupons, issuance authorized ..................... 685
- Time for issuance of bonds following dissolved injunction .......... 99
- Water storage facilities, time for issuance of bonds .................... 407

**Building codes, statutes relating to, amended** ......................... 1229

**Elections:**

- Blind voters, assistance .................................................. 175
- Board of elections, time of meetings; oath of office .................. 208
- General Assembly, numbering of seats in elections—see General Assembly
- Litigation, assistance from State Board of Elections .................. 408
- Precinct officials, compensation ........................................ 24
- Precincts, establishment and change; inclusion of more than one township ..................................................... 570
- Registration of voters, full-time system, all counties ................ 750
- Returns, duplicate abstracts ............................................. 971

**Electrical inspectors, certification; engaging in electrical business prohibited** ................................................. 1064

**Federal Water Resources Development Law,**
- county participation ..................................................... 724, 968

**Fire marshals, investigation of fires** .................................. 894

**Fire protection, inspections and investigations; State supervision** .. 1063

**Flood plain management, county responsibilities** ................... 473

**Forest rangers, additional personnel, State appropriation** .......... 1142

**Garbage, unauthorized deposit on lands of others, penalties** ...... 22

**Inspectors, exemption from double-office holding restrictions** .......... 1070

**Investments in savings and loan associations** .......................... 862

**Jails, common facilities, agreements with other local government units** ................................ 743
## Counties—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint administrative functions, agreements with municipalities</td>
<td>380</td>
</tr>
<tr>
<td>and other counties</td>
<td></td>
</tr>
<tr>
<td>Justices of the peace, appointments</td>
<td>1033</td>
</tr>
<tr>
<td>Act amended as to Caswell County</td>
<td>1302</td>
</tr>
<tr>
<td>Juveniles, probation and other social service department functions</td>
<td>911</td>
</tr>
<tr>
<td>Library employees, clarification of status</td>
<td>488</td>
</tr>
<tr>
<td>Local Affairs Department Act</td>
<td>1145</td>
</tr>
<tr>
<td>Local Government Act, general applicability</td>
<td>788</td>
</tr>
<tr>
<td>Local Governmental Employees' Retirement System, miscellaneous</td>
<td>442</td>
</tr>
<tr>
<td>amendments</td>
<td></td>
</tr>
<tr>
<td>Medical examiners, statutes applicable when office of coroner abolished</td>
<td>299</td>
</tr>
<tr>
<td>Metropolitan Sewerage Districts Act, amendments</td>
<td>993</td>
</tr>
<tr>
<td>Mobile homes, Uniform Standards Code, enforcement</td>
<td>961</td>
</tr>
<tr>
<td>N. C. Zoological Garden, assistance from non-tax revenues</td>
<td>1104</td>
</tr>
<tr>
<td>Open spaces and areas, preservation; county exemptions removed</td>
<td>1003</td>
</tr>
<tr>
<td>Planning, State Department of Administration, cooperation</td>
<td>1144</td>
</tr>
<tr>
<td>Post-conviction proceedings, costs assumed by State</td>
<td>1296</td>
</tr>
<tr>
<td>Prisoners, transfer to State Department of Correction</td>
<td>462</td>
</tr>
<tr>
<td>Act amended</td>
<td>1130</td>
</tr>
<tr>
<td>Public officials, self-interest regulatory act, amended as to public assistance programs</td>
<td>1027</td>
</tr>
<tr>
<td>Real property, sale, exchange, lease or joint use between governmental units and agencies</td>
<td>806</td>
</tr>
<tr>
<td>Rural Recreation Districts, establishment authorized</td>
<td>811</td>
</tr>
<tr>
<td>Sales and Use Tax, Local Option Act</td>
<td>1228</td>
</tr>
<tr>
<td>Act amended</td>
<td>1287</td>
</tr>
<tr>
<td>Schools—see Schools and School Districts</td>
<td></td>
</tr>
<tr>
<td>Soil and water conservation, application of act to all counties</td>
<td>1003</td>
</tr>
<tr>
<td>Solid waste disposal programs, federal loans and grants</td>
<td>899</td>
</tr>
<tr>
<td>State Building Code, copy furnished Chief Building Inspector</td>
<td>1229</td>
</tr>
<tr>
<td>Statistical report payments, Department of Agriculture</td>
<td>796</td>
</tr>
<tr>
<td>Streams and drainage districts, obstruction, law applicable to all counties</td>
<td>790</td>
</tr>
<tr>
<td>Surveyor, county exemptions removed</td>
<td>1003</td>
</tr>
<tr>
<td>Unfit dwellings, repair, closing demolition, regulatory law</td>
<td>913</td>
</tr>
<tr>
<td>Water and Sewer Authorities Act, revisions</td>
<td>850</td>
</tr>
<tr>
<td>Water safety committees, authorized</td>
<td>1093</td>
</tr>
</tbody>
</table>
INDEX TO SESSION LAWS

Chapter

Counties—(Continued)
Watershed improvement programs ........................................ 711
Welfare:
  Name change references ............................................... 982
  Social services boards; public assistance programs .............. 546
  Act amended ................................................................... 1165, 1216

County Boards and Officials—see Counties; for local acts, see particular county

County Finance Act:
  Amendments as to debt limitations .................................... 996
  Act repealed ................................................................. 1289
  Bonds and notes, interest rate limitation removed .............. 687
  Budget estimates and resolutions, time limitations ............ 976
  Time for issuance of bonds, following dissolved injunction ... 99

Court of Appeals—see Courts

Courts: (for local acts, see particular county or municipality)
Administrative Office:
  Court of Appeals; statutes amended as to ...................... 44
  Court of Appeals Reports and Advance Sheets, furnished to Attorney General ........................................... 1285
  Judicial Department Act of 1965, miscellaneous amendments . 1190
  Public defender system, functions .................................. 1013

Court of Appeals:
  Building Code, copies furnished .................................... 1229
  Judicial Department Act of 1965, miscellaneous amendments . 1190
  Miscellaneous statutes amended .................................... 44
  State Bar, honorary membership for Judges .................... 1190
  Teachers' and State Employees' Retirement System,
    exclusion of judges .................................................. 1223
  Utilities Commission cases, appeal procedure .................. 614

District Courts:
  Bail, release on defendant's recognizance, uniform standards,
    duties of Chief District Judge ..................................... 1062
  Child control act, jurisdiction ....................................... 1080
  Commitments to State mental hospitals .......................... 767
  Judicial Department Act of 1965, miscellaneous amendments . 1190
  Juveniles, jurisdiction ................................................ 911
  Magistrates:
    Compensation ................................................................ 1186

1667
Courts—(Continued)

District Courts—(Continued)

Magistrates—(Continued)

Hearings in worthless check cases .......................... 876
Judicial Department Act of 1965, miscellaneous amendments .. 1190
Miscellaneous statutes amended ................................ 44
Prosecutors, duties under Law for Protection
of Minors from Harmful Materials ......................... 1215
Rules of Civil Procedure Act, 1967, effective date postponed ..... 803
Judicial Council, membership and terms ........................ 1015
Judicial Department Act of 1965, miscellaneous amendments .. 1190
Justices of the Peace, appointments .......................... 1033
Act amended as to Caswell County ........................... 1302

Superior Courts:

Clerks Superior Courts:

Adopted persons, adults, name change ......................... 21
Compensation of Clerks .......................................... 1186
Condemnation proceedings, notice, indexing .................. 864
Drainage district proceedings, appeals to Superior Court ..... 192
Act amended .......................................................... 440, 1002
Drainage of swamplands, construction agreements,
  filing with Clerk .................................................. 1046
Federal Tax Lien Registration Act, duties; fees .............. 216
Firearms, issuance of permits ................................... 73
Indigent persons, provision for legal counsel;
  powers and duties ............................................... 1013
Joint bank deposits, payments upon death of one depositor ... 863
Judgments, disbursements of payments;
  waiver of notice by attorney .................................. 18
Judicial Department Act of 1965, miscellaneous amendments .. 1190
Juries, drawing; custody of jury box; other functions of Clerk . 205
Liens for welfare payments, filing resolutions of
  county commissioners for release ............................ 1216
Liens of laborers and materialmen, filing of claims; discharge . 1112
Mental incompetents and inebriates, out-patient treatment ... 1127
Mental incompetents, reports to Motor Vehicles Commissioner . 1125
Miscellaneous statutes amended ................................ 44
Partition proceeding, dedication of streets ................... 45
Public defender system, powers and duties .................... 1013
Rules of civil procedure act, 1967, effective date postponed ... 803
Index to Session Laws

Chapter

Courts—(Continued)

Superior Courts—(Continued)

General:

Drainage district proceedings, appeals from ruling of Clerk .... 192
Act amended .......................................................... 440, 1002
Fifth Judicial District, additional resident judge ............. 1171
Insurance Commissioner, appeals from rulings in
beach area insurance matters ..................................... 249
Judicial Department Act of 1965, miscellaneous amendments .. 1190
Meat Inspection Act, jurisdiction for civil enforcement remedies 893
Miscellaneous statutes amended as to Court of Appeals ...... 44
Motor vehicles, habitual traffic offenders,
determination proceedings ....................................... 867
Physician-patient privilege, jurisdiction to compel disclosures .. 914
Post-conviction, subsequent petitions; waiver of errors ...... 877
Public Defenders, powers, duties, compensation ............. 1013
Riots and civil disorders act, injunctive relief .................. 869
Rules of civil procedure act, 1967, effective date postponed .... 803
Solicitors and assistants, compensation ........................ 1186
Solicitors, duties under Law for Protection of Minors
from Harmful Materials .......................................... 1215

Judges:

Fifth Judicial District, additional resident judge ............. 1171
Judicial Department Act of 1965, miscellaneous amendments .. 1190
Physician-patient privilege, jurisdiction to compel disclosures .. 914
Rules of civil procedure act, 1967, effective date postponed .... 803

Supreme Court:

Chief Justice, appointments to Judicial Council ............... 1015
Criminal and post-conviction cases, motion by
State for Supreme Court review .................................. 1044
Judicial Department Act of 1965, miscellaneous amendments .. 1190
Miscellaneous statutes amended .................................. 44
State Bar, honorary membership for justices ................... 1190

Craven County:

Alcoholic beverages, purchase-transportation permits .......... 617
Board of Education, compensation of members ............... 284
Board of Elections, use of registration books by New Bern .... 213
Magistrates, jurisdiction .......................................... 909
Private parking lots, removal of vehicles ........................ 173

1669
Credit Unions:
Investments, dividends, examinations, reports, loans, reserve funds, fees ........................................... 69
State employees, payroll deductions ................................ 625
Teachers and other school employees, payroll deductions ...... 591, 890

Creedmore, Town of:
Charter, revision and consolidation .................................. 826

Crimes and Punishment:
Air pollution control, punishment for violations .................. 538
Assault with deadly weapon upon law enforcement officers or firemen, punishment ........................................... 1134
Assaults, felonious, clarification of law; punishment ............ 602
Assaults, misdemeanors, clarification of laws; punishment .......... 618
Bakery products, use of coloring prohibited ....................... 1121
Beer and wine, hours of sale and consumption .................... 1131
Buildings, punishment for violations:
   Building code ................................................................ 1229
   Regulatory laws and orders of county inspectors ................ 1066
   Regulatory laws or orders of municipal inspectors ............... 1065
Burglary and related offenses, clarification of laws ............... 543
Burial Associations, punishment for violating regulatory act ...... 1041
Campus curfews, institutions of higher learning, punishment for violating regulations ......................... 860
Cancer, immunity for persons reporting ................................ 5
Cattle with brucellosis, sale prohibited ................................ 465
Charitable solicitations, regulatory law, punishment for violations .......................................................... 546
Children:
   Mental or physical defectives, public exhibition prohibited .... 457
   Non-support of handicapped dependent children, misdemeanor .................................................. 889
   Removal from State of child, subject of judicial custody award, felony ........................................... 81
Cigarette Tax Act, punishment for violations ......................... 1075
Collection agencies, regulatory act, punishment for violations .... 906
Compulsory school attendance law, punishment for violations .... 799
Compulsory schooling for blind and deaf children, punishment for law violations ...................................... 749
County ordinances, punishment for violations ...................... 36
Demonstrations and other disorderly conduct in public buildings, punishment ........................................... 740

1670
INDEX TO SESSION LAWS

Crimes and Punishment—(Continued)

Drugs, narcotics and other stimulants,
punishment for law violations ........................................ 970
Electric current, furnishing to uninspected buildings, unlawful .... 1229
Firearms:
Discharge into occupied dwelling or other structure, felony ....... 341
Sale in violation of regulations ........................................ 73
Fortified wine, limited purchase-transportation permit law,
punishment for violations ............................................ 598
Hearing aid dealers and fitters, regulatory act,
punishment for violations ............................................ 999
Highways or street, sitting or lying upon, punishment .............. 1012
Historic buildings, registered, punishment for damaging .......... 577
Hotels and restaurants, accommodations by fraud ................ 947
House trailers, use as residences, punishment
for violation of regulation ............................................ 463
Indigents, provision for legal counsel; punishment
for violations of act .................................................. 1013
Lands, injuries to trees, etc.; unauthorized
garbage deposits; penalties ......................................... 22
Landscape architects, licensing act, punishment for violations .... 672
Larceny, clarification of laws .......................................... 522
Livestock and poultry, disease control law, punishment
for violations .......................................................... 606, 693
Meat Inspection Act, punishment for violations ...................... 893
Mining Registration Act of 1969, punishment for violations ...... 1204
Misdemeanors, numerous statutes amended as to punishment . . . 1224
Motor vehicles:
Dangerous articles, transporting in violation of regulations ....... 1231
Driving under influence of intoxicating liquor
or narcotics, punishment ............................................. 50
Drunken driving, limited driving permits ............................ 1283
Drunken driving cases, implied consent for chemical tests ......... 1074
For-hire vehicles, transportation of alcoholic beverages .......... 1018
Illegal transportation of liquor, confiscation ......................... 789
Inspections, grace periods for expired certificates ................. 179
Non-profit organizations’ activity busses, speed limits ............. 1000
Railroad grade crossings, stopping requirements ................... 1231
School busses, duty of other traffic to stop ......................... 952
Tire safety inspections ................................................ 378
Act amended ............................................................. 1256
INDEX TO SESSION LAWS

Chapter

Crimes and Punishment—(Continued)

Motor Vehicles—(Continued)

Traffic officer, willful disobedience prohibited .................................................. 59
Motor Vehicles Department, immunity from criminal liability
for officials making reports concerning incompetents and others 1125
Navigable waters, practices marring beauty regulated;
punishment for violations ................................................................. 792
Non-support of wife, child or parents, punishment ............................. 1045
Nursing home administrators, licensing act,
punishment for violations ................................................................. 843
Obstructing justice by violation of court orders, punishment ........ 1128
Passenger Tramway Safety Act, punishment for violations ............ 1021
Personal property with security interest, fraudulent disposal;
hindering enforcement of lien .......................................................... 984
Physical Therapy Licensing Act, punishment for violations .......... 556
Posted signs, penalty for mutilation or destruction ......................... 51
Poultry:

Disease control law, punishment for violations ....................... 606, 693
Punishment for violating regulatory law ........................................... 464
Pre-need burial contracts, punishment for violation of regulatory act 187
Public officials, self-interest regulatory act, amended as
to public assistance programs .......................................................... 1027
Receiving stolen goods, punishment .................................................. 522
Riots and civil disorders act .............................................................. 869
Sentence, credit for time in custody, non-bail cases .................... 266
Act amended ................................................................................. 888
Soft Drink Tax Act, punishment for violations ............................ 1075
Streams and drainage districts, obstruction, punishment .......... 790
Tax officials, unauthorized use of employee lists, misdemeanor .... 305
Tombstones and monuments in cemeteries, removal
or defacing; exceptions ................................................................. 987
Utilities Commission, false information to, penalties ................. 765
Western Carolina University campus streets, punishment
for violation of traffic regulations ..................................................... 853
Wildlife, use of artificial lights in taking, prohibited ................. 140
Worthless checks, maximum punishment ....................................... 1014

Criminal Procedure:

Appeals:

Miscellaneous statutes amended ....................................................... 44
State motion for Supreme Court review
of criminal and post-conviction cases ............................................. 1044

1672
### Criminal Procedure—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault and battery, self-defense plea, evidence of former threats</td>
<td>618</td>
</tr>
<tr>
<td>Autopsies, limitations upon right to perform</td>
<td>444</td>
</tr>
<tr>
<td><strong>Bail:</strong></td>
<td></td>
</tr>
<tr>
<td>Fixed by custodian of person arrested</td>
<td>296</td>
</tr>
<tr>
<td>Release of surety, principal under continued court supervision</td>
<td>1005</td>
</tr>
<tr>
<td>Release on defendant's recognizance, provision for uniform standards</td>
<td>1062</td>
</tr>
<tr>
<td>Capital cases, guilty plea</td>
<td>117</td>
</tr>
<tr>
<td>Convicts, confinement pending appeals</td>
<td>542</td>
</tr>
<tr>
<td>Defrauding hotels and restaurants; prima facie evidence</td>
<td>947</td>
</tr>
<tr>
<td>Habeas corpus, statutes amended</td>
<td>44</td>
</tr>
<tr>
<td>Insurance department investigators, arrest powers</td>
<td>1009</td>
</tr>
<tr>
<td>Judicial Department Act of 1965, miscellaneous amendments</td>
<td>1190</td>
</tr>
<tr>
<td>Jurors, grand and petit, miscellaneous amendments to statute</td>
<td>205</td>
</tr>
<tr>
<td>Juveniles, court jurisdiction</td>
<td>911</td>
</tr>
<tr>
<td>Malt beverages, unlawful sales to minors, prima facie evidence</td>
<td>998</td>
</tr>
<tr>
<td><strong>Motor vehicles:</strong></td>
<td></td>
</tr>
<tr>
<td>Drunken driving, limited driving permits; form of judgment</td>
<td>1283</td>
</tr>
<tr>
<td>Drunken driving cases, implied consent for chemical tests</td>
<td>1074</td>
</tr>
<tr>
<td>Habitual traffic offenders, determination proceedings</td>
<td>867</td>
</tr>
<tr>
<td>Illegal transportation of liquor, confiscation</td>
<td>789</td>
</tr>
<tr>
<td>National guardsmen and State militia, criminal immunity</td>
<td></td>
</tr>
<tr>
<td>while aiding civil authorities</td>
<td>969</td>
</tr>
<tr>
<td><strong>Post-conviction proceedings:</strong></td>
<td></td>
</tr>
<tr>
<td>Costs borne by State</td>
<td>1296</td>
</tr>
<tr>
<td>Subsequent petitions; waiver of errors</td>
<td>877</td>
</tr>
<tr>
<td>Probation, mandatory review</td>
<td>615</td>
</tr>
<tr>
<td>Public Defender System</td>
<td>1013</td>
</tr>
<tr>
<td>Public drunkenness, alcoholics acquitted, commitment to mental institutions</td>
<td>469</td>
</tr>
<tr>
<td>Public records, proof by affidavit</td>
<td>886</td>
</tr>
<tr>
<td>Act amended</td>
<td>1276</td>
</tr>
<tr>
<td>Riots and civil disorders act</td>
<td>869</td>
</tr>
<tr>
<td>Search warrants, fisheries inspectors and wildlife protectors</td>
<td>347</td>
</tr>
<tr>
<td>Sentence, credit for time in custody, non bail cases</td>
<td>266</td>
</tr>
<tr>
<td>Act amended</td>
<td>888</td>
</tr>
<tr>
<td>State mental hospitals, commitments</td>
<td>767</td>
</tr>
<tr>
<td>Worthless check cases, hearings by magistrates</td>
<td>876</td>
</tr>
</tbody>
</table>

1673
Crops—see Agriculture

Cumberland County:
A.B.C. Board, establishment of retirement system ........................................... 85
Alcoholic beverages, purchase-transportation permits ........................................... 617
Ambulance services, obtaining without intent to pay ........................................... 292
Beer and wine, issuance of permits for sale ......................................................... 728
Board of Commissioners:
Assessments for water and sewer facilities .......................................................... 234
Regulation of garbage disposal .............................................................................. 234
Regulation of tax listing ......................................................................................... 1195
Board of Education:
Appointment of members ....................................................................................... 248
Compensation of members ...................................................................................... 413
Deadly weapons, disposition ................................................................................. 1117
Electioneering, distance from voting place ............................................................ 1039
Elections, persons having access to voting enclosure ............................................ 1280
Municipalities:
Annexation procedure ............................................................................................ 1058
Zoning authority ..................................................................................................... 482
School committees, number of members ............................................................... 238
Tax refunds, statute of limitations ........................................................................... 9
Water and sewerage facilities, assessments ............................................................ 924

Currituck County:
Board of Commissioners:
Compensation of members .................................................................................... 110
Election of members ............................................................................................... 141
Board of Education, appointment of members ....................................................... 248
Moyock Drainage District, dissolution ..................................................................... 367

Damages—see Civil Procedure

Dare County:
Alcoholic beverages, purchase-transportation permits ........................................... 617
Atlantic Ocean, rights in land constructed by erosion control work .................... 938
Board of Education, appointment of members ....................................................... 248
Building permits, issuance ...................................................................................... 362
Elections:
Persons having access to voting enclosure ............................................................ 1280
Registration of voters ............................................................................................... 171
# Index to Session Laws

## Dare County—(Continued)
- Firearms, confiscation ........................................ 301
- Profane language, use on highways .......................... 300
- Rifles, discharge in certain areas ............................ 306

## Davidson County:
- Ambulance services, collection of charges .................. 708
- Board of Commissioners, operation of cable television service .... 782
- Board of Education, appointment of members ................ 248

## Davie County:
- Board of Commissioners, levy of taxes for public library ...... 514
- Cooleemee, incorporation ...................................... 959

## Deadly Weapons—see Weapons

## Deaf Persons:
- Compulsory schooling for deaf children;
  State provision for education .................................. 749
- Hearing aids, fitting and sale, regulatory law ................ 999
- Public schools, program of education for hearing-impaired
  children, establishment ....................................... 1166

## Death Certificates—see Vital Statistics

## Deaths:
- Autopsies, limitations upon right to perform .................. 444
- Death benefits, employees of State Department of Correction .... 1025
- Medical examiners, statutes applicable when office
  of coroner abolished ........................................... 299
- Uniform Anatomical Gift Act .................................. 84
- Wrongful death actions, damages recoverable; evidence .......... 215

## Deeds and Conveyances:
- Attorneys-in-fact, improper acknowledgments validated .......... 951
- Corporate deeds:
  - Improper acknowledgments, validating act ..................... 953
  - Seals omitted, validating act ................................ 815
- Foreign executors and administrators,
  validation of conveyances ..................................... 1067
- Married women, deeds without private examination, validated ... 1008
- Notaries using seal with incorrect State designation, acts validated .... 83
- Registration, indexing procedures, identification of parties .......... 694
- Substitute trustees, acts validated ................................ 477
- Tenancy by entirety, creation in division of land by cross-deeds ... 748

1675
Deeds of Trust—see Mortgages and Deeds of Trust
Deer—see Game and Game Laws; Animals
Delinquent Taxes—see Taxes
Dentistry:
  Professional Corporation Act .................................................. 718
  Provisional licenses for dentists licensed by other jurisdictions ...... 804
  Student scholarship loans, interest rate ..................................... 1069
Descent and Distribution—see Estates
Director of Administration—see under State Officials
Director of Budget—see under State Officials
Division of Purchase and Contract—see State Division of Purchase and Contract
Dobson, Town of:
  Police department, territorial jurisdiction ............................... 709
Dogs:
  Firearms, use in training dogs, regulation .................................. 75
Double Office Holding:
  Restrictions not applicable to local governmental inspectors ......... 1070
Dover, Town of:
  Water system, connections with private property ........................ 411
Drainage and Drainage Districts:
  Appeals from rulings of Clerk to Superior Court ....................... 192
  Act amended ........................................................................ 440, 1002
  Bonds and notes, maximum interest rate ................................... 878
  Obstruction of drainage ditches, punishment;
    applicability of law ............................................................. 790
  Public highways, drainage across,
    cases involving responsibility, appeals ................................... 44
  Swamplands, drainage construction agreements ............................ 1046
Drexel, Town of:
  Ad valorem taxes, discounts and penalties .................................. 15
Drivers' Licenses—see Licenses; Motor Vehicles
Drugs and Druggists:
  Interest rate on scholarship loans, pharmacy students .................. 1069
  Narcotics and other stimulants, regulatory laws amended ............... 970
  Pharmacists, code of professional conduct .................................. 533
Dry Cleaners—see Laundries and Dry Cleaners

1676
INDEX TO SESSION LAWS

Dunn, Town of:
A.B.C. Board, appropriations for law enforcement .......................... 652
Act repealed .................................................. 990
Alcoholic beverages, purchase-transportation permits .................. 617
Charter, revision and consolidation ......................................... 818
Garbage disposal, acquisition of land ...................................... 648

Duplin County:
Elections, marking of ballots ................................................ 917
Hunting from public roads, regulations ..................................... 129, 195
Hunting season for certain animals, regulations ....................... 258
Soil conservation districts, powers; validation of acts ................ 286

Durham, City of:
Director of Finance, designation as City Treasurer ..................... 657, 703
Motor vehicles, removal from private property ......................... 503
Non-tax revenues, appropriation for public purposes .................. 483
Public contracts, procedure for letting .................................... 428
Specialized equipment, purchase of parts ................................ 1233
Unfit dwellings, repair or closing ......................................... 597
Water and sewer facilities, construction outside of corporate limits 596
Zoning, regulation of non-conforming uses; organizations in town house developments ......................... 654

Durham County:
Alcoholic beverages, purchase-transportation permits ............... 617
Electioneering, distance from voting place ............................. 1039
Hunting from public roads, regulations ................................... 195
Municipalities, assistance to persons relocated ......................... 551

East Spencer, Town of:
Election, validation .................................................. 1087

Eden, City of:
Mayor, term of office .................................................. 781
Metropolitan Sewerage District, merger with City ..................... 928
Retirement system, establishment ......................................... 702

Edenton, Town of:
Assessments for improvements, procedure ............................... 960
Corporate limits, establishment .......................................... 381
Elections, selection of polling places and officials .................. 108

1677
Index to Session Laws

Edgecombe County:
Alcoholic beverages, purchase-transportation permits .................. 617
Ambulance services, collection of charges ................................. 708
Board of Education, appointment of member ............................... 248
  Act amended .................................................. 891
  Vacancy filled .................................................. 441
Board of Health, compensation of members ................................ 422
Board of Public Welfare, compensation of members ...................... 423
Rocky Mount, registration of voters ...................................... 1051
Senatorial district, numbering of seats .................................. 559

Eggs—see Food; Agriculture

Elections and Election Laws: (for local acts see particular county or municipality)
  Agricultural products promotion,
      referenda by mail on assessments .................................. 111
  Beer and wine elections, counties, form of ballot;
      effect on sales in municipalities .................................. 647
  Blind voters, assistance ............................................. 175
  Constitution of North Carolina, election on amendments as to:
      Administrative reorganization .................................. 932
      Complete revision ............................................. 1258
      Escheats, reassignment ......................................... 827
      Extra sessions of General Assembly on legislative call ........ 1270
      Income taxes .................................................. 872
      Literacy requirement for voting, abolition .................... 1004
      State and Local Finance ....................................... 1200
  Counties, form of government, composition and election of board,
      modification subject to referendum ................................ 717
  County election boards:
      Decisions, appeals ............................................. 44
      Time of meetings; oath of office ................................ 208
  County commissioners, reapportionment, election
      and residence areas ........................................... 994
  Court of Appeals, nomination and election ................................ 44
  Fifth Judicial District, election of additional resident judge ........ 1171
  General Assembly, members, numbered seats in elections:
      Fifth House District ........................................... 1054
      Forty-first House District ..................................... 189
      Fourth Senatorial District ..................................... 559

1678
### Elections and Election Laws—(Continued)

General Assembly, members, numbered seats in elections—(Continued)

<table>
<thead>
<tr>
<th>District</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thirtieth House District</td>
<td>302</td>
</tr>
<tr>
<td>Thirty-third House District</td>
<td>985</td>
</tr>
<tr>
<td>Twenty-fifth House District</td>
<td>544</td>
</tr>
<tr>
<td>Twenty-fourth Senatorial District</td>
<td>985</td>
</tr>
<tr>
<td>Twenty-ninth Senatorial District</td>
<td>985</td>
</tr>
</tbody>
</table>

**Litigation, State assistance to county boards** ................................ 408

**Local governmental units, debts subject to constitutional limitations, referenda authorized** ................................. 944

**Local Option Sales and Use Tax Act, special elections** ................................. 1228

**Municipal Corporations:**

- Change of name, subject to referendum ........................................ 680
- Elective officers, residence qualifications .................................. 134
- Forms of government, charter amendments, referenda ........................ 629

**Precincts:**

- Establishment and change; inclusion of more than one township .......... 570
- Officials, compensation .......................................................... 24

**Presidential electors, resignations; duties; penalties for non-performance** .......................................................... 949

**Registration of voters:**

- Full-time system, all counties ................................................ 750
- New registration, certain counties ............................................ 171
- Returns, duplicate abstracts .................................................... 971
- Rural recreation districts, special taxes, referendum .................... 811

**Schools:**

- Election of members of local boards ........................................ 1301
- Merger of administrative units, referendum ................................ 828
- State Highway Bond Act, referendum on amendments ........................ 379
- Voting enclosure, persons having access (watchers) ........................ 1280
- Watershed improvement tax elections .......................................... 711

**Electrical Contractors**—see Contractors

**Electric Membership Corporations**—see Co-operative Organizations

**Electricity:**

- Furnishing electric current for use in buildings, uninspected, unlawful .......................................................... 1229

**Elizabeth City, City of:**

- Zoning, authority in certain areas ........................................... 317
## Index to Session Laws

**Chapter**

**Elizabethan Garden of the Garden Clubs of North Carolina, Inc.:**
- Appropriations ................................................................. 1106

**Elizabethtown, Town of:**
- Ad valorem taxes, maximum rate ........................................... 710

**Elkin, City of:**
- Firemen's Supplementary Fund, establishment .......................... 169
- Pleasant Hill, annexation ..................................................... 712

**Ellenboro, Town of:**
- Corporate limits, extension .................................................. 820

**Elm City, City of:**
- Board of Education, consolidation of boards ........................... 885

**Elon College, Town of:**
- Ordinances and resolutions, adoption and effective date ........... 156

**Embalmers—see Funeral Directors**

**Eminent Domain:**
- Airports, condemnation authority of Department of Conservation and Development .......................................................... 1109
- Cape Lookout National Seashore, condemnation of lands ............. 904

**Condemnation proceedings:**
- Appeals .................................................................................. 44
- Notice, indexing; effect .......................................................... 864

**Department of Administration, acquisition of property**
- Education boards, condemnation of land for school facilities ........ 516

**Federal Water Resources Development Law,**
- condemnation of lands for projects ......................................... 968

**Federal water resources development projects,**
- condemnation procedures ....................................................... 724

**Highway condemnations:**
- Access and local service roads .............................................. 795
- Controlled access facilities; determination of just compensation .. 946
- State Highway Commission, relocation assistance to displaced persons and businesses .................................................... 733
- Withdrawal of deposits in condemnation actions ........................ 649

**Municipal corporations, entire parcel of land, acquisition when severed by street right of way**
- ............................................................... 601

**Special masters, compensation** .............................................. 1016

**Employer and Employee:**
- Employee lists, limitation upon use by tax officials .................. 305

1680
## Index to Session Laws

<table>
<thead>
<tr>
<th>Employer and Employee—(Continued)</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment Security Commission, appeals from decisions</td>
<td>44</td>
</tr>
<tr>
<td>Employment Security Law, miscellaneous amendments</td>
<td>575</td>
</tr>
<tr>
<td>Minimum Wage Act:</td>
<td></td>
</tr>
<tr>
<td>Extension of coverage</td>
<td>218</td>
</tr>
<tr>
<td>Hourly rate, increase of minimum</td>
<td>34</td>
</tr>
<tr>
<td>Tips, determination as wages</td>
<td>34</td>
</tr>
<tr>
<td>Minors, hours of work, regulations</td>
<td>962</td>
</tr>
<tr>
<td>Workmen’s Compensation:</td>
<td></td>
</tr>
<tr>
<td>Benefits, increase</td>
<td>143</td>
</tr>
<tr>
<td>Non-resident physicians, treatment of claimants</td>
<td>135</td>
</tr>
<tr>
<td>Employment Security Law:</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous amendments</td>
<td>575</td>
</tr>
<tr>
<td>Enfield, Town of:</td>
<td></td>
</tr>
<tr>
<td>Elections, marking of ballots</td>
<td>1253</td>
</tr>
<tr>
<td>Engineers and Land Surveyors:</td>
<td></td>
</tr>
<tr>
<td>Capital improvement projects, selection of engineers</td>
<td>1157</td>
</tr>
<tr>
<td>County surveyors, county exemptions removed</td>
<td>1003</td>
</tr>
<tr>
<td>Professional Corporation Act</td>
<td>718</td>
</tr>
<tr>
<td>Entirety, tenants by—see Real Estate; Husband and Wife</td>
<td></td>
</tr>
<tr>
<td>Estates:</td>
<td></td>
</tr>
<tr>
<td>Autopsies, limitations upon right to perform</td>
<td>444</td>
</tr>
<tr>
<td>Child’s yearly allowance from parent’s estate</td>
<td>269</td>
</tr>
<tr>
<td>Executors and other fiduciaries, proceedings</td>
<td></td>
</tr>
<tr>
<td>for appointment of successor, appeals</td>
<td>44</td>
</tr>
<tr>
<td>Foreign corporations, adjacent States, fiduciary services</td>
<td>839</td>
</tr>
<tr>
<td>Foreign executors and administrators, validation of conveyances</td>
<td>1067</td>
</tr>
<tr>
<td>Funeral expenses, primary liability</td>
<td>610</td>
</tr>
<tr>
<td>Joint bank deposits, payments upon death of one depositor</td>
<td>863</td>
</tr>
<tr>
<td>Pre-need burial contracts, balances payable to</td>
<td></td>
</tr>
<tr>
<td>estate of beneficiary</td>
<td>187</td>
</tr>
<tr>
<td>Surviving spouse, year’s allowance</td>
<td>14</td>
</tr>
<tr>
<td>Wrongful death actions, damages recoverable; evidence</td>
<td>215</td>
</tr>
<tr>
<td>Estuaries—see Rivers and Streams</td>
<td></td>
</tr>
<tr>
<td>Estuarine Waters—see Rivers and Streams</td>
<td></td>
</tr>
<tr>
<td>Evidence:</td>
<td></td>
</tr>
<tr>
<td>Assault and battery, evidence of former threats,</td>
<td></td>
</tr>
<tr>
<td>self-defense plea</td>
<td>618</td>
</tr>
</tbody>
</table>

1681
Evidence—(Continued)

Defrauding hotels and restaurants, prima facie evidence .......... 947
Malt beverages, sales to minors prima facie evidence .............. 998
Motor Vehicles Department, reports concerning incompetents, alcohols and others, confidential status ......................... 1125
Physician-patient privilege, disclosure of information ............ 914
Public records, proof by affidavit .................................. 886
Act amended .............................................................. 1276
Revenue Commissioner, administrative proceedings, rules of evidence .......................................................... 1132
Statements of injured persons, inadmissible unless copies furnished . 692
Wrongful death actions, evidence of damages .......... 215

Executors—see Estates

Factors:
Loans to corporations, rate of interest; commercial factor defined .. 896

Fairmont, Town of:
Board of Commissioners, number of members .................... 772
Board of Education, appointment of members ..................... 239
Act repealed .............................................................. 769
City Administrative School Unit:
Annexation of territory ............................................... 161
Conveyance of property ................................................ 569
Mayor and commissioners, compensation .......................... 308
Public schools, study commission ................................... 887
Town Manager, appointment and duties ............................ 323
Unfit dwellings, repair, closing and demolition .................... 1007

Farm Demonstration Agents—see Agriculture; for local acts, see particular county

Farms and Farming—see Agriculture

Farmville, Town of:
Corporate limits, extension .......................................... 350
Town manager, election on appointment ............................ 224

Father—see Parent and Child

Fayetteville, City of:
Annexation, procedure ................................................ 1058

1682
## Index to Session Laws

### Chapter

## Fayetteville, City of—(Continued)

**Corporate limits:**
- Annexation of areas not contiguous ........................................ 715
- Extension .................................................................................. 582

**Firemen's Supplemental Retirement Fund,**
  establishment; payment of benefits ............................................. 351

**Street right of way, acquisition of entire parcel of land** ........ 560

**Tax refunds, statute of limitations** ........................................ 9

**Utilities, limitation on extensions** .......................................... 699

### Federal Employees—see United States Government

### Federal Government—see United States Government

### Federal Savings and Loan Associations—
  see Savings and Loan Associations

### Federal Water Resources Development Law ............................ 724, 968

### Feed Laws—see Agriculture

### Fees—see Salaries and Fees

### Fences:
- Cleared land fence height, law repealed .................................... 691
- Unguarded barbed wire fences along highways, law repealed ..... 619

### Fertilizer—see Agriculture

### Fidelity Bonds—see Surety Bonds

### Financial Responsibility—see Motor Vehicles

### Fire Insurance—see Insurance and Insurance Companies

### Firearms—see Weapons

### Firemen:
- Assa ults upon firemen with deadly weapon, punishment ............ 1134
- Firemen's Pension Fund, Secretary subject to State Personnel Act . 359
- Municipal firemen, residence qualifications; duties ..................... 23
- Retirement benefits, N. C. State Firemen's Association, employees
  formerly members of Teachers' and State Employees’
  Retirement System ..................................................................... 847
- Traffic laws and ordinances, enforcement authority ................... 59

### Fires and Fire Protection:
- County fire marshals, investigation of fires ............................... 894
- County fire protection; creation of inspection department;
  powers and duties ..................................................................... 1066
INDEX TO SESSION LAWS

Fires and Fire Protection—(Continued)
  Fire insurance—see Insurance and Insurance Companies
  Fire protection, inspections and enforcement of laws ................. 1063
  Municipal fire protection, statutes rewritten .......................... 1065

Fish and Fisheries:
  Aged persons, permanent fishing licenses .............................. 1030
  Blind persons, fishing in Lake Norman without license ............ 761
  Commercial fish boats, licenses ....................................... 1243
  Fish dealers licenses, proof of residence ........................... 1244
  Fisheries inspectors, search warrants ................................ 347
  Fishing licenses, fees .................................................. 1042
  Oysters in shell shipped out of state, tax repealed ................ 1275
  Shrimp, tax levied ....................................................... 1275

Fletcher, Town of:
  Incorporation ............................................................ 738

Food:
  Bakery products, use of coloring prohibited ....................... 1121
  Bottled drinks, sanitation requirements ............................. 1068
  Compulsory Meat Inspection Act ...................................... 893
  Eggs for sale, standards ............................................... 139
  Soft drinks, regulation of ingredients ................................ 49

Foreign Corporations—see Corporations

Forest City, Town of:
  Charter, amendments ................................................... 236

Forests: (see also Fires and Fire Protection)
  Additional forest services, Department of
    Conservation and Development ........................................ 344
  County forest rangers, additional personnel; State appropriation .. 1142
  Injury to trees near highways, penalties ............................ 22
  N. C. Forest Service, Division of Forestry,
    Department of Conservation and Development, renamed .......... 342
  N. C. Forestry Advisory Committee, creation,
    membership, functions ............................................... 1055
  Nurseries, use of forest tree seeds and seedlings ................ 343
  Timberlands, owned by State and related foundations,
    contributions in lieu of taxes ..................................... 1185

1684
# Index to Session Laws

**Chapter**

**Forsyth County:**
- Alcoholic beverages, purchase-transportation permits ........................................... 617
- Ambulance services:
  - Collection of charges .......................................................... 708
  - Obtaining without intent to pay ............................................. 292
  - Violations of ordinance ......................................................... 548
- Board of Education, conveyance of property ......................................................... 336
- Coroner, office abolished ................................................................................. 632
- Employees' Retirement Fund:
  - Benefits exempt from taxation ......................................................... 1076
  - Investment of funds ........................................................................... 777
- Firemen's Supplemental Welfare Fund, establishment ............................................ 418
- House of Representatives, numbering of seats ..................................................... 302
- Open space areas, definition; application of law .................................................. 35
- Peace Officers' Protective Association, compensation of officials ..................... 17
- Public schools, possession of weapons .................................................................... 1187
- Purchase contracts, joint arrangements .................................................................. 274
- Rural Hall Sanitary District, election of commissioners .......................................... 557
- Zoning resolutions, posting of notice ...................................................................... 451

**Fountain, Richard T., School**—
see Correctional Institutions under State Institutions

**Franchise Taxes**—see Taxes

**Franklin County:**
- Ambulance services, collection of charges ......................................................... 708
- Board of Education, appointment of members ....................................................... 248
- Electioneering, distance from voting place ......................................................... 1039
- Hunting from public roads, regulations in certain area ......................................... 484
- Municipalities, annexation procedure ................................................................... 1232
- Register of deeds and assistants, compensation ................................................... 509
- Sheriff and deputies, compensation ........................................................................ 510

**Franklinton, City of:**
- School Board, transfer of funds ............................................................................ 491

**Franklinville, Town of:**
- Mayor and Commissioners, election procedure .................................................... 163

**Fuel**—see Oil and Petroleum

**Funeral Directors:**
- Provision for apprenticeship .................................................................................. 584

1685
INDEX TO SESSION LAWS

Chapter

Funerals:
Expenses, decedent's estate primarily liable .......................... 610
Funeral directing, provision for apprenticeship ..................... 584
Pre-need burial contracts, regulation ................................. 187

Future interests—see Estates

G

Game and Game Laws:
Aged persons, permanent hunting licenses .......................... 1030
Artificial lights in taking wildlife, prohibited; exceptions ........ 140
Field trial firearms, regulation ........................................ 75
Hunting and trapping license fees ..................................... 1042
Wildlife protectors, search warrants ................................. 347

Garden Clubs of North Carolina, Inc., Elizabethan Garden:
Appropriations .............................................................. 1106

Garnishment—see Civil Procedure

Garland, Town of:
A.B.C. stores, establishment ............................................ 144
Alcoholic beverages, purchase-transportation permits ............ 617

Garner, Town of:
Charter, revisions .......................................................... 393

Gas, Liquefied—see Oil and Petroleum

Gasoline—see Oil and Petroleum

Gaston County:
Ambulance services, collection of charges .......................... 708
Board of Education:
Conveyance of school property ......................................... 979
Vesting of title to property .............................................. 980
Elections, persons having access to voting enclosure ............ 1280
Regional Planning Commission, powers and duties ............... 1196
Senate, numbering of seats in elections ............................. 985

Gastonia, City of:
Gaston County Board of Education, title to school properties ..... 980
Gaston Regional Planning Commission, powers and duties .... 1196
Municipal elections, rules and regulations .......................... 113
Police department, territorial jurisdiction .......................... 835

1686
INDEX TO SESSION LAWS

Chapter

Gastonia, City of—(Continued)

Public contracts, procedure for letting ............................................ 328
School property, conveyance to City ................................................ 979
Ward boundary lines, establishment .................................................. 88

Gates County:

Bears, season for taking ............................................................... 121
Board of Education, appointment of members .................................. 248
County officials, compensation ....................................................... 392
Deputy sheriff, employment by County and A.B.C. Board ................. 337

General Assembly:

Clerks and other employees, appointments, compensation, duties ..... 1184
Election of members, numbered seats:

Fifth House District ................................................................. 1054
Forty-first House District ......................................................... 189
Fourth Senatorial District .......................................................... 559
Thirtieth House District ............................................................ 302
Thirty-third House District ......................................................... 985
Twenty-fifth House District ......................................................... 544
Twenty-fourth Senatorial District ................................................ 985
Twenty-ninth Senatorial District ................................................... 985

Estuaries, report on study, forwarded by Governor ....................... 1164
Governor Morehead School, confirmation of appointees as directors . 749
House and Senate Journals, copies to Elizabeth City State College . 355
Legislative Intern Program Council, composition, functions .......... 32
Legislative Research Commission, powers; act amended ................. 1037
Legislative Retirement Fund Act .................................................. 1269
Legislative Services Commission, membership, powers and duties; compensation .................................................. 1184
Members and Officers:

Compensation and expense allowances ............................................ 1278
Subsistence and travel allowances .................................................. 1257

President of the Senate:

Courts Commission, appointment of members ................................ 910
Judicial Council, appointment of members ..................................... 1015

President Pro Tempore of Senate:

Subsistence, travel and office expenses when Assembly not in session . 1257
Vacancy appointments ..................................................................... 1037
Session Laws and Journals, indexing, printing and distribution .... 1184

1687
**Index to Session Laws**

**General Assembly—(Continued)**

Speaker of the House:
- Courts Commission, appointment of members .......................... 910
- Judicial Council, appointment of members ............................ 1015
- Subsistence, travel and office expenses, when Assembly not in session ......................................................... 1257
- Tobacco Museum Board, appointment of members ..................... 840
- Vacancy appointments ..................................................... 1037

State Board of Education, report on program
- of instruction in free enterprise system in public schools .......... 1230

State Board of Higher Education, confirmation
- of appointment of members ................................................ 400

State Commission for the Blind, recommendations as
- to blind vending stand operators ....................................... 1255

State Construction Finance Authority, annual reports from .......... 1048

General Elections—see Elections and Election Laws

General Statutes:
- Amendments eliminating references to race .......................... 1279
- Correction of technical errors, miscellaneous statutes ............. 541

General Statutes—Amended, Enacted, or Repealed:

<table>
<thead>
<tr>
<th>Section</th>
<th>Note: (Reference is to amendment, unless otherwise indicated.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-47</td>
<td>810</td>
</tr>
<tr>
<td>1-54</td>
<td>1001</td>
</tr>
<tr>
<td>1-55</td>
<td>1001</td>
</tr>
<tr>
<td>1-65.5, repealed</td>
<td>895</td>
</tr>
<tr>
<td>1-75.10</td>
<td>895</td>
</tr>
<tr>
<td>1-84</td>
<td>44</td>
</tr>
<tr>
<td>1-235</td>
<td>44</td>
</tr>
<tr>
<td>1-239</td>
<td>18</td>
</tr>
<tr>
<td>1-270</td>
<td>44</td>
</tr>
<tr>
<td>1-271</td>
<td>895</td>
</tr>
<tr>
<td>1-282</td>
<td>1190</td>
</tr>
<tr>
<td>1-284</td>
<td>44</td>
</tr>
<tr>
<td>1-285</td>
<td>44</td>
</tr>
<tr>
<td>1-287</td>
<td>44</td>
</tr>
<tr>
<td>1-287.1</td>
<td>44</td>
</tr>
<tr>
<td>1-288</td>
<td>44</td>
</tr>
<tr>
<td>1-296</td>
<td>44</td>
</tr>
<tr>
<td>1-297</td>
<td>44</td>
</tr>
</tbody>
</table>

1688
## General Statutes—Amended, Enacted, or Repealed—(Continued)

*Note:* (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-298</td>
<td>44</td>
</tr>
<tr>
<td>1-500</td>
<td>44</td>
</tr>
<tr>
<td>1-529</td>
<td>44</td>
</tr>
<tr>
<td>1A-1</td>
<td>810, 886, 895</td>
</tr>
<tr>
<td>2-28, repealed</td>
<td>80</td>
</tr>
<tr>
<td>2-42</td>
<td>658</td>
</tr>
<tr>
<td>5-2</td>
<td>44</td>
</tr>
<tr>
<td>5-3</td>
<td>44</td>
</tr>
<tr>
<td>5-6</td>
<td>44</td>
</tr>
<tr>
<td>6-4</td>
<td>44</td>
</tr>
<tr>
<td>6-6</td>
<td>44</td>
</tr>
<tr>
<td>6-21.1</td>
<td>786</td>
</tr>
<tr>
<td>6-33</td>
<td>44</td>
</tr>
<tr>
<td>6-34</td>
<td>44</td>
</tr>
<tr>
<td>6-38</td>
<td>44</td>
</tr>
<tr>
<td>7-40, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-41, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-42</td>
<td>1190</td>
</tr>
<tr>
<td>7-43, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-44</td>
<td>1186, 1190</td>
</tr>
<tr>
<td>7-45</td>
<td>1190, 1263</td>
</tr>
<tr>
<td>7-46, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-47, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-48, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-49, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-52</td>
<td>1190</td>
</tr>
<tr>
<td>7-53</td>
<td>1190</td>
</tr>
<tr>
<td>7-54</td>
<td>1190</td>
</tr>
<tr>
<td>7-55</td>
<td>1190</td>
</tr>
<tr>
<td>7-57, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-58</td>
<td>1190</td>
</tr>
<tr>
<td>7-59, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-60</td>
<td>1190</td>
</tr>
<tr>
<td>7-61, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-61.1</td>
<td>1190</td>
</tr>
<tr>
<td>7-62</td>
<td>1190</td>
</tr>
<tr>
<td>7-63, repealed</td>
<td>1190</td>
</tr>
</tbody>
</table>
Index to Session Laws

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-64</td>
<td>513</td>
</tr>
<tr>
<td>7-64, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-65</td>
<td>1190</td>
</tr>
<tr>
<td>7-66, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-67, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-68, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-68.1 through 7-68.9, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-69, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-70.2</td>
<td>1190</td>
</tr>
<tr>
<td>7-72</td>
<td>1190</td>
</tr>
<tr>
<td>7-73</td>
<td>1190</td>
</tr>
<tr>
<td>7-73.1</td>
<td>1190</td>
</tr>
<tr>
<td>7-74, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-76</td>
<td>1190</td>
</tr>
<tr>
<td>7-77, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-78</td>
<td>1190</td>
</tr>
<tr>
<td>7-80</td>
<td>1190</td>
</tr>
<tr>
<td>7-81, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-82, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-83</td>
<td>1190</td>
</tr>
<tr>
<td>7-84, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-85, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-86, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-87, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-88, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-92.1, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-92.2, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-92.3, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-240, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-241, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-242, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-296.1 through 7-296.18, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7-448</td>
<td>1015</td>
</tr>
<tr>
<td>7-449</td>
<td>1015</td>
</tr>
<tr>
<td>7A-6</td>
<td>1190</td>
</tr>
<tr>
<td>7A-11</td>
<td>1190</td>
</tr>
<tr>
<td>7A-16</td>
<td>1190</td>
</tr>
</tbody>
</table>

1690
# Index to Session Laws

## Chapter

**General Statutes—Amended, Enacted, or Repealed—(Continued)**

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7A-17, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7A-31</td>
<td>1044</td>
</tr>
<tr>
<td>7A-36, repealed</td>
<td>1190</td>
</tr>
<tr>
<td>7A-40</td>
<td>1190</td>
</tr>
<tr>
<td>7A-41, new</td>
<td>1190</td>
</tr>
<tr>
<td>7A-42</td>
<td>1190</td>
</tr>
<tr>
<td>7A-43.1</td>
<td>1186</td>
</tr>
<tr>
<td>7A-43.2</td>
<td>1186</td>
</tr>
<tr>
<td>7A-44</td>
<td>1190</td>
</tr>
<tr>
<td>7A-45</td>
<td>1190</td>
</tr>
<tr>
<td>7A-46</td>
<td>1190</td>
</tr>
<tr>
<td>7A-47</td>
<td>1190</td>
</tr>
<tr>
<td>7A-47.1</td>
<td>1190</td>
</tr>
<tr>
<td>7A-48</td>
<td>1190</td>
</tr>
<tr>
<td>7A-49</td>
<td>1190</td>
</tr>
<tr>
<td>7A-49.1</td>
<td>1190</td>
</tr>
<tr>
<td>7A-49.2</td>
<td>1190</td>
</tr>
<tr>
<td>7A-49.3</td>
<td>1190</td>
</tr>
<tr>
<td>7A-61</td>
<td>1190</td>
</tr>
<tr>
<td>7A-63</td>
<td>1190</td>
</tr>
<tr>
<td>7A-95</td>
<td>1190</td>
</tr>
<tr>
<td>7A-96</td>
<td>1190</td>
</tr>
<tr>
<td>7A-101</td>
<td>1186</td>
</tr>
<tr>
<td>7A-102.1</td>
<td>1190</td>
</tr>
<tr>
<td>7A-103</td>
<td>1190</td>
</tr>
<tr>
<td>7A-133</td>
<td>527, 1190, 1254</td>
</tr>
<tr>
<td>7A-140</td>
<td>1190</td>
</tr>
<tr>
<td>7A-160</td>
<td>1190</td>
</tr>
<tr>
<td>7A-163</td>
<td>1186</td>
</tr>
<tr>
<td>7A-165</td>
<td>1186</td>
</tr>
<tr>
<td>7A-170</td>
<td>1190</td>
</tr>
<tr>
<td>7A-172</td>
<td>1186</td>
</tr>
<tr>
<td>7A-180</td>
<td>1190</td>
</tr>
<tr>
<td>7A-182</td>
<td>1190</td>
</tr>
<tr>
<td>7A-192</td>
<td>1190</td>
</tr>
<tr>
<td>7A-193</td>
<td>1190</td>
</tr>
<tr>
<td>7A-195, repealed</td>
<td>911</td>
</tr>
</tbody>
</table>

1691
## Index to Session Laws

**Chapter**

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>7A-198</td>
<td>1190</td>
</tr>
<tr>
<td>7A-213</td>
<td>1190</td>
</tr>
<tr>
<td>7A-217</td>
<td>1190</td>
</tr>
<tr>
<td>7A-224</td>
<td>1190</td>
</tr>
<tr>
<td>7A-228</td>
<td>1190</td>
</tr>
<tr>
<td>7A-258</td>
<td>1190</td>
</tr>
<tr>
<td>7A-271</td>
<td>1190</td>
</tr>
<tr>
<td>7A-273</td>
<td>876, 1190</td>
</tr>
<tr>
<td>7A-277 through 7A-287</td>
<td>911</td>
</tr>
<tr>
<td>7A-288</td>
<td>876, 911, 1190</td>
</tr>
<tr>
<td>7A-289</td>
<td>911</td>
</tr>
<tr>
<td>7A-291</td>
<td>1190</td>
</tr>
<tr>
<td>7A-300</td>
<td>1013</td>
</tr>
<tr>
<td>7A-304</td>
<td>1013, 1190</td>
</tr>
<tr>
<td>7A-307</td>
<td>1190</td>
</tr>
<tr>
<td>7A-308</td>
<td>1190</td>
</tr>
<tr>
<td>7A-311</td>
<td>1190</td>
</tr>
<tr>
<td>7A-312</td>
<td>1190</td>
</tr>
<tr>
<td>7A-313</td>
<td>1190</td>
</tr>
<tr>
<td>7A-314</td>
<td>1190</td>
</tr>
<tr>
<td>7A-317.1, new</td>
<td>1190</td>
</tr>
<tr>
<td>7A-344</td>
<td>1013</td>
</tr>
<tr>
<td>7A-345</td>
<td>1013</td>
</tr>
<tr>
<td>7A-346</td>
<td>1013</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>7A, Subchapter IX, new</td>
<td>1013</td>
</tr>
<tr>
<td>7A, Article 40, Subchapter X, new</td>
<td>910</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-53</td>
<td>914</td>
</tr>
<tr>
<td>8-55</td>
<td>44</td>
</tr>
<tr>
<td>8-83</td>
<td>44</td>
</tr>
<tr>
<td>8-84</td>
<td>44</td>
</tr>
<tr>
<td>9-2</td>
<td>205, 1190</td>
</tr>
<tr>
<td>9-4</td>
<td>205</td>
</tr>
<tr>
<td>9-5</td>
<td>205</td>
</tr>
<tr>
<td>9-6</td>
<td>205</td>
</tr>
<tr>
<td>9-11</td>
<td>205</td>
</tr>
<tr>
<td>9-21</td>
<td>205</td>
</tr>
<tr>
<td>10-1</td>
<td>563, 912</td>
</tr>
</tbody>
</table>

1692
Index to Session Laws

Chapter

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-2</td>
<td>912</td>
</tr>
<tr>
<td>10-3,1, new</td>
<td>664</td>
</tr>
<tr>
<td>10-12</td>
<td>716</td>
</tr>
<tr>
<td>11-7,1</td>
<td>.44, 499, 713</td>
</tr>
<tr>
<td>11-11</td>
<td>1190</td>
</tr>
</tbody>
</table>

Chapter 14

Section 14-4

<table>
<thead>
<tr>
<th>Section</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-31</td>
<td>602</td>
</tr>
<tr>
<td>14-32</td>
<td>602</td>
</tr>
<tr>
<td>14-33</td>
<td>618</td>
</tr>
<tr>
<td>14-33,1, new</td>
<td>618</td>
</tr>
<tr>
<td>14-34</td>
<td>618</td>
</tr>
<tr>
<td>14-34,1, new</td>
<td>.341, 869</td>
</tr>
<tr>
<td>14-35</td>
<td>1224</td>
</tr>
<tr>
<td>14-40</td>
<td>1224</td>
</tr>
<tr>
<td>14-47</td>
<td>1224</td>
</tr>
<tr>
<td>14-48</td>
<td>1224</td>
</tr>
</tbody>
</table>

Chapter 14, Article 13

Section 14-51

<table>
<thead>
<tr>
<th>Section</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-53</td>
<td>543</td>
</tr>
<tr>
<td>14-54</td>
<td>543</td>
</tr>
<tr>
<td>14-55</td>
<td>543</td>
</tr>
<tr>
<td>14-56</td>
<td>543</td>
</tr>
<tr>
<td>14-57</td>
<td>543</td>
</tr>
<tr>
<td>14-68</td>
<td>1063</td>
</tr>
<tr>
<td>14-70</td>
<td>522</td>
</tr>
<tr>
<td>14-72</td>
<td>522</td>
</tr>
<tr>
<td>14-78,1</td>
<td>1224</td>
</tr>
<tr>
<td>14-82</td>
<td>1224</td>
</tr>
<tr>
<td>14-86</td>
<td>1224</td>
</tr>
<tr>
<td>14-105</td>
<td>1224</td>
</tr>
<tr>
<td>14-107</td>
<td>.157, 876, 909, 1014, 1224</td>
</tr>
<tr>
<td>14-108</td>
<td>1224</td>
</tr>
<tr>
<td>14-109</td>
<td>1224</td>
</tr>
<tr>
<td>14-110</td>
<td>.947, 1224</td>
</tr>
<tr>
<td>14-111</td>
<td>1224</td>
</tr>
<tr>
<td>14-111,1</td>
<td>1224</td>
</tr>
</tbody>
</table>

1693
## Index to Session Laws

**Chapter**

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>14-111.2</th>
<th>292, 753, 1224</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>14-112</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-113</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-113.6</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-114</td>
<td>.984, 1224</td>
</tr>
<tr>
<td></td>
<td>14-115</td>
<td>.984, 1224</td>
</tr>
<tr>
<td></td>
<td>14-118.2</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-118.3</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-128</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>14-129.1</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-132</td>
<td>.869, 1224</td>
</tr>
<tr>
<td></td>
<td>14-132.1</td>
<td>740</td>
</tr>
<tr>
<td></td>
<td>14-133</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-134</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-134.1</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>14-142</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-143</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-144</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-148</td>
<td>987</td>
</tr>
<tr>
<td></td>
<td>14-157</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-158</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-160</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-163</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-164</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-166</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-167</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-168</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-169</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-184</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-186</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-188</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-190</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-193</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-194</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-197</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td>14-199</td>
<td>1224</td>
</tr>
<tr>
<td></td>
<td>14-200</td>
<td>1224</td>
</tr>
</tbody>
</table>

1694
### Index to Session Laws

**Chapter**

**General Statutes—Amended, Enacted, or Repealed—(Continued)**

*Note: (Reference is to amendment, unless otherwise indicated.)*

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-223</td>
<td>1224</td>
</tr>
<tr>
<td>14-224</td>
<td>1224</td>
</tr>
<tr>
<td>14-225</td>
<td>1224</td>
</tr>
<tr>
<td>14-227.3</td>
<td>1224</td>
</tr>
<tr>
<td>14-227A, new</td>
<td>1128</td>
</tr>
<tr>
<td>14-234</td>
<td>1027</td>
</tr>
<tr>
<td>14-235</td>
<td>1224</td>
</tr>
<tr>
<td>14-238</td>
<td>1224</td>
</tr>
<tr>
<td>14-241</td>
<td>44</td>
</tr>
<tr>
<td>14-251</td>
<td>1224</td>
</tr>
<tr>
<td>14-269</td>
<td>1224</td>
</tr>
<tr>
<td>14-269.1</td>
<td>301, 1117</td>
</tr>
<tr>
<td>14-270</td>
<td>1224</td>
</tr>
<tr>
<td>14-272</td>
<td>1224</td>
</tr>
<tr>
<td>14-273</td>
<td>1224</td>
</tr>
<tr>
<td>14-275</td>
<td>1224</td>
</tr>
<tr>
<td>14-281</td>
<td>1224</td>
</tr>
<tr>
<td>14-284.1</td>
<td>1224</td>
</tr>
<tr>
<td>14-286</td>
<td>1224</td>
</tr>
<tr>
<td>14-287</td>
<td>1224</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14, Article 36A, new</td>
<td>869</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-313</td>
<td>1224</td>
</tr>
<tr>
<td>14-314</td>
<td>1224</td>
</tr>
<tr>
<td>14-319</td>
<td>1224</td>
</tr>
<tr>
<td>14-322</td>
<td>1045</td>
</tr>
<tr>
<td>14-322.2, new</td>
<td>889</td>
</tr>
<tr>
<td>14-325</td>
<td>1045</td>
</tr>
<tr>
<td>14-326.1</td>
<td>1045</td>
</tr>
<tr>
<td>14-327</td>
<td>1224</td>
</tr>
<tr>
<td>14-331</td>
<td>1224</td>
</tr>
<tr>
<td>14-332</td>
<td>1224</td>
</tr>
<tr>
<td>14-336</td>
<td>1224</td>
</tr>
<tr>
<td>14-339</td>
<td>1224</td>
</tr>
<tr>
<td>14-343</td>
<td>1224</td>
</tr>
<tr>
<td>14-344</td>
<td>1224</td>
</tr>
<tr>
<td>14-345</td>
<td>1224</td>
</tr>
</tbody>
</table>

1695
## Index to Session Laws

**Chapter**

General Statutes—Amended, Enacted, or Repealed—(Continued)

*Note:* (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1224</td>
<td>1224</td>
<td></td>
<td>1224</td>
<td>1224</td>
<td>1224</td>
<td>1224</td>
<td>1224</td>
<td>1224</td>
</tr>
</tbody>
</table>

1696
### Index to Session Laws

*Chapter*

**General Statutes—Amended, Enacted, or Repealed—(Continued)**

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-5, repealed</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-5.1, repealed</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-5.2</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-5.3, repealed</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-5.4, repealed</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-18</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-20</td>
<td></td>
<td>1062</td>
</tr>
<tr>
<td>15-21</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-22</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>Section 15-47</td>
<td></td>
<td>296</td>
</tr>
<tr>
<td>15-48</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-49</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-58</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-102</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-103</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-103-1/2, new</td>
<td></td>
<td>1062</td>
</tr>
<tr>
<td>15-116</td>
<td></td>
<td>1190</td>
</tr>
<tr>
<td>15-122</td>
<td></td>
<td>1005</td>
</tr>
<tr>
<td>15-162.1, repealed</td>
<td></td>
<td>117</td>
</tr>
<tr>
<td>15-179</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-180</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-181</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-183</td>
<td></td>
<td>542</td>
</tr>
<tr>
<td>15-183.1</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-184</td>
<td></td>
<td>44, 266</td>
</tr>
<tr>
<td>15-185</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-186</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>15-186.1, new</td>
<td></td>
<td>888</td>
</tr>
<tr>
<td>15-200.1</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-205.1, new</td>
<td></td>
<td>615</td>
</tr>
<tr>
<td>15-218</td>
<td></td>
<td>877</td>
</tr>
<tr>
<td>15-219</td>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>15-220</td>
<td></td>
<td>877, 1013, 1296</td>
</tr>
<tr>
<td>15-222</td>
<td></td>
<td>1013, 1296</td>
</tr>
<tr>
<td>17-6</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>17-8</td>
<td></td>
<td>44</td>
</tr>
</tbody>
</table>

1697
## General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-41</td>
<td>44</td>
</tr>
<tr>
<td>18-37</td>
<td>294</td>
</tr>
<tr>
<td>18-38</td>
<td>294</td>
</tr>
<tr>
<td>18-38.1, new</td>
<td>869</td>
</tr>
<tr>
<td>18-40, repealed</td>
<td>294</td>
</tr>
<tr>
<td>18-45</td>
<td>118, 902</td>
</tr>
<tr>
<td>18-49</td>
<td>598</td>
</tr>
<tr>
<td>18-49.5 through 18-49.9, new</td>
<td>617</td>
</tr>
<tr>
<td>18-51</td>
<td>1018</td>
</tr>
<tr>
<td>18-57</td>
<td>226</td>
</tr>
<tr>
<td>18-60</td>
<td>789</td>
</tr>
<tr>
<td>18-67</td>
<td>732, 1057</td>
</tr>
<tr>
<td>18-78.2, new</td>
<td>998</td>
</tr>
<tr>
<td>18-81</td>
<td>1075, 1239, 1268</td>
</tr>
<tr>
<td>18-85.2, new</td>
<td>1075</td>
</tr>
<tr>
<td>18-87</td>
<td>598</td>
</tr>
<tr>
<td>18-125</td>
<td>647</td>
</tr>
<tr>
<td>18-126</td>
<td>647</td>
</tr>
<tr>
<td>18-127</td>
<td>262</td>
</tr>
<tr>
<td>18-127.2</td>
<td>595</td>
</tr>
<tr>
<td>18-129</td>
<td>728</td>
</tr>
<tr>
<td>18-129.1, new</td>
<td>869</td>
</tr>
<tr>
<td>18-141</td>
<td>1131</td>
</tr>
<tr>
<td>19, Article 2, new</td>
<td>1215</td>
</tr>
<tr>
<td>19A, new</td>
<td>831</td>
</tr>
<tr>
<td>20-6</td>
<td>561, 1000</td>
</tr>
<tr>
<td>20-7</td>
<td>183, 783, 865</td>
</tr>
<tr>
<td>20-11</td>
<td>37</td>
</tr>
<tr>
<td>20-14</td>
<td>783</td>
</tr>
<tr>
<td>20-16.2</td>
<td>1074</td>
</tr>
<tr>
<td>20-17.1</td>
<td>186, 1125</td>
</tr>
<tr>
<td>20-19</td>
<td>242</td>
</tr>
<tr>
<td>20-20</td>
<td>182</td>
</tr>
<tr>
<td>20-23.1</td>
<td>186</td>
</tr>
<tr>
<td>20-23.2, new</td>
<td>988</td>
</tr>
<tr>
<td>20-26</td>
<td>783</td>
</tr>
<tr>
<td>20-28.1</td>
<td>348</td>
</tr>
</tbody>
</table>

1698
## Index to Session Laws

### Chapter

**General Statutes—Amended, Enacted, or Repealed**—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-38</td>
<td></td>
<td>561</td>
</tr>
<tr>
<td>20-58</td>
<td>through 20-58.8</td>
<td>838</td>
</tr>
<tr>
<td>20-58.9</td>
<td>repealed</td>
<td>838</td>
</tr>
<tr>
<td>20-63</td>
<td></td>
<td>1140</td>
</tr>
<tr>
<td>20-79.2</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>20-81.2</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>20-81.4</td>
<td>new</td>
<td>461</td>
</tr>
<tr>
<td>20-84</td>
<td></td>
<td>800</td>
</tr>
<tr>
<td>20-87</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>20-88</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>20-89</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>20-90</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>20-114.1</td>
<td></td>
<td>59</td>
</tr>
<tr>
<td>20-116</td>
<td></td>
<td>.128,880</td>
</tr>
<tr>
<td>20-118</td>
<td></td>
<td>537</td>
</tr>
<tr>
<td>20-122.1</td>
<td>new</td>
<td>.378,1256</td>
</tr>
<tr>
<td>20-124</td>
<td></td>
<td>.787,866</td>
</tr>
<tr>
<td>20-125.1</td>
<td></td>
<td>622</td>
</tr>
<tr>
<td>20-129</td>
<td></td>
<td>389</td>
</tr>
<tr>
<td>20-129.1</td>
<td></td>
<td>387</td>
</tr>
<tr>
<td>20-139.1</td>
<td></td>
<td>1074</td>
</tr>
<tr>
<td>20-141.3</td>
<td></td>
<td>186</td>
</tr>
<tr>
<td>20-143</td>
<td></td>
<td>1231</td>
</tr>
<tr>
<td>20-143.1</td>
<td>new</td>
<td>1231</td>
</tr>
<tr>
<td>20-150</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>20-174.1</td>
<td></td>
<td>1012</td>
</tr>
<tr>
<td>20-176</td>
<td></td>
<td>378</td>
</tr>
<tr>
<td>20-179</td>
<td></td>
<td>.50,1283</td>
</tr>
<tr>
<td>20-183.2</td>
<td></td>
<td>.179,219,386</td>
</tr>
<tr>
<td>20-183.3</td>
<td></td>
<td>378</td>
</tr>
<tr>
<td>20-183.7</td>
<td></td>
<td>1242</td>
</tr>
<tr>
<td>20-183.8</td>
<td></td>
<td>.179,620</td>
</tr>
<tr>
<td>20-216</td>
<td></td>
<td>401</td>
</tr>
<tr>
<td>20-217</td>
<td></td>
<td>952</td>
</tr>
<tr>
<td>20-218.1</td>
<td>new</td>
<td>264</td>
</tr>
<tr>
<td>20-218.2</td>
<td>new</td>
<td>1000</td>
</tr>
</tbody>
</table>

Chapter 20, Article 8, new ........................................... 867

1699
## Index to Session Laws

### General Statutes—Amended, Enacted, or Repealed—(Continued)

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-279.13</td>
<td>186</td>
</tr>
<tr>
<td>20-279.14</td>
<td>186</td>
</tr>
<tr>
<td>20-279.16</td>
<td>186</td>
</tr>
<tr>
<td>20-279.34</td>
<td>744</td>
</tr>
<tr>
<td>20-289</td>
<td>593</td>
</tr>
<tr>
<td>24-1.1, new</td>
<td>1303</td>
</tr>
<tr>
<td>24-1.2, new</td>
<td>1303</td>
</tr>
<tr>
<td>24-2</td>
<td>1303</td>
</tr>
<tr>
<td>24-4</td>
<td>1303</td>
</tr>
<tr>
<td>24-8</td>
<td>127, 1303</td>
</tr>
<tr>
<td>24-9</td>
<td>896</td>
</tr>
<tr>
<td>24-10</td>
<td>40, 1303</td>
</tr>
<tr>
<td>24-11, new</td>
<td>1303</td>
</tr>
<tr>
<td>25-8-407, repealed</td>
<td>1115</td>
</tr>
<tr>
<td>25-9-402</td>
<td>1115</td>
</tr>
<tr>
<td>25-9-403</td>
<td>1115</td>
</tr>
<tr>
<td>25-9-404</td>
<td>1115</td>
</tr>
<tr>
<td>25-9-405</td>
<td>1115</td>
</tr>
<tr>
<td>25-9-406</td>
<td>1115</td>
</tr>
<tr>
<td>25-9-603</td>
<td>1115</td>
</tr>
<tr>
<td>28-39.1</td>
<td>1067</td>
</tr>
<tr>
<td>28-107.1, new</td>
<td>610</td>
</tr>
<tr>
<td>28-174</td>
<td>215</td>
</tr>
<tr>
<td>30-15</td>
<td>14</td>
</tr>
<tr>
<td>30-17</td>
<td>269</td>
</tr>
<tr>
<td>31-1</td>
<td>39</td>
</tr>
<tr>
<td>35-42</td>
<td>677</td>
</tr>
<tr>
<td>35-48</td>
<td>44</td>
</tr>
<tr>
<td>35-50</td>
<td>44</td>
</tr>
<tr>
<td>36-3</td>
<td>861</td>
</tr>
<tr>
<td>36-14</td>
<td>44</td>
</tr>
<tr>
<td>39-13.1</td>
<td>1008</td>
</tr>
<tr>
<td>39-13.5, new</td>
<td>748</td>
</tr>
<tr>
<td>40-5</td>
<td>723</td>
</tr>
<tr>
<td>40-12.1, new</td>
<td>864</td>
</tr>
<tr>
<td>40-19</td>
<td>44</td>
</tr>
<tr>
<td>40-38</td>
<td>1016</td>
</tr>
</tbody>
</table>

1700
# Index to Session Laws

## General Statutes—Amended, Enacted, or Repealed—(Continued)

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>41-2.1</th>
<th>863</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>41-2.2, new</td>
<td>1115</td>
</tr>
<tr>
<td></td>
<td>43-11</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>43-17.1</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>44-1, repealed</td>
<td>1112</td>
</tr>
<tr>
<td></td>
<td>44-6</td>
<td>1112</td>
</tr>
<tr>
<td></td>
<td>44-9</td>
<td>1112</td>
</tr>
<tr>
<td></td>
<td>44-39 through 44-46, repealed</td>
<td>1112</td>
</tr>
<tr>
<td></td>
<td>44-49</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>44-50</td>
<td>450</td>
</tr>
<tr>
<td>Chapter 44, Article 9A, new</td>
<td>684</td>
<td></td>
</tr>
<tr>
<td></td>
<td>44, Article 11</td>
<td>216</td>
</tr>
<tr>
<td>Section 44-66</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>Chapter 44A, Article 2, new</td>
<td>1112</td>
<td></td>
</tr>
<tr>
<td>Section 45-18</td>
<td>477</td>
<td></td>
</tr>
<tr>
<td></td>
<td>45-21.12</td>
<td>984</td>
</tr>
<tr>
<td></td>
<td>45-21.34</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>45-21.35</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>45-37</td>
<td>746</td>
</tr>
<tr>
<td>Chapter 45, Article 7, new</td>
<td>736</td>
<td></td>
</tr>
<tr>
<td>Section 46-17.1, new</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td></td>
<td>47-1</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>47-5</td>
<td>664</td>
</tr>
<tr>
<td></td>
<td>47-7</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>47-14</td>
<td>664</td>
</tr>
<tr>
<td></td>
<td>47-17.1</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>47-20.5</td>
<td>813</td>
</tr>
<tr>
<td></td>
<td>47-71.1</td>
<td>815</td>
</tr>
<tr>
<td></td>
<td>47-95</td>
<td>639</td>
</tr>
<tr>
<td></td>
<td>47-113</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>47A-3</td>
<td>848</td>
</tr>
<tr>
<td></td>
<td>48-6</td>
<td>534</td>
</tr>
<tr>
<td></td>
<td>48-6.1</td>
<td>911</td>
</tr>
<tr>
<td></td>
<td>48-7</td>
<td>911</td>
</tr>
<tr>
<td></td>
<td>48-9</td>
<td>911</td>
</tr>
<tr>
<td></td>
<td>48-9.1</td>
<td>911</td>
</tr>
<tr>
<td></td>
<td>48-29</td>
<td>21, 977</td>
</tr>
</tbody>
</table>
## Index to Session Laws

**General Statutes—Amended, Enacted, or Repealed—(Continued)**

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>48-36</td>
<td>21</td>
</tr>
<tr>
<td>49-13.1, new</td>
<td>534</td>
</tr>
<tr>
<td>50-13</td>
<td>895</td>
</tr>
<tr>
<td>50-16.7</td>
<td>895</td>
</tr>
<tr>
<td>51-1</td>
<td>1020</td>
</tr>
<tr>
<td>51-11</td>
<td>759</td>
</tr>
<tr>
<td>51-20, repealed</td>
<td>80</td>
</tr>
<tr>
<td>51-21</td>
<td>80</td>
</tr>
<tr>
<td>52-6</td>
<td>44</td>
</tr>
<tr>
<td>53-43</td>
<td>541, 1303</td>
</tr>
<tr>
<td>53-91</td>
<td>41</td>
</tr>
<tr>
<td>53-92</td>
<td>844, 920</td>
</tr>
<tr>
<td>53-122</td>
<td>229</td>
</tr>
<tr>
<td>53-141</td>
<td>1303</td>
</tr>
<tr>
<td>53-166</td>
<td>1303</td>
</tr>
<tr>
<td>53-168</td>
<td>1303</td>
</tr>
<tr>
<td>53-173</td>
<td>1303</td>
</tr>
<tr>
<td>53-174</td>
<td>1303</td>
</tr>
<tr>
<td>53-175</td>
<td>1303</td>
</tr>
<tr>
<td>53-176</td>
<td>1303</td>
</tr>
<tr>
<td>53-176.1, new</td>
<td>1303</td>
</tr>
<tr>
<td>53-179</td>
<td>1303</td>
</tr>
<tr>
<td>53-180</td>
<td>1303</td>
</tr>
<tr>
<td>53-189</td>
<td>1303</td>
</tr>
<tr>
<td>53-190</td>
<td>1303</td>
</tr>
<tr>
<td>53-191</td>
<td>1303</td>
</tr>
<tr>
<td>54-44.8</td>
<td>816</td>
</tr>
<tr>
<td>54-86</td>
<td>69</td>
</tr>
<tr>
<td>54-87</td>
<td>69</td>
</tr>
<tr>
<td>54-90</td>
<td>69</td>
</tr>
<tr>
<td>54-91</td>
<td>69</td>
</tr>
<tr>
<td>54-103</td>
<td>69</td>
</tr>
<tr>
<td>54-106</td>
<td>69</td>
</tr>
<tr>
<td>54-107</td>
<td>69</td>
</tr>
<tr>
<td>55-6</td>
<td>751</td>
</tr>
<tr>
<td>55-7</td>
<td>751</td>
</tr>
<tr>
<td>55-11</td>
<td>751</td>
</tr>
</tbody>
</table>

1702
## General Statutes—Amended, Enacted, or Repealed—(Continued)

### Note:
(Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>55-12</td>
<td></td>
<td>751</td>
</tr>
<tr>
<td>55-17</td>
<td></td>
<td>751</td>
</tr>
<tr>
<td>55-19</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-20</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-21</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-22</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-25</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-28</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-31</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-37.1</td>
<td>new</td>
<td>797</td>
</tr>
<tr>
<td>55-40</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-44.1</td>
<td>new</td>
<td>797</td>
</tr>
<tr>
<td>55-46</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-49</td>
<td>repealed</td>
<td>797</td>
</tr>
<tr>
<td>55-50</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-52</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-53</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-56</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-63</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-67</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-101</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-106</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-107</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-113</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-129</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-132</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-137</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-138</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-155</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55-156</td>
<td></td>
<td>797</td>
</tr>
<tr>
<td>55A-6</td>
<td></td>
<td>875</td>
</tr>
<tr>
<td>55A-9</td>
<td></td>
<td>875</td>
</tr>
<tr>
<td>55A-10</td>
<td></td>
<td>875</td>
</tr>
<tr>
<td>55A-15</td>
<td></td>
<td>875</td>
</tr>
<tr>
<td>55A-23</td>
<td></td>
<td>875</td>
</tr>
<tr>
<td>55A-27.1</td>
<td></td>
<td>875</td>
</tr>
<tr>
<td>55A-60</td>
<td></td>
<td>875</td>
</tr>
</tbody>
</table>
## Index to Session Laws

### General Statutes—Amended, Enacted, or Repealed—(Continued)

*Note: (Reference is to amendment, unless otherwise indicated.)*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>718</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>844</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>44</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1063</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1206</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>941</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>616</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1199</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>616</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>897</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1077</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>249</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1284</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>751</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>319</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1041</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1006</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1041</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1252</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>744, 1252</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>989</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>745</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>679</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>679</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1279</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>646</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>764</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>614</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>681</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>763</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>645, 721</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>722</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>721</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>765</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1704
INDEX TO SESSION LAWS

Chapter

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

Section 65-29 ......................................................... 851
65-36 ................................................................. 1006
65-38, repealed .................................................. 1279
66-41 ................................................................. 906
66-41.1, new ....................................................... 906
66-42 ................................................................. 906
66-47 ................................................................. 906
66-49 ................................................................. 906
66-70, repealed .................................................. 751
66-84 ................................................................. 502
68-1, repealed ..................................................... 691
68-2, repealed ..................................................... 691
68-5, repealed ..................................................... 619
68-38 ................................................................. 199
69-1 ................................................................. 894
69-4 ................................................................. 1063
69-13 ................................................................. 1063
69-29 ................................................................. 1063
74A-2 ................................................................. 844
75-1.1, new ......................................................... 833
75-10 ................................................................. 44
75-12 ................................................................. 44

Chapter 75A ......................................................... 1093

Section 75A-2 ..................................................... 87
75A-13.1, new .................................................... 97
75A-18 ............................................................... 97

Chapter 75A, Article 2, new .................................... 1093

Section 76-40 ......................................................... 792
77-14 ................................................................. 790
83-12 ................................................................. 718
84-1 ................................................................. 44
84-2 ................................................................. 44
84-4 and 84-5 .................................................... 718
84-16 ............................................................... 44, 1190
84-18.1, new ....................................................... 241
84-28 ................................................................. 44
84-31 ................................................................. 44

1705
Index to Session Laws

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

Section 84-33 ................................................................. 104
  87-14 ................................................................. 1063
  87-17 ................................................................. 445

Chapter 87, Article 4 .................................................... 669

Section 87-53 ................................................................. 445
  87-64 ................................................................. 314
  88-14 ................................................................. 844
  89-13 ................................................................. 718
  89-14 ................................................................. 227
  90-9 ................................................................. 612, 929
  90-10 ................................................................. 612, 929
  90-13 ................................................................. 612
  90-14 ................................................................. 612, 929
  90-15 ................................................................. 929
  90-15.1 ................................................................. 929
  90-18 ................................................................. 612, 929
  90-29.3, new ......................................................... 804
  90-40 ................................................................. 804
  90-41.1 ................................................................. 804
  90-57A, new ......................................................... 533
  90-87 ................................................................. 970
  90-97 ................................................................. 970
  90-108 ............................................................... 541
  90-111 ............................................................... 970
  90-111.1 ............................................................... 970
  90-113.1 ............................................................... 970
  90-113.2 ............................................................... 970
  90-113.8 through 90-113.13 ..................................... 970
  90-123 ............................................................... 624
  90-123.1, new ..................................................... 354
  90-125 ............................................................... 718
  90-159 ............................................................... 844
  90-171.7 ............................................................. 1079
  90-205 ............................................................... 584
  90-207 ............................................................... 584
  90-210.10 ............................................................ 584
  90-210.13a, new ................................................... 584

1706
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>90-212</td>
<td>Chapter 90, Article 14A, repealed</td>
<td>1279</td>
</tr>
<tr>
<td>90-217</td>
<td>Section 90-217</td>
<td>84</td>
</tr>
<tr>
<td>90-248</td>
<td>Section 90-248</td>
<td>444</td>
</tr>
<tr>
<td>90-257</td>
<td>Section 90-257</td>
<td>445</td>
</tr>
<tr>
<td>90-257</td>
<td>Chapter 90, Article 18</td>
<td>556</td>
</tr>
<tr>
<td>90A</td>
<td>Section 90A</td>
<td>1059</td>
</tr>
<tr>
<td>90A</td>
<td>Section 90A, Article 2, new</td>
<td>1059</td>
</tr>
<tr>
<td>90A</td>
<td>Section 90A, Article 3, new</td>
<td>1059</td>
</tr>
<tr>
<td>93-8</td>
<td>Section 93-8</td>
<td>718</td>
</tr>
<tr>
<td>93A-1</td>
<td>Section 93A-1</td>
<td>191</td>
</tr>
<tr>
<td>93A-2</td>
<td>Section 93A-2</td>
<td>191</td>
</tr>
<tr>
<td>93A-4</td>
<td>Section 93A-4</td>
<td>191</td>
</tr>
<tr>
<td>93A-5</td>
<td>Section 93A-5</td>
<td>191</td>
</tr>
<tr>
<td>93A-6</td>
<td>Section 93A-6</td>
<td>191</td>
</tr>
<tr>
<td>93A-9</td>
<td>Section 93A-9</td>
<td>191</td>
</tr>
<tr>
<td>93B-2</td>
<td>Section 93B-2</td>
<td>42</td>
</tr>
<tr>
<td>95-2</td>
<td>Section 95-2</td>
<td>1214</td>
</tr>
<tr>
<td>95-86</td>
<td>Section 95-86</td>
<td>34, 218</td>
</tr>
<tr>
<td>95-87</td>
<td>Section 95-87</td>
<td>34</td>
</tr>
<tr>
<td>95-27</td>
<td>Chapter 95, Article 15, new</td>
<td>1021</td>
</tr>
<tr>
<td>96-4</td>
<td>Section 96-4</td>
<td>44, 575</td>
</tr>
<tr>
<td>96-6</td>
<td>Section 96-6</td>
<td>575</td>
</tr>
<tr>
<td>96-8</td>
<td>Section 96-8</td>
<td>575</td>
</tr>
<tr>
<td>96-9</td>
<td>Section 96-9</td>
<td>575</td>
</tr>
<tr>
<td>96-12</td>
<td>Section 96-12</td>
<td>575</td>
</tr>
<tr>
<td>96-13</td>
<td>Section 96-13</td>
<td>575</td>
</tr>
<tr>
<td>96-14</td>
<td>Section 96-14</td>
<td>575</td>
</tr>
<tr>
<td>96-15</td>
<td>Section 96-15</td>
<td>575</td>
</tr>
<tr>
<td>97-2</td>
<td>Section 97-2</td>
<td>206, 707</td>
</tr>
<tr>
<td>97-27</td>
<td>Section 97-27</td>
<td>135</td>
</tr>
<tr>
<td>97-29</td>
<td>Section 97-29</td>
<td>143</td>
</tr>
<tr>
<td>97-30</td>
<td>Section 97-30</td>
<td>143</td>
</tr>
<tr>
<td>97-31</td>
<td>Section 97-31</td>
<td>143</td>
</tr>
<tr>
<td>97-38</td>
<td>Section 97-38</td>
<td>143</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>97-41</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>97-61.5</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>98-14</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>103-4</td>
<td>521</td>
<td></td>
</tr>
<tr>
<td>105-14</td>
<td>541</td>
<td></td>
</tr>
<tr>
<td>105-35</td>
<td>1165</td>
<td></td>
</tr>
<tr>
<td>105-36</td>
<td>1165</td>
<td></td>
</tr>
<tr>
<td>105-37</td>
<td>1165</td>
<td></td>
</tr>
<tr>
<td>105-74</td>
<td>884</td>
<td></td>
</tr>
<tr>
<td>Chapter 105, Article 2A, new</td>
<td>1075</td>
<td></td>
</tr>
<tr>
<td>Section 105-113.5</td>
<td>1246</td>
<td></td>
</tr>
<tr>
<td>105-113.10</td>
<td>1246</td>
<td></td>
</tr>
<tr>
<td>105-113.21</td>
<td>1222, 1238</td>
<td></td>
</tr>
<tr>
<td>Chapter 105, Article 2B, new</td>
<td>1075</td>
<td></td>
</tr>
<tr>
<td>Section 105-113.51</td>
<td>1247</td>
<td></td>
</tr>
<tr>
<td>105-113.56A, new</td>
<td>1251</td>
<td></td>
</tr>
<tr>
<td>105-113.65</td>
<td>1251</td>
<td></td>
</tr>
<tr>
<td>105-130.5</td>
<td>1113, 1124</td>
<td></td>
</tr>
<tr>
<td>105-130.7</td>
<td>1124</td>
<td></td>
</tr>
<tr>
<td>105-130.9</td>
<td>1175</td>
<td></td>
</tr>
<tr>
<td>105-130.10</td>
<td>817</td>
<td></td>
</tr>
<tr>
<td>105-135</td>
<td>1075</td>
<td></td>
</tr>
<tr>
<td>105-141</td>
<td>178, 1076, 1272</td>
<td></td>
</tr>
<tr>
<td>105-144</td>
<td>1120</td>
<td></td>
</tr>
<tr>
<td>105-147</td>
<td>725, 1082, 1123, 1175</td>
<td></td>
</tr>
<tr>
<td>105-149</td>
<td>1075</td>
<td></td>
</tr>
<tr>
<td>105-158, new</td>
<td>1116</td>
<td></td>
</tr>
<tr>
<td>105-164.4</td>
<td>1075</td>
<td></td>
</tr>
<tr>
<td>105-164.13</td>
<td>907</td>
<td></td>
</tr>
<tr>
<td>105-164.14</td>
<td>1298</td>
<td></td>
</tr>
<tr>
<td>Chapter 105, Article 5, Division IX, new</td>
<td>1228</td>
<td></td>
</tr>
<tr>
<td>Section 105-164.56</td>
<td>1287</td>
<td></td>
</tr>
<tr>
<td>105-203</td>
<td>1122</td>
<td></td>
</tr>
<tr>
<td>105-204</td>
<td>1114</td>
<td></td>
</tr>
<tr>
<td>105-228.5</td>
<td>1221</td>
<td></td>
</tr>
<tr>
<td>105-228.12</td>
<td>1075</td>
<td></td>
</tr>
<tr>
<td>105-228.17</td>
<td>1282</td>
<td></td>
</tr>
</tbody>
</table>

1708
## INDEX TO SESSION LAWS

### General Statutes—Amended, Enacted, or Repealed—(Continued)

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Note Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>105-228.23</td>
<td>1075</td>
</tr>
<tr>
<td>105-228.24</td>
<td>1075</td>
</tr>
<tr>
<td>105-228.32</td>
<td>599</td>
</tr>
<tr>
<td>105-230</td>
<td>965</td>
</tr>
<tr>
<td>105-232</td>
<td>541</td>
</tr>
<tr>
<td>105-241.1</td>
<td>1132</td>
</tr>
<tr>
<td>105-241.4</td>
<td>44</td>
</tr>
<tr>
<td>105-242</td>
<td>1071</td>
</tr>
<tr>
<td>105-266.1</td>
<td>44, 1132</td>
</tr>
<tr>
<td>105-275</td>
<td>7</td>
</tr>
<tr>
<td>105-294</td>
<td>.945, 1088, 1250</td>
</tr>
<tr>
<td>105-296</td>
<td>541</td>
</tr>
<tr>
<td>105-296.1</td>
<td>1185</td>
</tr>
<tr>
<td>105-302</td>
<td>940</td>
</tr>
<tr>
<td>105-323</td>
<td>1279</td>
</tr>
<tr>
<td>105-329</td>
<td>7</td>
</tr>
<tr>
<td>105-333</td>
<td>1088</td>
</tr>
<tr>
<td>105-335</td>
<td>1279</td>
</tr>
<tr>
<td>105-345</td>
<td>.15, 66, 150, 196, 278, 566, 655, 705, 921</td>
</tr>
<tr>
<td>105-378</td>
<td>921</td>
</tr>
<tr>
<td>105-385</td>
<td>.305, 1029</td>
</tr>
<tr>
<td>105-422</td>
<td>96</td>
</tr>
<tr>
<td>105-434</td>
<td>600</td>
</tr>
<tr>
<td>105-435</td>
<td>600</td>
</tr>
<tr>
<td>105-439</td>
<td>1298</td>
</tr>
<tr>
<td>105-446</td>
<td>.600, 1298</td>
</tr>
<tr>
<td>105-446.1</td>
<td>.600, 1298</td>
</tr>
<tr>
<td>105-446.2</td>
<td>1201</td>
</tr>
<tr>
<td>105-449</td>
<td>600</td>
</tr>
<tr>
<td>105-449.01, new</td>
<td>600</td>
</tr>
<tr>
<td>105-449.16</td>
<td>600</td>
</tr>
<tr>
<td>105-449.19</td>
<td>600</td>
</tr>
<tr>
<td>105-449.30</td>
<td>600</td>
</tr>
<tr>
<td>105-449.36</td>
<td>600</td>
</tr>
<tr>
<td>105-449.39</td>
<td>.600, 1098</td>
</tr>
<tr>
<td>106-11</td>
<td>1214</td>
</tr>
<tr>
<td>106-26</td>
<td>796</td>
</tr>
</tbody>
</table>

1709
# Index to Session Laws

**General Statutes—Amended, Enacted, or Repealed**—(Continued)

*Note:* (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>106-65.23</td>
<td>541</td>
</tr>
<tr>
<td>106-176</td>
<td>1068</td>
</tr>
<tr>
<td>106-184.1, new</td>
<td>49</td>
</tr>
<tr>
<td>106-189</td>
<td>849</td>
</tr>
<tr>
<td>106-225.3, new</td>
<td>1121</td>
</tr>
<tr>
<td>106-245.16</td>
<td>139</td>
</tr>
<tr>
<td>106-266.17</td>
<td>44</td>
</tr>
<tr>
<td>106-277.21</td>
<td>105</td>
</tr>
<tr>
<td>106-277.28</td>
<td>105</td>
</tr>
<tr>
<td>Chapter 106, Article 34</td>
<td>606</td>
</tr>
<tr>
<td>106-322.2</td>
<td>525</td>
</tr>
<tr>
<td>106-322.3, new</td>
<td>525</td>
</tr>
<tr>
<td>106-323</td>
<td>525</td>
</tr>
<tr>
<td>106-390</td>
<td>465</td>
</tr>
<tr>
<td>106-401.1, new</td>
<td>693</td>
</tr>
<tr>
<td>106-402</td>
<td>693</td>
</tr>
<tr>
<td>106-405</td>
<td>693</td>
</tr>
<tr>
<td>106-408</td>
<td>983</td>
</tr>
<tr>
<td>106-434</td>
<td>844</td>
</tr>
<tr>
<td>Chapter 106, Article 49</td>
<td>464</td>
</tr>
<tr>
<td>106-549.59</td>
<td>44</td>
</tr>
<tr>
<td>106-557.1, new</td>
<td>111</td>
</tr>
<tr>
<td>106-564.1</td>
<td>605</td>
</tr>
<tr>
<td>106-564.3</td>
<td>184</td>
</tr>
<tr>
<td>106-567</td>
<td>605</td>
</tr>
<tr>
<td>Chapter 108</td>
<td>546, 1165</td>
</tr>
<tr>
<td>108-1</td>
<td>982</td>
</tr>
<tr>
<td>108-12</td>
<td>423</td>
</tr>
<tr>
<td>108-29</td>
<td>1165</td>
</tr>
<tr>
<td>108-30</td>
<td>1165</td>
</tr>
<tr>
<td>108-32</td>
<td>1165</td>
</tr>
<tr>
<td>108-33</td>
<td>1165</td>
</tr>
<tr>
<td>108-37.1, new</td>
<td>1216</td>
</tr>
<tr>
<td>108-39.1, new</td>
<td>739</td>
</tr>
<tr>
<td>108-44</td>
<td>.735, 754</td>
</tr>
<tr>
<td>108-50</td>
<td>747</td>
</tr>
<tr>
<td>108-61.1, new</td>
<td>1040</td>
</tr>
</tbody>
</table>

1710
### Index to Session Laws

#### General Statutes—Amended, Enacted, or Repealed—(Continued)

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Note</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>108-78</td>
<td></td>
<td>908, 1081</td>
</tr>
<tr>
<td>110-2</td>
<td></td>
<td>962</td>
</tr>
<tr>
<td>110-21</td>
<td></td>
<td>911</td>
</tr>
<tr>
<td>110-22</td>
<td></td>
<td>911</td>
</tr>
<tr>
<td>110-23</td>
<td></td>
<td>911</td>
</tr>
<tr>
<td>110-24</td>
<td></td>
<td>911</td>
</tr>
<tr>
<td>110-25.1</td>
<td></td>
<td>911</td>
</tr>
<tr>
<td>110-39</td>
<td></td>
<td>911</td>
</tr>
<tr>
<td>110-49</td>
<td></td>
<td>911</td>
</tr>
<tr>
<td>111-1</td>
<td></td>
<td>908, 1255</td>
</tr>
<tr>
<td>111-2</td>
<td></td>
<td>1255</td>
</tr>
<tr>
<td>111-3</td>
<td></td>
<td>1255</td>
</tr>
<tr>
<td>111-27.2, new</td>
<td></td>
<td>1255</td>
</tr>
<tr>
<td>111-28</td>
<td></td>
<td>1255</td>
</tr>
<tr>
<td>112-1</td>
<td></td>
<td>293</td>
</tr>
<tr>
<td>112-21</td>
<td></td>
<td>342</td>
</tr>
<tr>
<td>113-4</td>
<td></td>
<td>342</td>
</tr>
<tr>
<td>113-5</td>
<td></td>
<td>343</td>
</tr>
<tr>
<td>113-5.1, new</td>
<td></td>
<td>344</td>
</tr>
<tr>
<td>113-12</td>
<td></td>
<td>344</td>
</tr>
<tr>
<td>113-15.1, repealed</td>
<td></td>
<td>1145</td>
</tr>
<tr>
<td>113-28.8</td>
<td></td>
<td>1030, 1042</td>
</tr>
<tr>
<td>113-29</td>
<td></td>
<td>1042</td>
</tr>
<tr>
<td>113-29.1</td>
<td></td>
<td>1042</td>
</tr>
<tr>
<td>113-35</td>
<td></td>
<td>1042</td>
</tr>
<tr>
<td>113-81.1</td>
<td></td>
<td>75, 140</td>
</tr>
<tr>
<td>113-95</td>
<td></td>
<td>51</td>
</tr>
<tr>
<td>113-95.2, new</td>
<td></td>
<td>347</td>
</tr>
<tr>
<td>113-96</td>
<td></td>
<td>1243</td>
</tr>
<tr>
<td>113-96.1, new</td>
<td></td>
<td>1244</td>
</tr>
<tr>
<td>113-104</td>
<td></td>
<td>1275</td>
</tr>
<tr>
<td>113-120.3</td>
<td></td>
<td>1275</td>
</tr>
<tr>
<td>113-139, new</td>
<td></td>
<td>541</td>
</tr>
<tr>
<td>113-152</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>113-156</td>
<td></td>
<td>541</td>
</tr>
<tr>
<td>113-157</td>
<td></td>
<td>541</td>
</tr>
<tr>
<td>113-206</td>
<td></td>
<td>541</td>
</tr>
</tbody>
</table>

1711
## Index to Session Laws

### Chapter

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>113-229, new</td>
<td></td>
<td>791</td>
</tr>
<tr>
<td>113-271, new</td>
<td></td>
<td>761, 1042</td>
</tr>
<tr>
<td>113-272</td>
<td></td>
<td>1042</td>
</tr>
<tr>
<td>113-404</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>114-2</td>
<td></td>
<td>535</td>
</tr>
<tr>
<td>114-7</td>
<td></td>
<td>1214</td>
</tr>
<tr>
<td>114-8, repealed</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>114-10, repealed</td>
<td></td>
<td>1190</td>
</tr>
<tr>
<td>114-10</td>
<td></td>
<td>1267</td>
</tr>
<tr>
<td>114-10.1, new</td>
<td></td>
<td>1267</td>
</tr>
<tr>
<td>114-11, repealed</td>
<td></td>
<td>1190</td>
</tr>
<tr>
<td>115-6</td>
<td></td>
<td>1213</td>
</tr>
<tr>
<td>115-11</td>
<td></td>
<td>517</td>
</tr>
<tr>
<td>115-13</td>
<td></td>
<td>1214</td>
</tr>
<tr>
<td>115-29</td>
<td></td>
<td>919</td>
</tr>
<tr>
<td>115-35</td>
<td></td>
<td>517</td>
</tr>
<tr>
<td>115-36</td>
<td></td>
<td>678</td>
</tr>
<tr>
<td>115-37</td>
<td></td>
<td>487</td>
</tr>
<tr>
<td>115-38</td>
<td></td>
<td>1213</td>
</tr>
<tr>
<td>115-59</td>
<td></td>
<td>539</td>
</tr>
<tr>
<td>115-70, new</td>
<td></td>
<td>238, 613</td>
</tr>
<tr>
<td>115-74.1</td>
<td></td>
<td>742</td>
</tr>
<tr>
<td>115-74.2</td>
<td></td>
<td>828</td>
</tr>
<tr>
<td>115-78</td>
<td></td>
<td>1166</td>
</tr>
<tr>
<td>115-79</td>
<td></td>
<td>1166, 1213</td>
</tr>
<tr>
<td>115-87</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>115-88</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>115-99</td>
<td></td>
<td>1190</td>
</tr>
<tr>
<td>115-125</td>
<td></td>
<td>516</td>
</tr>
<tr>
<td>115-126</td>
<td></td>
<td>233</td>
</tr>
<tr>
<td>115-129</td>
<td></td>
<td>1022</td>
</tr>
<tr>
<td>115-146</td>
<td></td>
<td>638</td>
</tr>
<tr>
<td>115-160.5, new</td>
<td></td>
<td>890</td>
</tr>
<tr>
<td>115, Article 18B, new</td>
<td></td>
<td>638</td>
</tr>
<tr>
<td>115-162</td>
<td></td>
<td>1213</td>
</tr>
<tr>
<td>115-165</td>
<td></td>
<td>340</td>
</tr>
<tr>
<td>115-166</td>
<td></td>
<td>339, 799</td>
</tr>
<tr>
<td>115-169</td>
<td></td>
<td>799</td>
</tr>
</tbody>
</table>

1712
## Index to Session Laws

### General Statutes—Amended, Enacted, or Repealed—(Continued)

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>115-172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-173</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-174</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-175</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-176.1, new</td>
<td></td>
<td>1274</td>
</tr>
<tr>
<td>115-179</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>115-183</td>
<td></td>
<td>47</td>
</tr>
<tr>
<td>115-198</td>
<td></td>
<td>487</td>
</tr>
<tr>
<td>115-198.1, new</td>
<td></td>
<td>1213</td>
</tr>
<tr>
<td>Chapter 115, Article 25, repealed</td>
<td></td>
<td>519</td>
</tr>
<tr>
<td>115, Article 25A, new</td>
<td></td>
<td>519</td>
</tr>
<tr>
<td>115, Article 26, repealed</td>
<td></td>
<td>519</td>
</tr>
<tr>
<td>Section 115-274 through 115-295, repealed</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>Chapter 115, Article 38A, new</td>
<td></td>
<td>1166</td>
</tr>
<tr>
<td>115, Article 40</td>
<td></td>
<td>749</td>
</tr>
<tr>
<td>Section 115-323</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>115-325</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-336</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-341</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-345</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115-347</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115A-1</td>
<td></td>
<td>562</td>
</tr>
<tr>
<td>115A-2</td>
<td></td>
<td>562</td>
</tr>
<tr>
<td>115A-5</td>
<td></td>
<td>1294</td>
</tr>
<tr>
<td>115A-9.1, new</td>
<td></td>
<td>338</td>
</tr>
<tr>
<td>115A-39</td>
<td></td>
<td>479</td>
</tr>
<tr>
<td>Chapter 116, Article 1A</td>
<td></td>
<td>608, 801</td>
</tr>
<tr>
<td>Section 116-2</td>
<td></td>
<td>297</td>
</tr>
<tr>
<td>116-7</td>
<td></td>
<td>1126</td>
</tr>
<tr>
<td>116-15</td>
<td></td>
<td>532</td>
</tr>
<tr>
<td>116-37.1, new</td>
<td></td>
<td>1023</td>
</tr>
<tr>
<td>116-39.1, new</td>
<td></td>
<td>297</td>
</tr>
<tr>
<td>116-39.2, new</td>
<td></td>
<td>297</td>
</tr>
<tr>
<td>116-44.1</td>
<td></td>
<td>1011</td>
</tr>
<tr>
<td>116-44.10</td>
<td></td>
<td>532</td>
</tr>
<tr>
<td>116-45</td>
<td></td>
<td>130, 131, 297, 388, 608, 801</td>
</tr>
<tr>
<td>116-45.1, repealed</td>
<td></td>
<td>801</td>
</tr>
</tbody>
</table>
## INDEX TO SESSION LAWS

### Chapter

**General Statutes—Amended, Enacted, or Repealed—(Continued)**

*Note: (Reference is to amendment, unless otherwise indicated.)*

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>116-45.2,</td>
<td>repealed</td>
<td>297</td>
</tr>
<tr>
<td>116-46.3</td>
<td></td>
<td>114</td>
</tr>
<tr>
<td>116-49</td>
<td></td>
<td>1133</td>
</tr>
<tr>
<td>116-156</td>
<td></td>
<td>400</td>
</tr>
<tr>
<td>116-157</td>
<td></td>
<td>400</td>
</tr>
<tr>
<td>116-158</td>
<td></td>
<td>532</td>
</tr>
<tr>
<td>116-174.1</td>
<td></td>
<td>1073</td>
</tr>
<tr>
<td>116-175</td>
<td></td>
<td>297</td>
</tr>
<tr>
<td>116-176</td>
<td></td>
<td>1158</td>
</tr>
<tr>
<td>116-189</td>
<td></td>
<td>297</td>
</tr>
<tr>
<td>116-191</td>
<td></td>
<td>1158</td>
</tr>
<tr>
<td>117-13</td>
<td></td>
<td>760</td>
</tr>
<tr>
<td>117-20</td>
<td></td>
<td>670</td>
</tr>
<tr>
<td>117-21</td>
<td></td>
<td>670</td>
</tr>
<tr>
<td>118-20</td>
<td></td>
<td>359</td>
</tr>
<tr>
<td>118-32</td>
<td></td>
<td>486</td>
</tr>
<tr>
<td>119-26</td>
<td></td>
<td>445</td>
</tr>
<tr>
<td>119-41</td>
<td></td>
<td>1241</td>
</tr>
<tr>
<td>120-3</td>
<td></td>
<td>1278</td>
</tr>
<tr>
<td>120-3.1</td>
<td></td>
<td>1257</td>
</tr>
<tr>
<td>120-4</td>
<td></td>
<td>1257, 1278</td>
</tr>
<tr>
<td>120-21,</td>
<td>repealed</td>
<td>1184</td>
</tr>
<tr>
<td>120-22,</td>
<td>repealed</td>
<td>1184</td>
</tr>
<tr>
<td>120-30.12</td>
<td></td>
<td>1037</td>
</tr>
<tr>
<td>120-30.15,</td>
<td>repealed</td>
<td>1184</td>
</tr>
<tr>
<td>120-30.17</td>
<td></td>
<td>1184</td>
</tr>
</tbody>
</table>

**Chapter 120, Article 7**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>120-37</td>
<td></td>
<td>1184</td>
</tr>
<tr>
<td>120-56,</td>
<td>new</td>
<td>32</td>
</tr>
<tr>
<td>120-57,</td>
<td>new</td>
<td>32</td>
</tr>
<tr>
<td>121-7.1,</td>
<td>new</td>
<td>577</td>
</tr>
<tr>
<td>122-1.4</td>
<td></td>
<td>1249</td>
</tr>
<tr>
<td>122-25</td>
<td></td>
<td>1249</td>
</tr>
<tr>
<td>122-63</td>
<td></td>
<td>1127</td>
</tr>
<tr>
<td>122-65.8</td>
<td></td>
<td>469</td>
</tr>
<tr>
<td>122-72</td>
<td></td>
<td>954</td>
</tr>
<tr>
<td>122-90,</td>
<td>repealed</td>
<td>767</td>
</tr>
</tbody>
</table>

1714
## INDEX TO SESSION LAWS

### Chapter

**General Statutes—Amended, Enacted, or Repealed**—(Continued)

*Note:* (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>122-91</td>
<td>767</td>
</tr>
<tr>
<td>122-105</td>
<td>900</td>
</tr>
<tr>
<td>127-14</td>
<td>623</td>
</tr>
<tr>
<td>127-23.1</td>
<td>623</td>
</tr>
<tr>
<td>127-79</td>
<td>986</td>
</tr>
<tr>
<td>127-106.2, new</td>
<td>969</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>127, Article 14, new</td>
<td>674</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>128-1</td>
<td>1070</td>
</tr>
<tr>
<td>128-24</td>
<td>442</td>
</tr>
<tr>
<td>128-26</td>
<td>442</td>
</tr>
<tr>
<td>128-27</td>
<td>442</td>
</tr>
<tr>
<td>128-28</td>
<td>442</td>
</tr>
<tr>
<td>129-4</td>
<td>627</td>
</tr>
<tr>
<td>129-42.1, new</td>
<td>112</td>
</tr>
<tr>
<td>129-42.2, new</td>
<td>1157</td>
</tr>
<tr>
<td>130-4</td>
<td>445</td>
</tr>
<tr>
<td>130-13</td>
<td>719</td>
</tr>
<tr>
<td>130-14</td>
<td>719</td>
</tr>
<tr>
<td>130-16</td>
<td>422</td>
</tr>
<tr>
<td>130-56</td>
<td>80</td>
</tr>
<tr>
<td>130-57</td>
<td>80</td>
</tr>
<tr>
<td>130-70</td>
<td>80</td>
</tr>
<tr>
<td>130-128</td>
<td>478, 700, 944</td>
</tr>
<tr>
<td>130-129</td>
<td>345</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>130, Article 7</td>
<td>1031</td>
</tr>
<tr>
<td>130, Article 13B, new</td>
<td>899</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>130-184.2</td>
<td>5</td>
</tr>
<tr>
<td>130-192</td>
<td>844</td>
</tr>
<tr>
<td>130-202.2</td>
<td>299</td>
</tr>
<tr>
<td>131.91</td>
<td>933</td>
</tr>
<tr>
<td>131-92</td>
<td>933</td>
</tr>
<tr>
<td>131-93</td>
<td>933</td>
</tr>
<tr>
<td>131-94</td>
<td>933</td>
</tr>
<tr>
<td>131-97</td>
<td>933</td>
</tr>
<tr>
<td>131-101</td>
<td>933</td>
</tr>
<tr>
<td>131-111</td>
<td>933</td>
</tr>
<tr>
<td>131-121</td>
<td>1069, 1219</td>
</tr>
</tbody>
</table>

1715
### General Statutes—Amended, Enacted, or Repealed—(Continued)

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Notes</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>131-126.26</td>
<td></td>
<td>635, 1119</td>
</tr>
<tr>
<td>134-21</td>
<td>repealed</td>
<td>1279</td>
</tr>
<tr>
<td>134-22</td>
<td></td>
<td>837</td>
</tr>
<tr>
<td>134-33</td>
<td></td>
<td>837</td>
</tr>
<tr>
<td>134-34</td>
<td></td>
<td>837</td>
</tr>
<tr>
<td>134-67</td>
<td></td>
<td>771</td>
</tr>
<tr>
<td>134-69</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-72</td>
<td></td>
<td>844</td>
</tr>
<tr>
<td>134-79</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-82</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-84</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>Chapter 134, Article 6A</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>Section 134-84.1</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-84.2</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-84.4</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-84.7</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-84.9</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-85</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-87</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-91</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>134-99</td>
<td></td>
<td>844</td>
</tr>
<tr>
<td>135-1</td>
<td></td>
<td>44, 1223, 1227</td>
</tr>
<tr>
<td>135-3</td>
<td></td>
<td>1223</td>
</tr>
<tr>
<td>135-4</td>
<td></td>
<td>1223</td>
</tr>
<tr>
<td>135-5</td>
<td></td>
<td>1223</td>
</tr>
<tr>
<td>135-6</td>
<td></td>
<td>805, 1223</td>
</tr>
<tr>
<td>135-8</td>
<td></td>
<td>1223</td>
</tr>
<tr>
<td>135-18</td>
<td>repealed</td>
<td>1223</td>
</tr>
<tr>
<td>135-18.1</td>
<td></td>
<td>1223</td>
</tr>
<tr>
<td>135-27</td>
<td></td>
<td>540, 847, 1227</td>
</tr>
<tr>
<td>136-1</td>
<td></td>
<td>237</td>
</tr>
<tr>
<td>136-4.1</td>
<td></td>
<td>844</td>
</tr>
<tr>
<td>136-19.2</td>
<td>repealed</td>
<td>733</td>
</tr>
<tr>
<td>136-19.4</td>
<td></td>
<td>80</td>
</tr>
<tr>
<td>136-28</td>
<td></td>
<td>621</td>
</tr>
<tr>
<td>136-30.1</td>
<td>new</td>
<td>1172</td>
</tr>
<tr>
<td>136-41.1</td>
<td></td>
<td>604, 665</td>
</tr>
</tbody>
</table>

1716
### Index to Session Laws

**Chapter**

General Statutes—Amended, Enacted, or Repealed—(Continued)

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter, Article 3A</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>136-41.3</td>
<td></td>
<td>665</td>
</tr>
<tr>
<td>136-66.1</td>
<td>794</td>
<td></td>
</tr>
<tr>
<td>136-66.2</td>
<td></td>
<td>794</td>
</tr>
<tr>
<td>136-89.52</td>
<td></td>
<td>946</td>
</tr>
<tr>
<td>136-89.55</td>
<td></td>
<td>795</td>
</tr>
<tr>
<td>136-105</td>
<td></td>
<td>649</td>
</tr>
<tr>
<td>138-6</td>
<td></td>
<td>1153</td>
</tr>
<tr>
<td>138-7</td>
<td></td>
<td>1153</td>
</tr>
<tr>
<td>139-8</td>
<td>286, 711, 821, 955</td>
<td></td>
</tr>
<tr>
<td>139-40</td>
<td></td>
<td>711</td>
</tr>
<tr>
<td>139-41</td>
<td></td>
<td>711</td>
</tr>
<tr>
<td>140-10.1, new</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>141-6</td>
<td></td>
<td>541</td>
</tr>
<tr>
<td>141-7, new</td>
<td></td>
<td>842</td>
</tr>
<tr>
<td>141-8, new</td>
<td></td>
<td>841</td>
</tr>
<tr>
<td>143-3</td>
<td></td>
<td>458</td>
</tr>
<tr>
<td>143-3.2</td>
<td></td>
<td>844</td>
</tr>
<tr>
<td>143-22</td>
<td></td>
<td>458</td>
</tr>
<tr>
<td>143-34.2</td>
<td>1210</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Article 2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>143-62</td>
<td></td>
<td>807</td>
</tr>
<tr>
<td>143-117</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>143-129</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>143-132</td>
<td>142, 279, 328, 428</td>
<td></td>
</tr>
<tr>
<td>143-135.3</td>
<td></td>
<td>541</td>
</tr>
<tr>
<td>143-136</td>
<td></td>
<td>950</td>
</tr>
<tr>
<td>143-138</td>
<td>1229</td>
<td></td>
</tr>
<tr>
<td>143-143.2, new</td>
<td></td>
<td>567, 1229</td>
</tr>
<tr>
<td>143-166.2</td>
<td>1229</td>
<td></td>
</tr>
<tr>
<td>143-205 through 143-210.1, repealed</td>
<td></td>
<td>1145</td>
</tr>
<tr>
<td>143-214.1</td>
<td>822</td>
<td></td>
</tr>
<tr>
<td>143-215.3</td>
<td>538</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Article 21, Part 4, new</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>143-245</td>
<td></td>
<td>724, 968</td>
</tr>
<tr>
<td>143-246</td>
<td></td>
<td>445</td>
</tr>
<tr>
<td>143-316</td>
<td></td>
<td>844</td>
</tr>
<tr>
<td></td>
<td></td>
<td>44</td>
</tr>
</tbody>
</table>

1717
INDEX TO SESSION LAWS

Chapter

General Statutes—Amended, Enacted, or Repealed—(Continued)

Note: (Reference is to amendment, unless otherwise indicated.)

Chapter 143, Article 34, new ........................................ 1145
Section 143-337 .................................................. 1144
143-340 .................................................. 1267
143-341 .................................................. 1144
Chapter 143, Article 43, repealed ................................ 1143
143, Article 46 .................................................. 57
Section 143-400 through 143-402.2, repealed .................. 1145
143-418 .................................................. 357
143-420 .................................................. 357
143-428 .................................................. 1137
146-22.1, new .................................................. 1091
146-23 .................................................. 1091
146-24.1, new .................................................. 1091
146-64 .................................................. 1164
147-15.1 .................................................. 563
147-35 .................................................. 1214
147-40, repealed .............................................. 1184
147-43.1, repealed .............................................. 1184
147-43.2, repealed .............................................. 1184
147-43.3, repealed .............................................. 1184
147-45 .................................................. 355, 852, 1190, 1285
147-50 .................................................. 852
147-51 .................................................. 1190
147-55 .................................................. 1214
147-57 .................................................. 844
147-58 .................................................. 458
147-62 .................................................. 625
147-65 .................................................. 1214
147-69.1 .................................................. 125
147-77 .................................................. 44
148-23 .................................................. 382
150-9 .................................................. 843, 1059
Chapter 151, repealed ........................................... 1190
Section 153-5 .................................................. 151, 167
153-5.2 .................................................. 994
153-6 .................................................. 82, 222
153-8 .................................................. 349, 1036

1718
**Index to Session Laws**

**Chapter**

**General Statutes—Amended, Enacted, or Repealed**—(Continued)

*Note:* (Reference is to *amendment*, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>153-9 ..........................................................</th>
<th>944</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>153-9 (12a) ..................................................</td>
<td>80, 358</td>
</tr>
<tr>
<td></td>
<td>153-9 (35-1/2) ...............................................</td>
<td>64, 174, 1003</td>
</tr>
<tr>
<td></td>
<td>153-9 (35-3/4) ...............................................</td>
<td>64, 174, 1003</td>
</tr>
<tr>
<td></td>
<td>153-9 (39a) ..................................................</td>
<td>1064</td>
</tr>
<tr>
<td></td>
<td>153-9 (39b) ..................................................</td>
<td>1064</td>
</tr>
<tr>
<td></td>
<td>153-9 (43) ....................................................</td>
<td>103, 202, 480, 594, 1003, 1024</td>
</tr>
<tr>
<td></td>
<td>153-9 (47) ....................................................</td>
<td>675, 918, 1003, 1064</td>
</tr>
<tr>
<td></td>
<td>153-9 (47a), new .............................................</td>
<td>1064</td>
</tr>
<tr>
<td></td>
<td>153-9 (52) ....................................................</td>
<td>918, 1010, 1064</td>
</tr>
<tr>
<td></td>
<td>153-9 (55) ....................................................</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>153-9 (57) ....................................................</td>
<td>964</td>
</tr>
<tr>
<td></td>
<td>153-9 (58) ....................................................</td>
<td>147, 548</td>
</tr>
<tr>
<td></td>
<td>153-9 (60), new ...............................................</td>
<td>802, 869, 956, 1145</td>
</tr>
<tr>
<td></td>
<td>153-10, repealed .............................................</td>
<td>1003</td>
</tr>
<tr>
<td></td>
<td>153-10,1 .......................................................</td>
<td>79, 155, 176, 234, 452, 1003</td>
</tr>
<tr>
<td></td>
<td>153-12, repealed .............................................</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>153-13 .......................................................</td>
<td>180, 312, 318</td>
</tr>
<tr>
<td></td>
<td>153-16 .......................................................</td>
<td>717</td>
</tr>
<tr>
<td></td>
<td>153-17 .......................................................</td>
<td>717</td>
</tr>
<tr>
<td></td>
<td>153-18, repealed .............................................</td>
<td>717</td>
</tr>
<tr>
<td></td>
<td>153-19, repealed .............................................</td>
<td>717</td>
</tr>
<tr>
<td></td>
<td>153-24, repealed .............................................</td>
<td>717</td>
</tr>
<tr>
<td></td>
<td>153-25, repealed .............................................</td>
<td>717</td>
</tr>
<tr>
<td></td>
<td>153-40 .......................................................</td>
<td>207</td>
</tr>
</tbody>
</table>

**Chapter 153, Article 6A** ......................................... 358

<table>
<thead>
<tr>
<th>Section</th>
<th>153-48.2 ......................................................</th>
<th>1017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>153-48.3 .....................................................</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>153-48.5 .....................................................</td>
<td>295</td>
</tr>
<tr>
<td></td>
<td>153-50 .......................................................</td>
<td>981</td>
</tr>
<tr>
<td></td>
<td>153-57.7 .....................................................</td>
<td>743</td>
</tr>
<tr>
<td></td>
<td>153-74 .......................................................</td>
<td>687</td>
</tr>
<tr>
<td></td>
<td>153-80 .......................................................</td>
<td>475</td>
</tr>
<tr>
<td></td>
<td>153-83 .......................................................</td>
<td>.996, 1289</td>
</tr>
<tr>
<td></td>
<td>153-84 .......................................................</td>
<td>.996, 1289</td>
</tr>
<tr>
<td></td>
<td>153-87 .......................................................</td>
<td>.996, 1289</td>
</tr>
<tr>
<td></td>
<td>153-102 ......................................................</td>
<td>99</td>
</tr>
</tbody>
</table>

1719
# Index to Session Laws

**General Statutes—Amended, Enacted, or Repealed—(Continued)**

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>153-104</td>
<td></td>
<td>687</td>
</tr>
<tr>
<td>153-108</td>
<td></td>
<td>687</td>
</tr>
<tr>
<td>153-118</td>
<td></td>
<td>976</td>
</tr>
<tr>
<td>153-120</td>
<td></td>
<td>976</td>
</tr>
<tr>
<td>153-152</td>
<td></td>
<td>1003</td>
</tr>
<tr>
<td>153-189.1</td>
<td></td>
<td>462</td>
</tr>
<tr>
<td>153-201</td>
<td></td>
<td>1279</td>
</tr>
<tr>
<td>153-246</td>
<td></td>
<td>274, 380</td>
</tr>
<tr>
<td>153-266.3</td>
<td></td>
<td>846</td>
</tr>
<tr>
<td>153-266.9</td>
<td></td>
<td>410</td>
</tr>
<tr>
<td>153-266.9, repealed</td>
<td></td>
<td>1010</td>
</tr>
<tr>
<td>153-266.2</td>
<td></td>
<td>410</td>
</tr>
<tr>
<td>153-266.2, repealed</td>
<td></td>
<td>1010</td>
</tr>
<tr>
<td>153-284</td>
<td></td>
<td>315</td>
</tr>
<tr>
<td>153-294.19</td>
<td></td>
<td>234, 924</td>
</tr>
<tr>
<td>153-294.19, repealed</td>
<td></td>
<td>1010</td>
</tr>
<tr>
<td>153-296</td>
<td></td>
<td>993</td>
</tr>
<tr>
<td>153-311</td>
<td></td>
<td>993</td>
</tr>
<tr>
<td>153-312</td>
<td></td>
<td>993</td>
</tr>
<tr>
<td>153-326</td>
<td></td>
<td>474</td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
<td>1066</td>
</tr>
<tr>
<td>153, Article 27, new</td>
<td></td>
<td>1003</td>
</tr>
<tr>
<td>Section</td>
<td></td>
<td>1046</td>
</tr>
<tr>
<td>154-3, repealed</td>
<td></td>
<td>192</td>
</tr>
<tr>
<td>156-26</td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>156-75</td>
<td></td>
<td>192</td>
</tr>
<tr>
<td>156-88</td>
<td></td>
<td>440</td>
</tr>
<tr>
<td>156-93.2</td>
<td></td>
<td>878</td>
</tr>
<tr>
<td>156-93.3</td>
<td></td>
<td>1217</td>
</tr>
<tr>
<td>156-97</td>
<td></td>
<td>785</td>
</tr>
<tr>
<td>157-4.1, new</td>
<td></td>
<td>642</td>
</tr>
<tr>
<td>157-33</td>
<td></td>
<td>642</td>
</tr>
<tr>
<td>158-1</td>
<td></td>
<td>29</td>
</tr>
<tr>
<td>158-7</td>
<td></td>
<td>445</td>
</tr>
<tr>
<td>159-2</td>
<td></td>
<td>943</td>
</tr>
<tr>
<td>159-3</td>
<td></td>
<td>862</td>
</tr>
<tr>
<td>159-13</td>
<td></td>
<td>788</td>
</tr>
<tr>
<td>159-28.1</td>
<td></td>
<td>1720</td>
</tr>
</tbody>
</table>
### Index to Session Laws

#### Chapter

**General Statutes—Amended, Enacted, or Repealed—(Continued)**

**Note:** (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>159-47.1, new</th>
<th>685</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>160-2</td>
<td>944</td>
</tr>
<tr>
<td></td>
<td>160-4.1</td>
<td>873</td>
</tr>
<tr>
<td></td>
<td>160-9</td>
<td>181</td>
</tr>
<tr>
<td></td>
<td>160-9.1, new</td>
<td>181</td>
</tr>
<tr>
<td></td>
<td>160-10</td>
<td>181</td>
</tr>
<tr>
<td></td>
<td>160-20</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>160-20.3, new</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>160-25</td>
<td>134</td>
</tr>
<tr>
<td></td>
<td>160-28, repealed</td>
<td>870</td>
</tr>
<tr>
<td></td>
<td>160-61.1</td>
<td>48, 223, 332, 1003</td>
</tr>
<tr>
<td></td>
<td>160-61.2, new</td>
<td>806</td>
</tr>
<tr>
<td></td>
<td>160-70</td>
<td>488</td>
</tr>
<tr>
<td></td>
<td>160-104</td>
<td>198</td>
</tr>
<tr>
<td>Chapter</td>
<td>160, Article 11</td>
<td>1065</td>
</tr>
<tr>
<td>Section</td>
<td>160-115.1, new</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>160-122, repealed</td>
<td>1064</td>
</tr>
<tr>
<td></td>
<td>160-141, repealed</td>
<td>1229</td>
</tr>
<tr>
<td>Chapter</td>
<td>160, Article 12B, new</td>
<td>811</td>
</tr>
<tr>
<td>Section</td>
<td>160-172</td>
<td>654</td>
</tr>
<tr>
<td></td>
<td>160-175</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>160-181.2</td>
<td>11, 53, 1010, 1099</td>
</tr>
<tr>
<td></td>
<td>160-181.9</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>160-181.10</td>
<td>35, 643, 856, 1003</td>
</tr>
<tr>
<td></td>
<td>160-182</td>
<td>913</td>
</tr>
<tr>
<td></td>
<td>160-183</td>
<td>913</td>
</tr>
<tr>
<td></td>
<td>160-184</td>
<td>597, 868, 1065</td>
</tr>
<tr>
<td></td>
<td>160-186</td>
<td>868</td>
</tr>
<tr>
<td></td>
<td>160-187</td>
<td>868</td>
</tr>
<tr>
<td></td>
<td>160-191.11</td>
<td>419</td>
</tr>
<tr>
<td>Chapter</td>
<td>160, Article 17, repealed</td>
<td>673</td>
</tr>
<tr>
<td></td>
<td>160, Article 17</td>
<td>1225</td>
</tr>
<tr>
<td>Section</td>
<td>160-200</td>
<td>402, 845, 869, 1031, 1145</td>
</tr>
<tr>
<td></td>
<td>160-205.1, new</td>
<td>601</td>
</tr>
<tr>
<td></td>
<td>160-214</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>160-227.1</td>
<td>272, 435</td>
</tr>
<tr>
<td></td>
<td>160-227.1, repealed</td>
<td>1010</td>
</tr>
</tbody>
</table>

1721
<table>
<thead>
<tr>
<th>Section</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>160-236</td>
<td>1065</td>
</tr>
<tr>
<td>160-237</td>
<td>1065</td>
</tr>
<tr>
<td>160-255</td>
<td>596</td>
</tr>
<tr>
<td>160-382</td>
<td>834</td>
</tr>
<tr>
<td>160-383</td>
<td>995, 1092, 1288</td>
</tr>
<tr>
<td>160-384</td>
<td>1007</td>
</tr>
<tr>
<td>160-390</td>
<td>686</td>
</tr>
<tr>
<td>160-402</td>
<td>710</td>
</tr>
<tr>
<td>160-414</td>
<td>420, 1118</td>
</tr>
<tr>
<td>160-415</td>
<td>1118</td>
</tr>
<tr>
<td>160-416</td>
<td>1118</td>
</tr>
<tr>
<td>160-417</td>
<td>688</td>
</tr>
<tr>
<td>160-421</td>
<td>688</td>
</tr>
<tr>
<td>160-421.1</td>
<td>1118</td>
</tr>
<tr>
<td>160-453.1</td>
<td>1058</td>
</tr>
<tr>
<td>160-453.2</td>
<td>1058</td>
</tr>
<tr>
<td>160-453.11</td>
<td>1058</td>
</tr>
<tr>
<td>160-453.12</td>
<td>438, 1058, 1232</td>
</tr>
<tr>
<td>160-453.14</td>
<td>1058</td>
</tr>
<tr>
<td>160-453.24</td>
<td>438, 1058, 1232</td>
</tr>
<tr>
<td>160-456</td>
<td>1208</td>
</tr>
<tr>
<td>160-462</td>
<td>1208, 1217</td>
</tr>
<tr>
<td>160-463</td>
<td>1208</td>
</tr>
<tr>
<td>161-4</td>
<td>254</td>
</tr>
<tr>
<td>161-9</td>
<td>254</td>
</tr>
<tr>
<td>161-10</td>
<td>636</td>
</tr>
<tr>
<td>161-10.1,</td>
<td>1028</td>
</tr>
<tr>
<td>161-10.1,</td>
<td>.80, 912</td>
</tr>
<tr>
<td>161-10.2,</td>
<td>80</td>
</tr>
<tr>
<td>161-11</td>
<td>80</td>
</tr>
<tr>
<td>161-14.2,</td>
<td>80</td>
</tr>
<tr>
<td>161-14.2,</td>
<td>694</td>
</tr>
<tr>
<td>161-22.1</td>
<td>80</td>
</tr>
<tr>
<td>161-25</td>
<td>80</td>
</tr>
<tr>
<td>162-5</td>
<td>405</td>
</tr>
<tr>
<td>162-22</td>
<td>1090</td>
</tr>
</tbody>
</table>

1722
# Index to Session Laws

*Chapter*

General Statutes—Amended, Enacted, or Repealed—(Continued)  

Note: (Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Section</th>
<th>162A-2</th>
<th>850</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>162A-4 through 162A-6</td>
<td>850</td>
</tr>
<tr>
<td></td>
<td>162A-8</td>
<td>850</td>
</tr>
<tr>
<td></td>
<td>163-1</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>163-9</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>163-25, new</td>
<td>408</td>
</tr>
<tr>
<td></td>
<td>163-30 and 163-31</td>
<td>208</td>
</tr>
<tr>
<td></td>
<td>163-46</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>163-58, repealed</td>
<td>1004</td>
</tr>
<tr>
<td></td>
<td>163-67</td>
<td>750</td>
</tr>
<tr>
<td></td>
<td>163-67.1, new</td>
<td>750</td>
</tr>
<tr>
<td></td>
<td>163-69</td>
<td>576</td>
</tr>
<tr>
<td></td>
<td>163-77</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>163-106</td>
<td>.44, 1190</td>
</tr>
<tr>
<td></td>
<td>163-107</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>163-111</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>163-117</td>
<td>.189, 302, 544</td>
</tr>
<tr>
<td></td>
<td>163-128</td>
<td>570</td>
</tr>
<tr>
<td></td>
<td>163-147</td>
<td>1039</td>
</tr>
<tr>
<td></td>
<td>163-151</td>
<td>.190, 917, 1253</td>
</tr>
<tr>
<td></td>
<td>163-152.1, new</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>163-153</td>
<td>1280</td>
</tr>
<tr>
<td></td>
<td>163-176</td>
<td>971</td>
</tr>
<tr>
<td></td>
<td>163-177</td>
<td>.44, 971</td>
</tr>
<tr>
<td></td>
<td>163-192</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>163-194</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>163-210</td>
<td>949</td>
</tr>
<tr>
<td></td>
<td>163-212</td>
<td>949</td>
</tr>
<tr>
<td></td>
<td>164-13</td>
<td>541</td>
</tr>
<tr>
<td></td>
<td>164-14</td>
<td>541</td>
</tr>
<tr>
<td></td>
<td>164-19</td>
<td>445</td>
</tr>
<tr>
<td></td>
<td>165-20</td>
<td>.720, 741</td>
</tr>
<tr>
<td></td>
<td>165-21</td>
<td>741</td>
</tr>
<tr>
<td></td>
<td>165-21.1</td>
<td>720</td>
</tr>
<tr>
<td></td>
<td>165-22.1</td>
<td>.720, 741</td>
</tr>
<tr>
<td></td>
<td>165-44</td>
<td>720</td>
</tr>
</tbody>
</table>
## Index to Session Laws

### Gibsonville, Town of:
- Motor vehicles, liens for removal from private property .................................. 391

### Gifts:
- Uniform Anatomical Gift Act ................................................................. 84

### Glen Alpine, Town of:
- Foreclosure of tax liens, statute of limitation ............................................. 96
- Graded School District, transfer of property .............................................. 1043

### Goldsboro, City of:
- Charter, amendments ................................................................................. 975

### Goods and Merchandise—see Merchandise

### Governmental Employees—see State Employees

### Governor—see under State Officials

### Governor Morehead School:
- Incorporation, organization and functions ................................................. 749

### Graded School Districts—see Schools and School Districts

### Graham County:
- House of Representatives, numbering of seats in elections .................. 985

### Grand Juries—see Jurors and Juries;
for local acts see particular county

### Granville County:
- Alcoholic beverages, purchase-transportation permits .......................... 617
- Ambulance services, collection of charges ............................................... 708
- Board of Education, conveyance of property by Oxford ....................... 431
- Sheriff and deputies, purchase of automobiles from State .................... 366
- Warranty deeds, execution by county and municipal officers ................. 332

### Greater University of North Carolina—see State Institutions

### Greene County:
- Alcoholic beverages, purchase-transportation permits .......................... 617
- Ambulance services, collection of charges ............................................... 708
- Board of Education:
  - Appointment of members ....................................................................... 248
  - Conveyance of property to County ......................................................... 4
## INDEX TO SESSION LAWS

### Greensboro, City of:
- Airport Authority, powers and duties ........................................ 793
- Alcoholic beverages, purchase-transportation permits ....................... 617

### Board of Education:
- Conveyance of property ................................................................ 255
- Validation of acts ........................................................................... 973

### Charter:
- Procedure for amendments ............................................................ 696
- Act amended .................................................................................. 1060
- Revision and reorganization ............................................................ 142

### City Administrative Unit, selection of officials and employees ............ 260

### Emergency Reserve Fund, administration ......................................... 752

### Guilford College, annexation to City ............................................... 356

### Police Club, conveyance of property ............................................... 25

### School busses, use for City programs ............................................... 290

### Greenville, City of:
- Board of Education:
  - Appointment of members ............................................................ 243
  - Appropriation and conveyance of property
    - to East Carolina University ....................................................... 504
  - Utilities Commission, compensation of members ......................... 152

### Grifton, Town of:
- Charter, revision and consolidation ............................................... 812

### Guardian and Ward:
- Afflicted children, exclusion from public schools,
  - appeal from administrative decision ............................................. 340
- Blind and deaf children, compulsory schooling ................................ 749
- Compulsory school attendance law, revisions .................................. 799
- Control of children (wards), regulatory act ..................................... 1080

### Guilford College, Town of:
- Annexation to City of Greensboro ................................................. 356

### Guilford County:
- Ambulance services, collection of charges ...................................... 708

### Board of Commissioners:
- Assessments for water and sewer lines .......................................... 829
- Conveyance of park property ....................................................... 775
- Disposal of abandoned vehicles .................................................... 956
- Electioneering, distance from voting place ..................................... 1039

1725
INDEX TO SESSION LAWS

Guilford County—(Continued)
   Elections, persons having access to voting enclosure .................. 1280
   Eminent domain, procedure ............................................. 964
   Greensboro-High Point Airport Authority, powers and duties ......... 793
   Sheriff, compensation .................................................. 603
   Subdivisions, installation of utilities ................................ 846

H

Halifax County:
   A.B.C. Board:
      Distribution of profits .............................................. 501
      Meetings; compensation of employees ............................... 883
   Alcoholic beverages, purchase-transportation permits ................. 617
   Ambulance services, collection of charges ................................ 708
   Board of Education, appointment of members ........................... 248
   Deadly weapons, disposition ............................................ 1117
   Littleton-Lake Gaston School District, establishment ................. 628
   Municipal annexation laws, election on applicability ................ 455
   Sanitary District Board, compensation of members ...................... 345
   Scotland Neck City Administrative Unit, establishment ................ 31
   Senatorial district, numbering of seats ................................ 559

Hamlet, City of:
   A.B.C. Board, allocation of profits .................................... 76
   Charter, revision and consolidation .................................... 506
   District Court, additional seat ......................................... 1254
   Zoning authority, territorial jurisdiction ................................ 53

Harnett County:
   Board of Education, appointment of members ............................ 248
   Deadly weapons, disposition ............................................ 1117
   Hospital property, release of restrictions ................................ 90
   Municipalities, annexation of areas .................................... 438
   Purchase of weapons, records of permits ................................ 658

Harrells, Town of:
   Charter, revision and consolidation .................................... 466

Havelock, Town of:
   Corporate limits, establishment ......................................... 512
   Motor vehicles, removal from private property ........................ 682
   Water system, connections and charges ................................ 311

1726
INDEX TO SESSION LAWS

Chapter

Haywood County:
Alcoholic beverages, purchase-transportation permits ......................... 617
Board of Commissioners, compensation
   of members and County Manager ........................................... 490
Elections, registration of voters ............................................... 171
Highways, discharge of firearms .............................................. 259
Pistol permits, issuance ....................................................... 6
Register of Deeds, compensation and duties ................................... 247

Health—see Public Health

Hearing Aids:
   Practice of fitting and selling, regulatory law ............................ 999

Henderson, City of:
Charter, amendments ............................................................. 809
Firemen’s Retirement Fund, eligibility for benefits ........................ 374

Henderson County:
Airport property, private sale .................................................. 939
Alcoholic beverages, purchase-transportation permits ....................... 617
Board of Education, election of members .................................... 119
County Administrative Unit, issuance of bonds .............................. 730
Fletcher, incorporation ........................................................... 738
Governmental Study Commission, establishment ............................ 334
Hendersonville City Administrative Unit, issuance of bonds .............. 729

Hendersonville, City of:
Airport property, private sale .................................................. 939
Board of Education, appointment of members ................................ 689
City Administrative Unit, issuance of bonds ................................ 729
Governmental Study Commission, establishment ............................ 334
Tax levies, limitation .............................................................. 1078

Hertford, Town of:
Alcoholic beverages, purchase-transportation permits ....................... 617

Hertford County:
Ambulance services, collection of charges .................................... 1197
Board of Education, appointment of members ................................ 248

Hickory, City of:
   Special registration commissioner, appointment .......................... 232

High Point, City of:
Airport Authority, powers and duties ......................................... 793
Archdale-Trinity, merger of municipalities .................................... 667
INDEX TO SESSION LAWS

High Point—(Continued)
Civil Service Act, application to certain employees .................. 425
Mayor and councilmen, compensation ................................. 426

High Schools—see Schools and School Districts

Highlands, Town of:
Nontax funds, appropriations for promotions ......................... 316

Highway Patrol—see State Highway Patrol

Highways—see Roads and Highways

Historical Matters: (see also State Department of Archives and History)
Buildings of historic significance, identification and protection ... 577

Hoke County:
Alcoholic beverages, purchase-transportation permits ................ 617
Ambulance services, collection of charges ............................. 708
Beer and wine, issuance of permits for sale ........................... 728
Board of Education:
Appointment of members .............................................. 248
Election of members ................................................... 228
Elections, law amended .................................................. 190
Fox hunting, regulations ................................................. 194
Stock Law, application to County ...................................... 26

Holidays—see Legal Holidays

Holly Springs, Town of:
Beer and wine, sale in certain areas ..................................... 399

Horses—see Animals

Hospitals and Hospital Districts:
Employees, immunity for reporting cancer ............................ 5
Non-profit hospitals:
Deduction of gifts by donor, income taxes .............................. 1082
Gift of property by municipal corporations ............................ 1119

Nursing schools:
Hospital beds requirement .............................................. 1079
Programs of nursing education, appropriations ....................... 1138
Private hospitals for mentally ill and inebriates,
licensing law amended ................................................. 954

1728
INDEX TO SESSION LAWS

Hotels and Restaurants:
   Accommodations by fraud; prima facie evidence ....................... 947

House Trailers—see Mobile Homes

Housing: (see also Public Housing Authorities; and Buildings)
   North Carolina Housing Corporation Act ............................... 1235

Housing Authorities—see Public Housing Authorities

Hunting—see Game and Game Laws

Husband and Wife:
   Contracts, officers authorized to examine wife and make certification 44
   Non-support of wife, punishment ............................................. 1045
   Surviving spouse, year's allowance ........................................... 14
   Tenancy by entirety, creation in partition of real estate ............. 748

Hyde County:
   Board of Education, appointment of members ............................. 248
   Elections, persons having access to voting enclosure .................. 1280

Illegitimates—see Parent and Child

Immunity from Liability—see Tort Feasors;
   see also Criminal Procedure

Income Taxes—see Taxes

Incompetents—see Insane Persons and Incompetents

Indemnity Bonds—see Surety Bonds

Indian Trail, Town of:
   Charter, revision and consolidation ......................................... 825

Indigents—see Social Services

Industrial Commission—see under State Commissions

Industrial Development Commission for Martin County:
   Appropriation for aiding Roanoke River Project .......................... 1160

Industrial Education Centers—see State Institutions;
   Schools and School Districts

Industrial Schools—see Schools and School Districts

Inebriates—see Insane Persons and Incompetents

1729
**Index to Session Laws**

*Chapter*

**Infants**—see Minors

**Inferior Court**—see under Courts;
  for local acts see particular county or municipality

**Inheritance Tax**—see Taxes

**Injured Persons:**
  Statements, regulatory law ......................................... 692

**Innkeepers**—see Hotels and Restaurants

**Insane Persons and Incompetents:**
  Chronic alcoholics acquitted of public drunkenness,
    commitments regulated ............................................. 469
  District Court commitments to State mental hospitals ......... 767
  Motor vehicles drivers' licenses:
    Restoration; proof of financial responsibility ............... 186
    Revocation ............................................................... 1125
  Out-patient treatment ................................................ 1127
  Private mental institutions and homes, licensing law amended ... 954
  Sterilization law, appeals ........................................... 44

**Inspections:**
  Compulsory Meat Inspection Act .................................... 893
  County building inspectors, appointment and duties;
    county exemptions removed ....................................... 1010
  County inspection of buildings .................................... 1066
  Electric wiring of buildings, inspection ......................... 1229
  Electrical inspectors, county; appointment, certification,
    regulation; inspection fees ..................................... 1064
  Fire protection, inspections ....................................... 1063
  Inspection of risks under plan for property insurance
    in riot-potential areas, immunity from liability ............. 1284

**Motor vehicle safety equipment inspections:**
  Grace period for expired certificates;
    trip permits to inspection stations ............................ 179
  Inspection stations, fees .......................................... 1242
  Purchaser self-inspections; exemptions .......................... 219
  Reciprocity agreements with other jurisdictions ................ 620
  Small trailers ......................................................... 386
  Tire inspections ....................................................... 378
  Act amended ............................................................. 1256

**Municipal inspection of buildings** .................................. 1065

**Ski tows, lifts and tramways, inspections** .......................... 1021

1730
Index to Session Laws

Chapter

Institutions—see State Institutions

Insurance and Insurance Companies:
(see also Commissioner of Insurance under State Officials)

Accident and health insurance, licensed chiropractors,
  payment for services under policies ........................................... 679

Agents and adjusters, re-examination waiting period ..................... 1206

Ambulance and rescue squad systems,
  assigned risk liability insurance ................................................... 744

Automobile liability insurance:
  Premium surcharges or loss of safe driver discounts,
    notices; privilege ........................................................................... 989

  Rates, statistical information from rating bureau;
    consideration by Commissioner ..................................................... 1252

Beach areas, fire and extended coverage for properties ...................... 249

Corporate stock purchase agreements, insurable interest of parties ...... 751

Corporations, indemnification insurance covering directors,
  officers, employees ........................................................................... 797

Credit life and property loss insurance, regulatory law amended ...... 1303

Domestic life insurance companies primarily engaged
  in casualty insurance business, taxation ........................................... 1221

Fire insurance, settlement of loss payee's or mortgagee's claims ...... 1077

Fire protection, inspections and investigations,
  statutory amendments ..................................................................... 1063

Group insurance:

  Life insurance and annuities, assignment of rights and benefits ... 319

  Municipal employees, amount limitation removed ......................... 845

  Teachers and State employees, payroll deductions ......................... 591

Investigators of Insurance Department, powers ............................... 1009

Lending institutions, coercive action against borrowers
  as to insurance prohibited ................................................................. 1032

Life insurance companies, investments in real estate ...................... 1199

Mentally retarded children, accident, health, and other insurance,
  continuation of coverage .................................................................. 745

N. C. State University, insurance against nuclear reactor hazards .. 1023

Premium financing, notice of cancellation upon default .................. 941

Property insurance in riot-potential areas, provision for .......... 1284

Title insurance companies, unearned premium reserve requirements 897

Variable annuity contracts, definition;
  establishment of separate accounts .................................................. 616

Intangibles Tax—see Taxes

1731
## Index to Session Laws

### Interest:
- Church building and improvement loans, interest rate .......... 40
- Education loans to minors, interest rate .......................... 1073
- Electric and telephone membership corporations, interest on borrowings .......................................................... 670
- Legal rates of interest and other charges ........................... 1303
- Loans to corporations, rate of interest; commercial factor defined ......................................................... 896
- Medical Care Commission, scholarship loans, interest rate .... 1069
- Real estate investment trusts, interest rate ......................... 127

### Interstate Cooperation:
- Educational personnel qualifications, reciprocal agreements .... 631
- Mobile homes, Uniform Standards Code .............................. 961
- Motor vehicles, safety equipment inspection, reciprocity agreements ................................................................. 620
- National Guard Mutual Assistance Compact ......................... 674
- Nursing board, certification of school credits to boards of other States ......................................................... 942
- Nursing home administrators, licensing act, reciprocity ........ 843
- Soil and water conservation, county cooperation .................. 1003
- State and regional planning, cooperation with other States .... 1144

### Intestates—see Estates

### Intoxicating Liquors—see Alcoholic Beverages

### Investments:
- Fiduciaries, investments in savings and loan associations .......... 861
- Life insurance companies, real estate investments ................ 1199
- Local governments, investments in savings and loan associations . 862
- Mutual deposit guaranty associations, authorized investments ..... 816
- North Carolina Housing Corporations, bonds and notes, eligible investments ....................................................... 1235
- State Construction Finance Authority, bonds ....................... 1048
- State funds, investment of surplus ..................................... 125

### Iredell County:
- Board of Commissioners, regulation of tax listing ................ 446
- Board of Education, appointment of members ...................... 248
- Justices of the peace, appointments ................................... 1033
- Lake Norman Marine Commission, establishment .................... 1089
- Recorder's Court, transfer of jury cases ............................. 38
- Superior and inferior courts, concurrent jurisdiction ............. 513

1732
# Index to Session Laws

**Chapter J**

### Jackson County:
- Board of Commissioners, regulation of tax listing ........................................ 91
- County officials, compensation ............................................................................. 515
- Feral hogs, open season .......................................................................................... 1259
- House of Representatives, numbering of seats in elections .............................. 985
- Municipalities, elections on sale of beer and wine .............................................. 595
- Sheriff, appointment to fill vacancy ......................................................................... 405

### Jackson, Stonewall, School—see Correctional Institutions under State Institutions

### Jacksonville, City of:
- Corporate limits, extension ...................................................................................... 126

### Jails and Jailers—see Prisons and Prisoners;
for local acts see particular county or municipality

### Jamestown, Town of:
- A.B.C. Board, use of profits .................................................................................... 776
- Alcoholic beverages, purchase-transportation permits ....................................... 617

### Jefferson, Town of:
- Corporate limits, extension ...................................................................................... 231

### Johnston County:
- Ad valorem taxes, discount for prepayment ......................................................... 196
- Alcoholic Beverages, purchase-transportation permits ....................................... 617
- Ambulance services, collection of charges ............................................................. 708
- Board of Commissioners:
  - Collection and expenditure of funds for watershed improvement program .... 955
  - Compensation of constables and special deputies .............................................. 555
  - Levy of taxes for special purposes ........................................................................ 202
  - Regulation of garbage disposal ............................................................................ 176
- Board of Education:
  - Appointment of members ...................................................................................... 248
  - Appointment of members; election of future members ..................................... 261
  - Compensation of members ................................................................................... 919

### Joint Ownership and Survivorship Rights:
- Bank deposits, payment upon death of one of depositors .................................. 863
- Corporate stocks and investment securities ........................................................... 1115
- Real estate, creation of tenancy by entirety in partition proceedings ............... 748

1733
INDEX TO SESSION LAWS

Jones County:
Alcoholic beverages, purchase-transportation permits .................. 617
Ambulance services, collection of charges ............................. 708
Board of Commissioners, appropriation of funds
   to Watershed Improvement Commission ............................... 493
Board of Education, appointment of member ............................ 248
Pistol permits, issuance ............................................. 109
Recorder’s Court, transfer of funds ................................... 1085

Judges—see Courts

Judicial Department Act of 1965: (see also Courts)
   Miscellaneous amendments ........................................ 1190

Judicial Districts:
   Fifth Judicial District, additional resident judge .................. 1171

Judicial Sales—see Civil Procedure

Jurors and Juries: (for local acts see particular county or municipality)
   Judicial Department Act of 1965, miscellaneous amendments ...... 1190
   Miscellaneous statutory amendments, lists, drawing, excuses,
      challenges, pooling, special venires, etc. ....................... 205

K

Kannapolis, City of:
   Board of Education, exchange of property .......................... 307

Kernersville, Town of:
   Ad valorem taxes, discount for prepayment .......................... 655
   Charter, amendments ............................................. 963
   Purchase contracts, joint arrangements ............................. 274

King, Town of:
   Corporate limits, establishment ................................... 1194

Kings Mountain, City of:
   City commissioners, election procedure ............................ 204
   Condemnation, restrictions ....................................... 1304
   Police department, territorial jurisdiction ........................ 835

L

Labor Commissioner—see under State Officials

Labor Unions—see Employer and Employee

1734
INDEX TO SESSION LAWS

Chapter

Lagrange, City of:
Corporate limits, establishment ........................................ 511

Lake Norman Marine Commission:
Establishment, powers and duties ........................................ 1089

Lake Waccamaw, Town of:
Zoning, authority and jurisdiction ..................................... 364

Lakes—see Rivers and Streams

Land Surveyors—see Engineers and Land Surveyors

Lands—see Real Estate; State-owned Property

Landscape Architects—see Architects

Laundries and Dry Cleaners:
License taxes ................................................................. 884

Laurel Springs Livestock Weighing Station Committee—
see State Agencies and Administrative Boards

Law and Order: (see also Riots and Civil Disorders)
Governor’s Committee, creation; composition, duties ................. 57
State Department of Local Affairs, law and order functions ........ 1145

Law Enforcement Officers:
Assaults upon officers with deadly weapon, punishment ............ 1134
Child control law, powers and duties of sheriff ......................... 1080
Custodians of jails, fee regulations ..................................... 1090
Death Benefit Act, applicable to employees of
State Department of Correction ........................................... 1025
Income tax, exclusion of retirement benefits .......................... 178
Judicial Department Act of 1965,
miscellaneous amendments, process fees ............................. 1190
Municipal police, residence qualifications ............................. 23
Prisoners, transfer when jail facilities are insufficient;
emergency powers .......................................................... 1130
Sheriffs, appointment and discharge of employees; compensation .. 358
Act amended .................................................................... 1017
Traffic officers, willful disobedience prohibited ....................... 59

Laws Amended or Repealed: (see General Statutes for amendments
to or repeal of codified laws:
(Note: Reference is to amendment, unless otherwise indicated.)
1848-49, Private, Chapter 247, repealed ............................... 136
1850-51, Private, Chapter 343, repealed ............................... 136

1735
## Index to Session Laws

**Laws Amended or Repealed—(Continued)**

(Note: Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Chapter</th>
<th>Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1854-55</td>
<td>Private</td>
<td>259</td>
<td>136</td>
</tr>
<tr>
<td>1856-57</td>
<td>Private</td>
<td>109</td>
<td>136</td>
</tr>
<tr>
<td>1860-61</td>
<td>Private</td>
<td>172</td>
<td>879</td>
</tr>
<tr>
<td>1866-67</td>
<td>Private</td>
<td>55</td>
<td>136</td>
</tr>
<tr>
<td>1869</td>
<td>Private</td>
<td>121</td>
<td>667</td>
</tr>
<tr>
<td>1869-70</td>
<td>Private</td>
<td>121</td>
<td>136</td>
</tr>
<tr>
<td>1870-71</td>
<td>Private</td>
<td>10</td>
<td>385</td>
</tr>
<tr>
<td>1872</td>
<td>Private</td>
<td>99</td>
<td>580</td>
</tr>
<tr>
<td>1873-74</td>
<td>Private</td>
<td>68</td>
<td>580</td>
</tr>
<tr>
<td>1873-74</td>
<td>Private</td>
<td>86</td>
<td>136</td>
</tr>
<tr>
<td>1873-74</td>
<td>Private</td>
<td>103</td>
<td>667</td>
</tr>
<tr>
<td>1874-75</td>
<td>Private</td>
<td>158</td>
<td>936</td>
</tr>
<tr>
<td>1881</td>
<td>Private</td>
<td>26</td>
<td>581</td>
</tr>
<tr>
<td>1881</td>
<td>Private</td>
<td>89</td>
<td>667</td>
</tr>
<tr>
<td>1881</td>
<td>Public</td>
<td>1</td>
<td>136</td>
</tr>
<tr>
<td>1883</td>
<td>Private</td>
<td>72</td>
<td>812</td>
</tr>
<tr>
<td>1883</td>
<td>Private</td>
<td>136</td>
<td>586</td>
</tr>
<tr>
<td>1883</td>
<td>Private</td>
<td>152</td>
<td>385</td>
</tr>
<tr>
<td>1883</td>
<td>Public</td>
<td>51</td>
<td>136</td>
</tr>
<tr>
<td>1885</td>
<td>Private</td>
<td>20</td>
<td>136</td>
</tr>
<tr>
<td>1887</td>
<td>Private</td>
<td>23</td>
<td>818</td>
</tr>
<tr>
<td>1887</td>
<td>Private</td>
<td>50</td>
<td>136</td>
</tr>
<tr>
<td>1887</td>
<td>Private</td>
<td>105</td>
<td>818</td>
</tr>
<tr>
<td>1887</td>
<td>Private</td>
<td>111</td>
<td>879</td>
</tr>
<tr>
<td>1887</td>
<td>Public</td>
<td>335</td>
<td>667</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>10</td>
<td>136</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>16</td>
<td>146</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>103</td>
<td>667</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>127</td>
<td>812</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>167</td>
<td>136</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>191</td>
<td>818</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>214</td>
<td>581</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>234</td>
<td>879</td>
</tr>
<tr>
<td>1889</td>
<td>Private</td>
<td>263</td>
<td>879</td>
</tr>
<tr>
<td>1891</td>
<td>Private</td>
<td>289</td>
<td>136</td>
</tr>
<tr>
<td>1893</td>
<td>Private</td>
<td>171</td>
<td>106</td>
</tr>
</tbody>
</table>
# INDEX TO SESSION LAWS

*Chapter*

**Laws Amended or Repealed**—(Continued)

(Note: Reference is to *amendment*, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section Repealed</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1893, Private, Chapter 197</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1893, Private, Chapter 248</td>
<td>repealed</td>
<td>879</td>
</tr>
<tr>
<td>1893, Private, Chapter 387</td>
<td>repealed</td>
<td>136</td>
</tr>
<tr>
<td>1895, Private, Chapter 32</td>
<td>repealed</td>
<td>356</td>
</tr>
<tr>
<td>1895, Private, Chapter 229</td>
<td>repealed</td>
<td>812</td>
</tr>
<tr>
<td>1895, Private, Chapter 232</td>
<td>repealed</td>
<td>826</td>
</tr>
<tr>
<td>1895, Private, Chapter 288</td>
<td>repealed</td>
<td>854</td>
</tr>
<tr>
<td>1897, Private, Chapter 14</td>
<td></td>
<td>506</td>
</tr>
<tr>
<td>1897, Private, Chapter 164</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1899, Private, Chapter 297</td>
<td>repealed</td>
<td>136</td>
</tr>
<tr>
<td>1899, Private, Chapter 303</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1899, Private, Chapter 305</td>
<td></td>
<td>417</td>
</tr>
<tr>
<td>1899, Private, Chapter 366</td>
<td>repealed</td>
<td>714</td>
</tr>
<tr>
<td>1899, Private, Chapter 369</td>
<td></td>
<td>158</td>
</tr>
<tr>
<td>1899, Public, Chapter 513</td>
<td>repealed</td>
<td>879</td>
</tr>
<tr>
<td>1901, Private, Chapter 116</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1901, Private, Chapter 125</td>
<td></td>
<td>244</td>
</tr>
<tr>
<td>1901, Private, Chapter 224</td>
<td></td>
<td>820</td>
</tr>
<tr>
<td>1901, Private, Chapter 293</td>
<td>repealed</td>
<td>136</td>
</tr>
<tr>
<td>1901, Private, Chapter 316</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1901, Private, Chapter 359</td>
<td>repealed</td>
<td>812</td>
</tr>
<tr>
<td>1901, Private, Chapter 375</td>
<td></td>
<td>411</td>
</tr>
<tr>
<td>1903, Private, Chapter 131</td>
<td>repealed</td>
<td>136</td>
</tr>
<tr>
<td>1903, Private, Chapter 263</td>
<td>repealed</td>
<td>714</td>
</tr>
<tr>
<td>1903, Private, Chapter 291</td>
<td>repealed</td>
<td>136</td>
</tr>
<tr>
<td>1903, Private, Chapter 300</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1903, Public, Chapter 695</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1905, Private, Chapter 175</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1905, Private, Chapter 235</td>
<td>repealed</td>
<td>818</td>
</tr>
<tr>
<td>1905, Private, Chapter 254</td>
<td>repealed</td>
<td>879</td>
</tr>
<tr>
<td>1905, Private, Chapter 291</td>
<td>repealed</td>
<td>879</td>
</tr>
<tr>
<td>1905, Private, Chapter 362</td>
<td></td>
<td>160</td>
</tr>
<tr>
<td>1905, Private, Chapter 373</td>
<td>repealed</td>
<td>136</td>
</tr>
<tr>
<td>1905, Private, Chapter 398</td>
<td>repealed</td>
<td>826</td>
</tr>
<tr>
<td>1905, Private, Chapter 769</td>
<td>repealed</td>
<td>136</td>
</tr>
<tr>
<td>1905, Public, Chapter 96</td>
<td>repealed</td>
<td>879</td>
</tr>
<tr>
<td>1905, Public, Chapter 577</td>
<td>repealed</td>
<td>818</td>
</tr>
</tbody>
</table>

1737
Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Chapter</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1905</td>
<td>Public</td>
<td>733</td>
<td>818</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>171</td>
<td>506</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>220</td>
<td>826</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>225</td>
<td>714</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>246</td>
<td>60</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>246</td>
<td>714</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>309</td>
<td>818</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>322</td>
<td>825</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>344</td>
<td>668</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>358</td>
<td>812</td>
</tr>
<tr>
<td>1907</td>
<td>Private</td>
<td>408</td>
<td>136</td>
</tr>
<tr>
<td>1907</td>
<td>Public</td>
<td>241</td>
<td>818</td>
</tr>
<tr>
<td>1907</td>
<td>Public</td>
<td>792</td>
<td>818</td>
</tr>
<tr>
<td>1909</td>
<td>Private</td>
<td>360</td>
<td>1304</td>
</tr>
<tr>
<td>1909</td>
<td>Public</td>
<td>23</td>
<td>136</td>
</tr>
<tr>
<td>1909</td>
<td>Public</td>
<td>477</td>
<td>879</td>
</tr>
<tr>
<td>1909</td>
<td>Public</td>
<td>564</td>
<td>136</td>
</tr>
<tr>
<td>1909</td>
<td>Public</td>
<td>735</td>
<td>714</td>
</tr>
<tr>
<td>1909</td>
<td>Public</td>
<td>861</td>
<td>818</td>
</tr>
<tr>
<td>1911</td>
<td>Private</td>
<td>23</td>
<td>136</td>
</tr>
<tr>
<td>1911</td>
<td>Private</td>
<td>58</td>
<td>136</td>
</tr>
<tr>
<td>1911</td>
<td>Private</td>
<td>117</td>
<td>879</td>
</tr>
<tr>
<td>1911</td>
<td>Private</td>
<td>235</td>
<td>818</td>
</tr>
<tr>
<td>1911</td>
<td>Private</td>
<td>239</td>
<td>818</td>
</tr>
<tr>
<td>1911</td>
<td>Private</td>
<td>289</td>
<td>136</td>
</tr>
<tr>
<td>1911</td>
<td>Public-Local</td>
<td>363</td>
<td>136</td>
</tr>
<tr>
<td>1911</td>
<td>Public-Local</td>
<td>492</td>
<td>825</td>
</tr>
<tr>
<td>1911</td>
<td>Public-Local</td>
<td>506</td>
<td>136</td>
</tr>
<tr>
<td>1911</td>
<td>Public-Local</td>
<td>598</td>
<td>818</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>27</td>
<td>818</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>28</td>
<td>818</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>119</td>
<td>95</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>159</td>
<td>936</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>170</td>
<td>826</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>175</td>
<td>235</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>188</td>
<td>136</td>
</tr>
<tr>
<td>1913</td>
<td>Private</td>
<td>201</td>
<td>136</td>
</tr>
</tbody>
</table>

1738
INDEX TO SESSION LAWS

Chapter

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

1913, Private, Chapter 210, repealed .................................. 581
1913, Private, Chapter 274 ................................................. 966
1913, Private, Chapter 338, repealed .................................. 136
1913, Private, Chapter 358, repealed .................................. 818
1913, Private, Chapter 408 ................................................. 89
1913, Private, Chapter 437, repealed .................................. 714
1913, Private, Chapter 454, repealed .................................. 714
1913, Public-Local, Chapter 98, repealed ............................. 714
1913, Public-Local, Chapter 421, repealed ............................ 818
1913, Public-Local, Chapter 499, repealed ............................ 818
1913, Public-Local, Chapter 613 ......................................... 38
1913, Public-Local, Chapter 661, repealed ............................ 818
1913 (Extra Session), Private, Chapter 10, repealed ............... 136
1913 (Extra Session), Private, Chapter 39, repealed ............... 818
1913 (Extra Session), Private, Chapter 109, repealed .............. 136
1913 (Extra Session), Public-Local, Chapter 136, repealed ....... 818
1913 (Extra Session), Public-Local, Chapter 242, repealed ....... 879
1913 (Extra Session), Public-Local, Chapter 267, repealed ....... 667
1915, Private, Chapter 9, repealed ..................................... 581
1915, Private, Chapter 13, repealed ..................................... 818
1915, Private, Chapter 41, repealed ..................................... 136
1915, Private, Chapter 43, repealed ..................................... 136
1915, Private, Chapter 50, repealed ..................................... 136
1915, Private, Chapter 86, repealed ..................................... 136
1915, Private, Chapter 87, repealed ..................................... 136
1915, Private, Chapter 109 ................................................ 966
1915, Private, Chapter 122, repealed ................................... 136
1915, Private, Chapter 155, repealed ................................... 581
1915, Private, Chapter 156, repealed ................................... 581
1915, Private, Chapter 205, repealed ................................... 714
1915, Private, Chapter 339 ................................................ 511
1915, Public-Local, Chapter 61, repealed ............................. 273
1915, Public-Local, Chapter 455, repealed ............................. 879
1915, Public-Local, Chapter 626, repealed ............................. 818
1915, Public-Local, Chapter 783, repealed ............................. 879
1915, Public-Local, Chapter 813, repealed ............................. 818
1917, Private, Chapter 167, repealed ................................... 826

1739
INDEX TO SESSION LAWS

Chapter

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

1917, Private, Chapter 170, repealed ........................................ 812
1917, Private, Chapter 177, repealed ........................................ 235
1917, Private, Chapter 178 .................................................... 820
1919, Private, Chapter 27, repealed ........................................ 818
1919, Public-Local, Chapter 560, repealed ............................... 818
1920 (Extra Session), Private, Chapter 82, repealed ............... 136
1920 (Extra Session), Public-Local, Chapter 76, repealed ........ 714
1921, Private, Chapter 135, repealed ..................................... 581
1921, Private, Chapter 142 .................................................. 657, 703
1921, Private, Chapter 164, repealed ..................................... 385
1921, Private, Chapter 214, repealed ..................................... 818
1921, Private, Chapter 225, repealed ..................................... 136
1921, Private, Chapter 233, repealed ..................................... 714
1921, Public-Local, Chapter 385 ........................................... 528
1921 (Extra Session), Private, Chapter 67, repealed ............... 879
1921 (Extra Session), Private, Chapter 76, repealed ............... 818
1921 (Extra Session), Private, Chapter 119, repealed ............. 667
1923, Private, Chapter 7, repealed ....................................... 667
1923, Private, Chapter 38, repealed ..................................... 581
1923, Private, Chapter 67, repealed ..................................... 714
1923, Private, Chapter 105, repealed .................................... 581
1923, Private, Chapter 127, repealed .................................... 136
1923, Private, Chapter 129, repealed .................................... 818
1923, Private, Chapter 227, repealed .................................... 136
1923, Private, Chapter 245, repealed .................................... 879
1924 (Extra Session), Private, Chapter 2, repealed ................. 136
1924 (Extra Session), Private, Chapter 17, repealed ............... 136
1924 (Extra Session), Private, Chapter 59, repealed ............... 879
1925, Private, Chapter 2 ................................................... 236
1925, Private, Chapter 18, repealed .................................... 818
1925, Private, Chapter 27, repealed .................................... 581
1925, Private, Chapter 28 ................................................... 699
1925, Private, Chapter 67, repealed .................................... 818
1925, Private, Chapter 82, repealed .................................... 818
1925, Private, Chapter 201, repealed ................................... 818
1925, Private, Chapter 202, repealed ................................... 879
1927, Private, Chapter 110 ................................................... 63

1740
Index to Session Laws

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

1927, Private, Chapter 134, repealed .................................. 136
1927, Private, Chapter 147, repealed .................................. 714
1927, Private, Chapter 174, repealed .................................. 879
1929, Private, Chapter 46, repealed .................................. 818
1929, Private, Chapter 59, repealed .................................. 136
1929, Private, Chapter 128, repealed .................................. 879
1929, Private, Chapter 141, repealed .................................. 879
1929, Private, Chapter 164 ............................................... 752
1929, Private, Chapter 185 ............................................... 585
1929, Private, Chapter 190 ............................................... 699
1929, Private, Chapter 218 ............................................... 511
1929, Public-Local, Chapter 272 ....................................... 17
1931, Private, Chapter 77, repealed .................................. 879
1931, Private, Chapter 114, repealed .................................. 714
1931, Private, Chapter 117, repealed .................................. 818
1931, Private, Chapter 121 ............................................... 313, 329
1931, Private, Chapter 191, repealed .................................. 506
1931, Public-Local, Chapter 215 ....................................... 194
1933, Private, Chapter 50, repealed .................................. 136
1933, Private, Chapter 71, repealed .................................. 879
1933, Private, Chapter 119, repealed .................................. 714
1933, Private, Chapter 158, repealed .................................. 879
1933, Private, Chapter 196, repealed .................................. 879
1933, Private, Chapter 237, repealed .................................. 879
1933, Public-Local, Chapter 175, repealed ......................... 879
1935, Private, Chapter 2, repealed .................................. 818
1935, Private, Chapter 19, repealed .................................. 714
1935, Private, Chapter 22 ............................................... 948
1935, Private, Chapter 50 ............................................... 331
1935, Private, Chapter 51, repealed .................................. 818
1935, Private, Chapter 138, repealed .................................. 136
1935, Private, Chapter 141, repealed .................................. 136
1935, Private, Chapter 229, repealed .................................. 826
1935, Public-Local, Chapter 72, repealed ......................... 818
1935, Public-Local, Chapter 207, repealed ......................... 879
1937, Public-Local, Chapter 79, repealed ......................... 818
1937, Public-Local, Chapter 144 ....................................... 425

1741
Index to Session Laws

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

1937, Public-Local, Chapter 213, repealed .................................. 633
1937, Public-Local, Chapter 395, repealed .................................. 650
1937, Public-Local, Chapter 396, repealed .................................. 414
1937, Public-Local, Chapter 518, repealed .................................. 136
1937, Public-Local, Chapter 531, repealed .................................. 498
1937, Public-Local, Chapter 575, repealed .................................. 136
1939, Public-Local, Chapter 148, repealed .................................. 967
1939, Public-Local, Chapter 256 .................................................. 569
1939, Public-Local, Chapter 285, repealed .................................. 714
1939, Public-Local, Chapter 296 .................................................. 397
1939, Public-Local, Chapter 302, repealed .................................. 273
1939, Public-Local, Chapter 381, repealed .................................. 879
1939, Public-Local, Chapter 413, repealed .................................. 136
1939, Public-Local, Chapter 457, repealed .................................. 818
1939, Public-Local, Chapter 474, repealed .................................. 879
1939, Public-Local, Chapter 493, repealed .................................. 879
1939, Public-Local, Chapter 514 .................................................. 146
1939, Public-Local, Chapter 522, repealed .................................. 826
1941, Private, Chapter 3, repealed ............................................. 879
1941, Public-Local, Chapter 5 ..................................................... 948
1941, Public-Local, Chapter 80 ................................................... 582
1941, Public-Local, Chapter 98 ................................................... 793
1941, Public-Local, Chapter 146 .................................................. 152
1941, Public-Local, Chapter 224, repealed .................................. 136
1941, Public-Local, Chapter 259, repealed .................................. 136
1941, Public-Local, Chapter 355, repealed .................................. 256

1943 Session Laws:

Chapter 149 ................................................................................. 329
282 ......................................................................................... 308
419, repealed ................................................................. 466
420, repealed ................................................................. 879
536, repealed ................................................................. 136
590, repealed ................................................................. 826
601 ....................................................................................... 793
691, repealed ................................................................. 136

1742
# Index to Session Laws

**Laws Amended or Repealed—(Continued)**

(Note: Reference is to amendment, unless otherwise indicated.)

## 1945 Session Laws:

<table>
<thead>
<tr>
<th>Chapter 35, repealed</th>
<th>714</th>
</tr>
</thead>
<tbody>
<tr>
<td>137</td>
<td>793</td>
</tr>
<tr>
<td>197</td>
<td>158</td>
</tr>
<tr>
<td>232, repealed</td>
<td>818</td>
</tr>
<tr>
<td>298</td>
<td>777</td>
</tr>
<tr>
<td>323</td>
<td>752</td>
</tr>
<tr>
<td>367, repealed</td>
<td>714</td>
</tr>
<tr>
<td>449, repealed</td>
<td>506</td>
</tr>
<tr>
<td>595</td>
<td>586</td>
</tr>
<tr>
<td>599, repealed</td>
<td>536</td>
</tr>
<tr>
<td>911, repealed</td>
<td>714</td>
</tr>
<tr>
<td>942, repealed</td>
<td>413</td>
</tr>
</tbody>
</table>

## 1947 Session Laws:

<table>
<thead>
<tr>
<th>Chapter 9, repealed</th>
<th>812</th>
</tr>
</thead>
<tbody>
<tr>
<td>44, repealed</td>
<td>714</td>
</tr>
<tr>
<td>316</td>
<td>217</td>
</tr>
<tr>
<td>402</td>
<td>94</td>
</tr>
<tr>
<td>453, repealed</td>
<td>818</td>
</tr>
<tr>
<td>508</td>
<td>90</td>
</tr>
<tr>
<td>543</td>
<td>375</td>
</tr>
<tr>
<td>601</td>
<td>33</td>
</tr>
<tr>
<td>627, repealed</td>
<td>879</td>
</tr>
<tr>
<td>670</td>
<td>857</td>
</tr>
<tr>
<td>677</td>
<td>451</td>
</tr>
<tr>
<td>684</td>
<td>204</td>
</tr>
<tr>
<td>716</td>
<td>71</td>
</tr>
<tr>
<td>763, repealed</td>
<td>936</td>
</tr>
<tr>
<td>774, repealed</td>
<td>714</td>
</tr>
<tr>
<td>846, repealed</td>
<td>136</td>
</tr>
<tr>
<td>882, repealed</td>
<td>812</td>
</tr>
<tr>
<td>887</td>
<td>148</td>
</tr>
<tr>
<td>947, repealed</td>
<td>136</td>
</tr>
<tr>
<td>995</td>
<td>217</td>
</tr>
</tbody>
</table>

## 1949 Session Laws:

<table>
<thead>
<tr>
<th>Chapter 235</th>
<th>603</th>
</tr>
</thead>
<tbody>
<tr>
<td>385</td>
<td>260</td>
</tr>
</tbody>
</table>

1743
### Index to Session Laws

**Chapter**

**Laws Amended or Repealed** *(Continued)*

*(Note: Reference is to amendment, unless otherwise indicated.)*

**1949 Session Laws** *(Continued)*

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Repealed</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>397</td>
<td></td>
<td>826</td>
</tr>
<tr>
<td>568</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>627</td>
<td></td>
<td>714</td>
</tr>
<tr>
<td>726</td>
<td></td>
<td>879</td>
</tr>
<tr>
<td>754</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>804</td>
<td></td>
<td>879</td>
</tr>
<tr>
<td>970</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>993</td>
<td></td>
<td>289</td>
</tr>
<tr>
<td>1001</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>1004</td>
<td></td>
<td>671, 1245</td>
</tr>
<tr>
<td>1095</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>1096</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>1135</td>
<td></td>
<td>714</td>
</tr>
<tr>
<td>1147</td>
<td></td>
<td>652</td>
</tr>
<tr>
<td>1184</td>
<td></td>
<td>383, 974</td>
</tr>
<tr>
<td>1235</td>
<td></td>
<td>399</td>
</tr>
</tbody>
</table>

**1951 Session Laws:**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Repealed</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>123</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>124</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>150</td>
<td></td>
<td>714</td>
</tr>
<tr>
<td>177</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>235</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>337</td>
<td></td>
<td>494</td>
</tr>
<tr>
<td>450</td>
<td></td>
<td>129, 195</td>
</tr>
<tr>
<td>471</td>
<td></td>
<td>136</td>
</tr>
<tr>
<td>481</td>
<td></td>
<td>136</td>
</tr>
<tr>
<td>550</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>598</td>
<td></td>
<td>879</td>
</tr>
<tr>
<td>635</td>
<td></td>
<td>136</td>
</tr>
<tr>
<td>660</td>
<td></td>
<td>581</td>
</tr>
<tr>
<td>747</td>
<td></td>
<td>1034</td>
</tr>
<tr>
<td>817</td>
<td></td>
<td>818</td>
</tr>
<tr>
<td>822</td>
<td></td>
<td>705</td>
</tr>
<tr>
<td>939</td>
<td></td>
<td>882</td>
</tr>
<tr>
<td>1145</td>
<td></td>
<td>826</td>
</tr>
<tr>
<td>1146</td>
<td></td>
<td>826</td>
</tr>
</tbody>
</table>

1744
INDEX TO SESSION LAWS

Chapter

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

1953 Session Laws:

Chapter 34 ........................................... 88
  178, repealed ................................... 818
  284, repealed ................................... 362
  331, repealed ................................... 879
  368, repealed ................................... 188
  503, repealed ................................... 38
  544, repealed ................................... 818
  602, repealed ................................... 480
  654, repealed ................................... 818
  657, repealed ................................... 879
  781, repealed ................................... 136
  924, repealed ................................... 879
  951, repealed ................................... 818
  1126 ............................................. 217

1955 Session Laws:

Chapter 209, repealed ............................... 466
  277, repealed ................................... 1093
  300, repealed ................................... 784
  307 ............................................. 769
  381 ............................................. 158
  474, repealed ................................... 818
  517, repealed ................................... 879
  573, repealed ................................... 136
  683, repealed ................................... 818
  754, repealed ................................... 818
  1072, repealed ................................... 812
  1115, repealed ................................... 1093
  1118, repealed ................................... 506
  1219, repealed ................................... 1093
  1316, repealed ................................... 136
  1356, repealed ................................... 879

1957 Session Laws:

Chapter 13, repealed ................................ 136
  34, repealed ................................... 129
  35 ............................................. 172

1745
INDEX TO SESSION LAWS

Chapter

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

1957 Session Laws—(Continued)

Chapter 292, repealed ........................................... 812
411 ........................................................................ 588
552 ........................................................................ 231
629, repealed .......................................................... 879
644, repealed .......................................................... 714
675 ........................................................................ 391
716, repealed .......................................................... 879
722 ........................................................................ 585
829, repealed .......................................................... 818
914, repealed .......................................................... 536
991, repealed .......................................................... 879
1093, repealed ......................................................... 368
1198 ...................................................................... 793
1281 ...................................................................... 213, 324

1959 Session Laws:

Chapter 201 .............................................................. 780
208 ........................................................................ 948
308 ........................................................................ 407
331, repealed .......................................................... 812
334, repealed .......................................................... 705
612 ........................................................................ 780
665, repealed .......................................................... 812
667 ........................................................................ 447
676, repealed .......................................................... 9
721 ......................................................................... 397
727 ......................................................................... 283
736, repealed .......................................................... 267
777, repealed .......................................................... 826
810 ......................................................................... 374
851 ......................................................................... 506
868 ......................................................................... 1078
952 ......................................................................... 311, 512
1043 ....................................................................... 436
1073 ................................................................. 6, 109, 276, 396, 1305
1088 ....................................................................... 273

1746
### INDEX TO SESSION LAWS

**Chapter**

Laws Amended or Repealed—(Continued)

*(Note: Reference is to amendment, unless otherwise indicated.)*

1959 Session Laws—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1091</td>
<td>937</td>
</tr>
<tr>
<td>1101</td>
<td>329</td>
</tr>
<tr>
<td>1137</td>
<td>142</td>
</tr>
<tr>
<td>1150, repealed</td>
<td>818</td>
</tr>
<tr>
<td>1200, repealed</td>
<td>818</td>
</tr>
<tr>
<td>1228</td>
<td>603</td>
</tr>
<tr>
<td>1257</td>
<td>501, 883</td>
</tr>
</tbody>
</table>

1961 Session Laws:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>113</td>
</tr>
<tr>
<td>75, repealed</td>
<td>136</td>
</tr>
<tr>
<td>85</td>
<td>217</td>
</tr>
<tr>
<td>86</td>
<td>102</td>
</tr>
<tr>
<td>87</td>
<td>335, 489</td>
</tr>
<tr>
<td>105</td>
<td>470</td>
</tr>
<tr>
<td>253, repealed</td>
<td>812</td>
</tr>
<tr>
<td>258, repealed</td>
<td>362</td>
</tr>
<tr>
<td>323</td>
<td>232</td>
</tr>
<tr>
<td>324</td>
<td>156</td>
</tr>
<tr>
<td>331</td>
<td>777</td>
</tr>
<tr>
<td>447</td>
<td>975</td>
</tr>
<tr>
<td>450</td>
<td>505, 997</td>
</tr>
<tr>
<td>492</td>
<td>54</td>
</tr>
<tr>
<td>565, repealed</td>
<td>392</td>
</tr>
<tr>
<td>568, repealed</td>
<td>188</td>
</tr>
<tr>
<td>664</td>
<td>393</td>
</tr>
<tr>
<td>686</td>
<td>142</td>
</tr>
<tr>
<td>792</td>
<td>776</td>
</tr>
<tr>
<td>827, repealed</td>
<td>136</td>
</tr>
<tr>
<td>831</td>
<td>574</td>
</tr>
<tr>
<td>907, repealed</td>
<td>818</td>
</tr>
<tr>
<td>908, repealed</td>
<td>136</td>
</tr>
<tr>
<td>917, repealed</td>
<td>826</td>
</tr>
<tr>
<td>1013</td>
<td>108, 381</td>
</tr>
<tr>
<td>1020, repealed</td>
<td>826</td>
</tr>
<tr>
<td>1078</td>
<td>1236</td>
</tr>
</tbody>
</table>

1747
## Index to Session Laws

**Chapter**

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

### 1961 Session Laws—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1111</td>
<td>213, 324</td>
</tr>
<tr>
<td>1129, repealed</td>
<td>136</td>
</tr>
</tbody>
</table>

### 1963 Session Laws:

<table>
<thead>
<tr>
<th>Chapter</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>47</td>
<td>963</td>
</tr>
<tr>
<td>48</td>
<td>86</td>
</tr>
<tr>
<td>50</td>
<td>609</td>
</tr>
<tr>
<td>64, repealed</td>
<td>136</td>
</tr>
<tr>
<td>81, repealed</td>
<td>826</td>
</tr>
<tr>
<td>99, repealed</td>
<td>714</td>
</tr>
<tr>
<td>115</td>
<td>573</td>
</tr>
<tr>
<td>148</td>
<td>62</td>
</tr>
<tr>
<td>182</td>
<td>76</td>
</tr>
<tr>
<td>199, repealed</td>
<td>909</td>
</tr>
<tr>
<td>338, repealed</td>
<td>3</td>
</tr>
<tr>
<td>413</td>
<td>16</td>
</tr>
<tr>
<td>564, repealed</td>
<td>698</td>
</tr>
<tr>
<td>602, repealed</td>
<td>137</td>
</tr>
<tr>
<td>602</td>
<td>568</td>
</tr>
<tr>
<td>609</td>
<td>360</td>
</tr>
<tr>
<td>684</td>
<td>1192</td>
</tr>
<tr>
<td>694, repealed</td>
<td>879</td>
</tr>
<tr>
<td>760</td>
<td>512</td>
</tr>
<tr>
<td>776</td>
<td>661</td>
</tr>
<tr>
<td>861, repealed</td>
<td>165</td>
</tr>
<tr>
<td>885, repealed</td>
<td>818</td>
</tr>
<tr>
<td>908</td>
<td>506</td>
</tr>
<tr>
<td>929</td>
<td>283</td>
</tr>
<tr>
<td>930</td>
<td>925</td>
</tr>
<tr>
<td>936</td>
<td>903</td>
</tr>
<tr>
<td>938</td>
<td>427, 1051</td>
</tr>
<tr>
<td>944</td>
<td>1236</td>
</tr>
<tr>
<td>1052, repealed</td>
<td>812</td>
</tr>
<tr>
<td>1054, repealed</td>
<td>361</td>
</tr>
<tr>
<td>1058</td>
<td>373, 482</td>
</tr>
<tr>
<td>1068</td>
<td>371</td>
</tr>
</tbody>
</table>

1748
## INDEX TO SESSION LAWS

**Chapter**

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

### 1963 Session Laws—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1070</td>
<td>603</td>
</tr>
<tr>
<td>1108</td>
<td>124</td>
</tr>
<tr>
<td>1160, repealed</td>
<td>818</td>
</tr>
<tr>
<td>1201, repealed</td>
<td>709</td>
</tr>
<tr>
<td>1240, repealed</td>
<td>925</td>
</tr>
</tbody>
</table>

### 1965 Session Laws:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5, repealed</td>
<td>88</td>
</tr>
<tr>
<td>24, repealed</td>
<td>136</td>
</tr>
<tr>
<td>36</td>
<td>350</td>
</tr>
<tr>
<td>50, repealed</td>
<td>714</td>
</tr>
<tr>
<td>62</td>
<td>312</td>
</tr>
<tr>
<td>79</td>
<td>579</td>
</tr>
<tr>
<td>175</td>
<td>500</td>
</tr>
<tr>
<td>199</td>
<td>115</td>
</tr>
<tr>
<td>282</td>
<td>250</td>
</tr>
<tr>
<td>414</td>
<td>653</td>
</tr>
<tr>
<td>456</td>
<td>268</td>
</tr>
<tr>
<td>504</td>
<td>246</td>
</tr>
<tr>
<td>510</td>
<td>726</td>
</tr>
<tr>
<td>519</td>
<td>417</td>
</tr>
<tr>
<td>532</td>
<td>485</td>
</tr>
<tr>
<td>542, repealed</td>
<td>1051</td>
</tr>
<tr>
<td>553, repealed</td>
<td>506</td>
</tr>
<tr>
<td>559</td>
<td>456</td>
</tr>
<tr>
<td>565</td>
<td>397</td>
</tr>
<tr>
<td>568</td>
<td>424</td>
</tr>
<tr>
<td>575</td>
<td>132</td>
</tr>
<tr>
<td>593</td>
<td>263</td>
</tr>
<tr>
<td>611</td>
<td>350</td>
</tr>
<tr>
<td>614</td>
<td>19</td>
</tr>
<tr>
<td>664</td>
<td>312</td>
</tr>
<tr>
<td>693</td>
<td>324</td>
</tr>
<tr>
<td>698</td>
<td>903</td>
</tr>
<tr>
<td>713</td>
<td>916</td>
</tr>
<tr>
<td>740, repealed</td>
<td>35</td>
</tr>
</tbody>
</table>

1749
### Index to Session Laws

**Laws Amended or Repealed**—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

**1965 Session Laws**—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Laws Amended or Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>775</td>
<td>471</td>
</tr>
<tr>
<td>820</td>
<td>777</td>
</tr>
<tr>
<td>862</td>
<td>188</td>
</tr>
<tr>
<td>876</td>
<td>1194</td>
</tr>
<tr>
<td>916</td>
<td>1159</td>
</tr>
<tr>
<td>954</td>
<td>1117</td>
</tr>
<tr>
<td>988</td>
<td>931</td>
</tr>
<tr>
<td>1033</td>
<td>1236</td>
</tr>
<tr>
<td>1060</td>
<td>365</td>
</tr>
<tr>
<td>1075, repealed</td>
<td>818</td>
</tr>
<tr>
<td>1116</td>
<td>927</td>
</tr>
<tr>
<td>1126, repealed</td>
<td>818</td>
</tr>
</tbody>
</table>

**1967 Session Laws:**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Laws Amended or Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>51</td>
<td>579</td>
</tr>
<tr>
<td>66</td>
<td>448</td>
</tr>
<tr>
<td>67</td>
<td>508</td>
</tr>
<tr>
<td>74</td>
<td>142</td>
</tr>
<tr>
<td>78, repealed</td>
<td>136</td>
</tr>
<tr>
<td>94</td>
<td>436</td>
</tr>
<tr>
<td>112</td>
<td>240</td>
</tr>
<tr>
<td>129</td>
<td>752</td>
</tr>
<tr>
<td>130</td>
<td>441, 500</td>
</tr>
<tr>
<td>134</td>
<td>185</td>
</tr>
<tr>
<td>152</td>
<td>62</td>
</tr>
<tr>
<td>195</td>
<td>221</td>
</tr>
<tr>
<td>196</td>
<td>220, 859</td>
</tr>
<tr>
<td>211, repealed</td>
<td>136</td>
</tr>
<tr>
<td>216</td>
<td>384</td>
</tr>
<tr>
<td>261</td>
<td>377</td>
</tr>
<tr>
<td>270</td>
<td>245</td>
</tr>
<tr>
<td>297</td>
<td>391</td>
</tr>
<tr>
<td>302</td>
<td>12</td>
</tr>
<tr>
<td>330, repealed</td>
<td>55</td>
</tr>
<tr>
<td>331, repealed</td>
<td>55</td>
</tr>
<tr>
<td>337</td>
<td>426</td>
</tr>
</tbody>
</table>

1750
INDEX TO SESSION LAWS

Chapter

Laws Amended or Repealed—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

1967 Session Laws—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>371</td>
<td></td>
<td>836</td>
</tr>
<tr>
<td>382</td>
<td></td>
<td>274</td>
</tr>
<tr>
<td>426,</td>
<td></td>
<td>226</td>
</tr>
<tr>
<td>repealed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>487</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>498</td>
<td></td>
<td>188,</td>
</tr>
<tr>
<td>542</td>
<td></td>
<td>506</td>
</tr>
<tr>
<td>545</td>
<td></td>
<td>197</td>
</tr>
<tr>
<td>559</td>
<td></td>
<td>1159</td>
</tr>
<tr>
<td>597</td>
<td></td>
<td>393</td>
</tr>
<tr>
<td>598</td>
<td></td>
<td>92</td>
</tr>
<tr>
<td>603</td>
<td></td>
<td>230</td>
</tr>
<tr>
<td>622</td>
<td></td>
<td>454</td>
</tr>
<tr>
<td>630</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>664</td>
<td></td>
<td>938</td>
</tr>
<tr>
<td>666</td>
<td></td>
<td>74</td>
</tr>
<tr>
<td>681</td>
<td></td>
<td>437</td>
</tr>
<tr>
<td>724</td>
<td></td>
<td>1236</td>
</tr>
<tr>
<td>775</td>
<td></td>
<td>917</td>
</tr>
<tr>
<td>780</td>
<td></td>
<td>809</td>
</tr>
<tr>
<td>893</td>
<td></td>
<td>409</td>
</tr>
<tr>
<td>901</td>
<td></td>
<td>690</td>
</tr>
<tr>
<td>954</td>
<td></td>
<td>803</td>
</tr>
<tr>
<td>967</td>
<td></td>
<td>702,</td>
</tr>
<tr>
<td>972</td>
<td></td>
<td>637,</td>
</tr>
<tr>
<td>988</td>
<td></td>
<td>905</td>
</tr>
<tr>
<td>989</td>
<td></td>
<td>58</td>
</tr>
<tr>
<td>1038</td>
<td></td>
<td>388</td>
</tr>
<tr>
<td>1045,</td>
<td></td>
<td>770</td>
</tr>
<tr>
<td>repealed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1049</td>
<td></td>
<td>1190</td>
</tr>
<tr>
<td>1051</td>
<td></td>
<td>1198</td>
</tr>
<tr>
<td>1054</td>
<td></td>
<td>164,</td>
</tr>
<tr>
<td>1056</td>
<td></td>
<td>455</td>
</tr>
<tr>
<td>1057</td>
<td></td>
<td>1196</td>
</tr>
<tr>
<td>1062</td>
<td></td>
<td>76</td>
</tr>
<tr>
<td>1063</td>
<td></td>
<td>189,</td>
</tr>
</tbody>
</table>

1751
### Index to Session Laws

**Laws Amended or Repealed**—(Continued)

(Note: Reference is to amendment, unless otherwise indicated.)

#### 1967 Session Laws—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Laws Amended or Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1070</td>
<td></td>
</tr>
<tr>
<td>1088</td>
<td></td>
</tr>
<tr>
<td>1097</td>
<td></td>
</tr>
<tr>
<td>1108</td>
<td></td>
</tr>
<tr>
<td>1113</td>
<td></td>
</tr>
<tr>
<td>1116</td>
<td></td>
</tr>
<tr>
<td>1124</td>
<td></td>
</tr>
<tr>
<td>1142</td>
<td></td>
</tr>
<tr>
<td>1254</td>
<td></td>
</tr>
<tr>
<td>1258</td>
<td></td>
</tr>
</tbody>
</table>

#### 1969 Session Laws:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Laws Amended or Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>44</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td></td>
</tr>
<tr>
<td>181</td>
<td></td>
</tr>
<tr>
<td>192</td>
<td></td>
</tr>
<tr>
<td>198</td>
<td></td>
</tr>
<tr>
<td>239</td>
<td></td>
</tr>
<tr>
<td>248</td>
<td></td>
</tr>
<tr>
<td>266</td>
<td></td>
</tr>
<tr>
<td>301</td>
<td></td>
</tr>
<tr>
<td>349</td>
<td></td>
</tr>
<tr>
<td>358</td>
<td></td>
</tr>
<tr>
<td>378</td>
<td></td>
</tr>
<tr>
<td>442</td>
<td></td>
</tr>
<tr>
<td>443</td>
<td></td>
</tr>
<tr>
<td>462</td>
<td></td>
</tr>
<tr>
<td>481</td>
<td></td>
</tr>
<tr>
<td>505</td>
<td></td>
</tr>
<tr>
<td>546</td>
<td></td>
</tr>
<tr>
<td>568</td>
<td></td>
</tr>
<tr>
<td>576</td>
<td></td>
</tr>
<tr>
<td>600</td>
<td></td>
</tr>
</tbody>
</table>

1752
INDEX TO SESSION LAWS

Chapter

Laws Amended or Repealed—(Continued)
(Note: Reference is to amendment, unless otherwise indicated.)

1969 Session Laws—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Amendments/Repeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>612</td>
<td>929, 652, repealed 990, 671, 673, 696, 708, 886, 908, 945, 995, repealed 1288, 996, repealed 1289, 1033, 1075, 1228, 1258, 1225, 1226, 1246, 1247, 1251, 1287, 1302, 827, 872, 932, 1004, 1200, 1270</td>
</tr>
</tbody>
</table>

Lawyers—see Attorneys at Law

Leases—see Real Estate; Probate and Registration

Lee County:
- Ad valorem taxes, discounts and penalties: 430
- Ambulance services, collection of charges: 708

Board of Education:
- Appointment of members: 248
- Extension of term of members: 1047

Board of Veterans Affairs, laws repealed: 536

Purchases of weapons, records of permits: 658

Sanford:
- Conveyance of property to County: 472
- Validation of notice of bond election: 78

Legal Holidays:
- Uniform annual observances, dates established: 521

Legislature—see General Assembly

Lenoir, City of:
- City Council, time of meetings: 8
- School Administrative Unit, boundaries: 3

1753
INDEX TO SESSION LAWS

Chapter

Lenoir County:
Alcoholic beverages, purchase-transportation permits .................. 617
Ambulance services, collection of charges .............................. 708
Board of Commissioners, appointment of
building and plumbing inspectors ........................................ 918
Board of Education, appointment of members ............................ 248
Elections, persons having access to voting enclosure .................... 1280
Register of deeds, compensation ......................................... 267
Sheriff, compensation ..................................................... 267

Leonard, Samuel, School—see Correctional Institutions
under State Institutions

Lexington, City of:
Cable television system, operation ...................................... 948

Libel and Slander:
Automobile liability insurers, notices of loss of safe driver
discounts or application of surcharges, privileged ..................... 989
Immunity from liability for communications as to risks
under plan for property insurance in riot-potential areas .......... 1284
Statute of limitations, slander actions .................................. 1001

Liberty, Town of:
Mayor and commissioners, election and terms of office ............... 146

Libraries, Public: (for local acts see particular county or municipality)
Employees of county or municipal library, clarification of status ... 488

License Tax—see Taxes; Licenses and Licensing Boards

Licenses and Licensing Boards:
Aged persons, permanent hunting and fishing licenses ................ 1030
Blind persons, fishing in Lake Norman without licenses .............. 761
Board of Pharmacy, code of professional conduct, adoption ....... 533
Breweries, resident, license tax, transshipments ........................ 1057
Charitable organizations, solicitations; licensing requirements ...... 546
Children, full-time care organizations, licensing ...................... 908
Act amended ........................................................................ 1081
Collection agencies, licensing ............................................. 906
Commercial fish boats, licenses ........................................... 1243
Dentists licensed by other jurisdictions, provisional licenses ....... 804
Electrical contractors, licensing law rewritten ......................... 669
Embalmers and Funeral Directors, State Board, meetings;
oaths; provision for apprenticeship in funeral directing .......... 584

1754
INDEX TO SESSION LAWS

Chapter

Licenses and Licensing Boards—(Continued)
Fish dealers, licenses, proof of residence ......................... 1244
Hearing aid dealers and fitters, licensing and regulation .......... 999
Hunting, trapping and fishing licenses, fees ...................... 1042
Insurance agents and adjusters, re-examination waiting period ... 1206
Landscape Architects, N. C. Board, creation;
   appointment of members; powers and duties ................... 672
Marriage licenses, physical examinations, authorized physicians .. 759
Maternity homes, licensing ........................................ 546
Medical practice act, miscellaneous amendments ................. 929
Mining operations, registration of owners and operators;
   exemptions ................................................................ 1204
Motor vehicles:
   Driver training schools, approval ................................ 865
   Driver's licenses:
      Chauffer's license, surrender upon revocation .............. 182
      Drunken driving cases, revocation of license upon refusal
      to submit to chemical tests ...................................... 1074
      Instructional permits, driver training schools ............... 865
      Leaners, night driving permits .................................. 37
      Limited driving permits, after conviction
      of drunken driving ............................................... 1283
      Mental incompetents, alcoholics and others, revocation ...... 1125
      Probationary driver's licenses, period limited ............... 242
      Renewal by temporary non-residents ........................... 183
      Restoration and duplication fees ................................ 783
      Revocation or suspension, additional period upon conviction
      of moving offense during period ............................... 348
      Suspension; financial responsibility, proof exclusion ....... 186
      Suspension for drunken driving convictions in Federal courts .. 988
Lenders, secured by motor vehicles, licenses required;
   interest and charges ................................................ 1303
License fees placed in dealers'-manufacturers'
   license fund, increased ............................................ 593
Registration and license fees, increases ............................ 600
   Act amended ......................................................... 1056, 1098
Registration plates, commissions for issuance ...................... 1140
Nursing, Board of, certification of school credits
   to boards of other States ........................................... 942
Nursing Home Administrator Act .................................... 843

1755
## Index to Session Laws

### Licenses and Licensing Boards—(Continued)

- Occupational licensing boards, reports to Attorney General .......... 42
- Opticians, State Board, per diem allowances .............................. 445
- Optometrists:
  - Continuing education requirements for annual licenses .............. 354
  - License fees ........................................................................ 624
- Osteopathic physicians:
  - Licensing to practice medicine and surgery ............................. 612
  - Practice of medicine, not illegal, when licensed ...................... 929
- Passenger Tramway Safety Act, registration of operators .............. 1021
- Physical Therapists:
  - Examining Committee, per diem allowances ............................. 445
  - Licensing act ....................................................................... 556
- Plumbing and Heating Contractors, Licensing Board, per diem allowances ......................................................... 445
- Pre-need burial contracts, licensing of sellers ............................ 187
- Private mental institutions and homes, licensing law amended .... 954
- Professional Corporation Act, licensing of corporations ............. 718
- Real estate brokers, licensing law amendments .......................... 191
- Refrigerating contractors, license fees ...................................... 314
- Refrigeration Examiners Board, per diem allowances .................. 445
- Waste water treatment plant operators,
  examination and certification .................................................... 1059
- Water treatment facility operators, examination and certification ° 1059

### Liens:

- Ambulance service charges:
  - Lien upon real estate, services at public expense ..................... 684
  - Lien upon recoveries for personal injuries ............................... 450
- Federal tax liens:
  - Register of deeds, duties as to filing; fees ............................. 80
  - Uniform Federal Tax Lien Registration Act ............................ 216
- Indigent persons, liens for value of legal services ..................... 1013
- Instruments with after-acquired property clauses,
  effect upon lien creditors ....................................................... 813
- Mechanics, laborers and materialmen, lien statutes rewritten .... 1112
- Motor vehicles, liens on titles, registration procedures ............. 838
- Public assistance liens, filing, priorities, limitations ................. 546
- Act amended ........................................................................... 1165, 1216
- Security instruments for future advancements and obligations;
  intervening liens; priorities .................................................... 736
INDEX TO SESSION LAWS

Chapter

Liens—(Continued)

Unfit dwellings, lien for repairs or removal, filing; priority .......... 868
Welfare payments liens, release ........................................ 1216

Lieutenant Governor—see under State Officials

Life Insurance—see Insurance and Insurance Companies

Limitations—see Statutes of Limitations; for local acts

see particular county or municipality

Lincoln County:

Ambulance services, collection of charges .............................. 708
Board of Commissioners:

Appropriations to chamber of commerce ............................... 758
Levy of watershed improvement tax .................................... 934
Mileage allowance for members ........................................... 437
Regulation of tax listing ..................................................... 497
Tax levy for public libraries ............................................... 1096
Board of Education:

Appointment of members .................................................... 248
Election of members .......................................................... 637
Merger of administrative units ............................................ 409
Lake Norman Marine Commission, establishment ...................... 1089
Lincolnton A.B.C. officers, territorial jurisdiction ..................... 230
Municipal corporation, time for incorporation ......................... 197

Lincolnton, Town of:

A.B.C. officers, territorial jurisdiction .................................. 230
Airport, joint operation ...................................................... 697
Board of Education, merger of administrative units .................. 409
Corporate name, amendment; compensation of officials ............. 158
Special bond election, validation ......................................... 285
Street improvements, requirements for petition ....................... 198
Act amended ........................................................................ 762

Littleton, Town of:

Littleton-Lake Gaston School District, establishment .................. 628
Property, acquisition and disposition .................................... 106

Liquefied Petroleum Gases—see Oil and Petroleum

Liquors—see Alcoholic Beverages

Livestock—see Animals

1757
Loans:
After acquired property clauses in security instruments, effect .......... 813
Bank officers and employees, maximum amount of loans to .............. 41
Church building and improvement loans, interest rate .................. 40
Education loans to minors .............................................. 1073
Electric and telephone membership corporations,
authority for obtaining loans; interest rate .......................... 670
Interest, legal rates; maximum fees and charges ....................... 1303
Lending institutions, act prohibiting coercion of borrowers
as to insurance ................................................................... 1032
Medical Care Commission, scholarship loans ............................... 1069
Savings and loan associations, provision for unsecured loans .......... 737
Security for future advancements and obligations ..................... 736
Uniform Commercial Code, miscellaneous amendments ............... 1115

Local Affairs, State Department of—see State Departments

Local Government—see Counties; Municipal Corporations

Local Government Act—see Municipal Corporations; see Counties

Local Government Commission—see under State Commissions

Local Governmental Employees' Retirement System—
see Retirement Systems

Lumberton, City of:
Ad valorem taxes, collection in adjoining areas ......................... 663, 1094
Assessments, requirements for petition .................................... 573
City Administrative Unit, annexation of territory ....................... 443
Act repealed ...................................................................... 611
Election wards, establishment ............................................... 250
Public schools, study commission .......................................... 887

Machine Guns—see Weapons

Machinery Act: (see also Taxes)
Codification and printing ..................................................... 353

Macon County:
Board of Education, conveyance of property to County ............... 530
Elections, registration of voters ........................................... 171
House of Representatives, numbering of seats in elections .......... 985
INDEX TO SESSION LAWS

Chapter

Madison County:
Ambulance services, collection of charges ....................... 708
Board of Education, appointment of members ..................... 248
Register of deeds, compensation of deputy ....................... 1237

Magistrates—see Courts

Malt Beverages—see Alcoholic Beverages

Mammal, Official State:
Adoption ........................................... 1207

Manchester, Town of:
Charter, revocation .................................... 854

Manteo, Town of:
Police department, territorial jurisdiction ...................... 154

Manufacturers:
Bakeries, use of coloring in products prohibited ................ 1121
Bottled drinks, sanitation requirements .......................... 1068
Breweries, resident:
License tax, transshipments ................................... 1057
Sale to licensed wholesalers .................................... 732
House trailers used as residences, construction requirements .. 463
Motor vehicles, brake systems, approval of linings .............. 787
Uniform Standards Code for Mobile Homes ...................... 961

Marion, City of:
Board of Education, conveyance of certain properties to County 468

Marriage and Marriage Laws:
Married women, instruments executed without private examination, validated .................................. 1008
Physical examinations, authorized physicians .................... 759

Married Women—see Marriage and Marriage Laws;
see Husband and Wife

Marshville, City of:
A.B.C. stores, establishment .................................. 991

Martin County:
Alcoholic beverages, purchase-transportation permits ........... 617
Board of Education, appointment of members .................... 248
Elections, persons having access to voting enclosure .......... 1280

1759
INDEX TO SESSION LAWS

Chapter

Martin County—(Continued)
   Industrial Development Commission for Martin County,
      State appropriation for aiding Roanoke River Project ........... 1160
   Martin Technical Institute, conveyance of certain property ....... 727

Master and Servant—see Employer and Employee

Maternity Homes:
   Licensing ......................................................... 546

Maximum Hour Law—see Employer and Employee

Maxton, Town of:
   Alcoholic beverages, purchase-transportation permits ............. 617
   Board of Trustees of City Administrative Unit,
      appointment; election of future members .................... 784
   Public schools, study commission ................................ 887
   Town Manager, appointment, powers and duties .................. 107

Mayodan, Town of:
   Elections, eligible candidates and voters ....................... 257

Mayors—see Municipal Corporations; for local acts
   see particular municipality

McDowell County:
   Board of Commissioners, terms and number of members ........... 808
   County officials, compensation .................................. 836
   Marion City Board of Education, conveyance of property ....... 27, 468
   Municipal corporations, subdivision control ..................... 272

Mecklenburg County:
   Ad valorem taxes, discounts and penalties ....................... 278
   Alcoholic beverages, purchase-transportation permits ........... 617
   Board of Commissioners:
      Appropriation of funds for recreational purposes ........... 92
      Levy of watershed improvement tax .......................... 1191
   Charlotte-Mecklenburg Board of Education:
      Compensation of members ...................................... 209
      Payment of premiums for group insurance ..................... 531
   Charlotte-Mecklenburg Charter Commission, establishment ....... 67
   Charlotte Police Department, jurisdiction ....................... 1170
   Civic center, joint operation .................................... 830
   County officials, compensation ................................... 640

1760
INDEX TO SESSION LAWS

Chapter

Mecklenburg County—(Continued)
Elections, persons having access to voting enclosure .................. 1280
Hospital Authority, establishment ........................................ 933
Lake Norman Marine Commission, establishment ..................... 1089
Pistol permits, issuance .................................................... 1305
Public contracts, procedure for letting ................................. 279
Water and sewer systems, power of eminent domain .................. 315

Medical Care—see Physicians and Surgeons;
Hospitals and Hospital Districts

Medical Examiners:
Autopsies, limitations upon right to perform ......................... 444
Statutes applicable when office of coroner abolished ............... 299

Medicine—see Physicians and Surgeons

Memorials—see Historical Matters

Mental Defectives—see Insane Persons and Incompetents

Mental Health—see Insane Persons and Incompetents;
see Public Health

Merchandise:
Revolving credit accounts, charges and fees ......................... 1303
Unordered merchandise, non-liability of recipient .................. 70

Military Affairs: (see also National Guard and State Militia)
Assistant to Adjutant General, full-time employee .................. 623
Commissions by brevet ..................................................... 623
Income taxes, members of Armed Forces,
abatement upon death from combat zone service ..................... 1116
National Guard and Naval Militia,
compensation of members for State duty .............................. 986
National Guard Mutual Assistance Compact ......................... 674
National guardsmen and members of State militia, civil and
criminal immunity while aiding civil authorities .................... 969
Teachers’ and State Employees’ Retirement System,
armed service credit ....................................................... 1223

Minimum Wage Act—see Employer and Employee

Mining and Minerals:
Appropriation for implementation of Mining Registration Act ... 1161
Mining Registration Act of 1969 ......................................... 1204
State Mining Engineer, position created ................................ 1161

1761
INDEX TO SESSION LAWS

Minors: (see also Guardian and Ward; see Children)
  Adopted children, birth certificates, date of birth ...................... 977
  Child, subject of judicial custody award,
    removal from State, felony ........................................... 81
  Control of children by parents or guardian, regulatory law .......... 1080
  Education loans, execution of notes .................................... 1073
  Handicapped dependent child, nonsupport, misdemeanor ............... 889
  Harmful materials, protection of minors, regulatory law ........... 1215
  Malt beverages, sales to minors, prima facie evidence .............. 998
  Non-support, punishment .................................................. 1045
  Wills, execution by certain minors ..................................... 39
  Working hours, regulations ............................................... 962
  Yearly allowance for support from parent's estate .................... 269

Mitchell County:
  Ambulance services, collection of charges ................................ 708
  Board of Commissioners:
    Appropriations for Rhododendron Festival ............................ 550
    Compensation of members .............................................. 683
  Board of Education, appointment of member ............................ 248
  Cartways, minimum width ................................................ 653
  Veterans Service Officer, appointment; taxes for special purposes .. 480

Mobile Homes:
  Uniform Standards Code for Mobile Homes Act ........................ 961
  Unsecured loans for mobile home financing ............................. 737
  Use of house trailers as residences, construction requirements ..... 463

Monopolies and Restraint of Trade—see Trade and Commerce

Monroe, City of:
  Alcoholic beverages, purchase-transportation permits ............... 617
  Board of Education:
    Conveyance of property .............................................. 30
    Election of members .................................................. 74
  Real property, private sale ............................................ 923

Montgomery County:
  Ambulance services, collection of charges ................................ 708
  Board of Commissioners, compensation of constables ................. 644
  Board of Education, hospital insurance for employees ............... 415
  Municipalities, conveyance of property to County .................... 346
  Sheriff and deputies, purchase of automobiles from State .......... 432

1762
INDEX TO SESSION LAWS

Chapter

Moore County:
Alcoholic beverages, purchase-transportation permits .................. 617
Ambulance services, collection of charges .............................. 708
Beer and wine, issuance of permits for sale ............................ 728
Closing-out sales, regulation .............................................. 502
Department of Investigation and Identification, establishment ...... 881
Municipal corporations, elections on sale of wine and beer ........ 262
Warranty deeds, execution by municipalities .......................... 48
Whispering Pines, charter .................................................. 72
   Act amended .............................................................. 372

Mooresville, City of:
   Recorder's Court, transfer of jury cases ............................ 38

Morehead—see Governor Morehead School

Morehead City:
   Charter, revision and consolidation .................................. 879

Morganton, Town of:
   A.B.C. Board, allocation and use of profits ......................... 16
   Board of Education, conveyance of property ....................... 590
   Employees Retirement Fund, investment of funds ................ 780
   Graded School District, transfer of property .................... 1043
   Police department, territorial jurisdiction ...................... 168

Morrison, Cameron, School—see Correctional Institutions
   under State Institutions

Mortgages and Deeds of Trust:
   After-acquired property clauses, effect ........................... 813
   Attorneys-in-fact, improper acknowledgments validated .......... 951
   Corporate deeds of trust, improperly acknowledged, validated . 953
   Deficiency judgments, injunctions, appeals ....................... 44
   Discharge of record, methods ......................................... 746
   Electric and telephone membership corporations, authority
      as to mortgage loans .............................................. 670
   Fire insurance, settlement of mortgagee's claims ............... 1077
   Future advancements and obligations, security .................. 736
   Interest, mortgage loans, legal rates;
      maximum fees and charges ..................................... 1303
   Lending institutions, act prohibiting coercion
      of borrowers as to insurance ................................... 1032
Index to Session Laws

Chapter

Mortgages and Deeds of Trust—(Continued)

Married women, instruments executed without private examination, validated .............................................. 1008
Registration, indexing procedures, identification of parties ................................................................. 694
Sales under powers, statute of limitations ......................................................................................... 984
Substitute trustees, acts validated ...................................................................................................... 477
Uniform Commercial Code, miscellaneous amendments ............................................................... 1115

Motels—see Hotels

Motor Boats—see Boats and Other Watercraft

Motor Carriers: (see also Motor Vehicles)

Cigarettes, unlawful transportation in violation of tax law .................................................. 1075
Common carriers:
Franchise tax ......................................................................................................................... 600
Act amended ....................................................................................................................... 1056, 1098
Vehicle inspection ................................................................................................................... 763
Dangerous cargos, transporting, regulations ............................................................................. 1231
For-hire vehicles, transportation of alcoholic beverages regulations ........................................ 1018
Gasoline, transportation, marking of vehicles ............................................................................. 1241
Interstate carriers of commodities, registration ........................................................................ 721
Interstate common carriers:
Penalties for failure to register authority .................................................................................. 645
Safety regulations ...................................................................................................................... 722
Motor fuels taxes, refunds ........................................................................................................... 600
Act amended .......................................................................................................................... 1098
Motor vehicle registration and license fees .................................................................................. 600
Act amended .......................................................................................................................... 1056, 1098
Passenger busses, regulation of width ......................................................................................... 880
Passenger vehicles, stopping at railroad grade crossings, requirements ................................ 1231
Regulatory act, technical amendments ...................................................................................... 723
Taxicabs, exemption from regulation ......................................................................................... 681

Motor Vehicles:

Alcoholic beverages, permits for transportation of excess amounts ........................................ 617
Axle weights, limitations .............................................................................................................. 537
Blind persons, information from Commission for the Blind to Motor Vehicles Department .............. 871
Brake systems offered for sale, approval of linings ..................................................................... 787
Brakes requirements, technical error in statute corrected ....................................................... 866

1764
### Motor Vehicles—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cigarettes, unlawful transportation in violation of tax law</td>
<td>1075</td>
</tr>
<tr>
<td>Confiscation, illegal transportation of liquor</td>
<td>789</td>
</tr>
<tr>
<td>Dangerous materials, transporting regulated</td>
<td>1231</td>
</tr>
<tr>
<td>Driver training schools, approval; issuance of instructional permits</td>
<td>865</td>
</tr>
<tr>
<td>Driver's licenses:</td>
<td></td>
</tr>
<tr>
<td>Chauffer's license, surrender upon revocation</td>
<td>182</td>
</tr>
<tr>
<td>Drunken driving cases, revocation of license upon refusal to submit to chemical tests</td>
<td>1074</td>
</tr>
<tr>
<td>Instructional permits, driver training schools</td>
<td>865</td>
</tr>
<tr>
<td>Learners, night driving permits</td>
<td>37</td>
</tr>
<tr>
<td>Limited driving permits, after conviction of drunken driving</td>
<td>1283</td>
</tr>
<tr>
<td>Mental incompetents, alcoholics and others, revocation</td>
<td>1125</td>
</tr>
<tr>
<td>Probationary driver's licenses, period limited</td>
<td>242</td>
</tr>
<tr>
<td>Renewal by temporary non-residents</td>
<td>183</td>
</tr>
<tr>
<td>Restoration and duplication fees</td>
<td>783</td>
</tr>
<tr>
<td>Revocation or suspension, additional period upon conviction of moving violation during period</td>
<td>348</td>
</tr>
<tr>
<td>Suspension; financial responsibility, proof exclusion</td>
<td>186</td>
</tr>
<tr>
<td>Suspension for drunken driving convictions in Federal courts</td>
<td>988</td>
</tr>
<tr>
<td>Driving under influence of intoxicating liquor or narcotics, punishment</td>
<td>50</td>
</tr>
<tr>
<td>Drunken driving cases, implied consent for chemical tests</td>
<td>1074</td>
</tr>
<tr>
<td>Financial Responsibility Act, proof of responsibility, exclusionary amendments</td>
<td>186</td>
</tr>
<tr>
<td>For-hire vehicles, transportation of alcoholic beverages, regulations</td>
<td>1018</td>
</tr>
<tr>
<td>Gasoline tax, increase</td>
<td>600</td>
</tr>
<tr>
<td>Act amended</td>
<td>1056, 1098</td>
</tr>
<tr>
<td>Gasoline, transportation, marking of vehicles</td>
<td>1241</td>
</tr>
<tr>
<td>Habitual Traffic Offenders Act</td>
<td>867</td>
</tr>
<tr>
<td>House trailers for use as residences, construction requirements</td>
<td>463</td>
</tr>
<tr>
<td>Lenders secured by motor vehicles, regulation; maximum interest rates</td>
<td>1303</td>
</tr>
<tr>
<td>Liability insurance, premium surcharges or loss of safe driver discounts, notices; privilege</td>
<td>989</td>
</tr>
<tr>
<td>License fees placed in dealers'-manufacturers' license fund, increased</td>
<td>593</td>
</tr>
<tr>
<td>Lights on smaller trailers, regulation</td>
<td>387</td>
</tr>
<tr>
<td>Mobile homes, Uniform Standards Code</td>
<td>961</td>
</tr>
</tbody>
</table>
## INDEX TO SESSION LAWS

**Motor Vehicles**—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor fuels taxes, refunds</td>
<td>600</td>
</tr>
<tr>
<td>Act amended</td>
<td>1098</td>
</tr>
<tr>
<td>Non-profit organizations, activity busses, drivers exempt from chauffeur's license; speed limits</td>
<td>1000</td>
</tr>
<tr>
<td>Passenger busses, regulation of width</td>
<td>880</td>
</tr>
<tr>
<td>Passing horses and other draft animals, regulation</td>
<td>401</td>
</tr>
<tr>
<td>Railroad grade crossings, certain vehicles required to stop at</td>
<td>1231</td>
</tr>
<tr>
<td>Railroad intersections, passing other vehicles, restrictions</td>
<td>13</td>
</tr>
<tr>
<td>Registration and license fees, miscellaneous, increases</td>
<td>600</td>
</tr>
<tr>
<td>Act amended</td>
<td>1056, 1098</td>
</tr>
<tr>
<td>Registration plates, commissions for issuance</td>
<td>1140</td>
</tr>
<tr>
<td>Resident, defined</td>
<td>561</td>
</tr>
<tr>
<td>Safety Equipment Inspections:</td>
<td></td>
</tr>
<tr>
<td>Grace period for expired certificates; trip permits to inspection stations</td>
<td>179</td>
</tr>
<tr>
<td>Inspection stations, fees</td>
<td>1242</td>
</tr>
<tr>
<td>Purchaser self-inspections; exemptions</td>
<td>219</td>
</tr>
<tr>
<td>Reciprocity agreements with other jurisdictions</td>
<td>620</td>
</tr>
<tr>
<td>Small trailers</td>
<td>386</td>
</tr>
<tr>
<td>Tire inspections</td>
<td>378</td>
</tr>
<tr>
<td>Act amended</td>
<td>1256</td>
</tr>
<tr>
<td>School busses:</td>
<td></td>
</tr>
<tr>
<td>Activity busses, applicability of statute clarified</td>
<td>264</td>
</tr>
<tr>
<td>Duty of other traffic to stop</td>
<td>952</td>
</tr>
<tr>
<td>Sitting or lying on highways or streets, punishment</td>
<td>1012</td>
</tr>
<tr>
<td>Small trailers:</td>
<td></td>
</tr>
<tr>
<td>Directional signals requirements, minimum weight limits</td>
<td>622</td>
</tr>
<tr>
<td>Rear lamps</td>
<td>389</td>
</tr>
<tr>
<td>State Highway Patrol, registration plates</td>
<td>800</td>
</tr>
<tr>
<td>State-owned parking lots, Raleigh, removal of unauthorized vehicles</td>
<td>627</td>
</tr>
<tr>
<td>Titles, security interest, conformity of statutes with Uniform Commercial Code</td>
<td>838</td>
</tr>
<tr>
<td>Traffic laws and ordinances, enforcement by firemen</td>
<td>59</td>
</tr>
<tr>
<td>Traffic officers, willful disobedience prohibited</td>
<td>59</td>
</tr>
<tr>
<td>Trucks, dimensions</td>
<td>128</td>
</tr>
<tr>
<td>University campuses, traffic regulations by trustee boards</td>
<td>1011</td>
</tr>
<tr>
<td>Veterans, disabled, free registration plates</td>
<td>461</td>
</tr>
<tr>
<td>Western Carolina University, motor vehicle laws applicable to campus streets</td>
<td>853</td>
</tr>
</tbody>
</table>

1766
### Mount Airy, Town of:
- A.B.C. stores, establishment ........................................... 46
- Firemen’s Supplementary Fund, board of directors; retirement benefits ........................................... 12
- Housing Appeals Board, establishment ........................................... 291

### Mount Gilead, Town of:
- A.B.C. stores, establishment ........................................... 145
- Property, conveyance to County ........................................... 346

### Mount Holly, Town of:
- City Council, election of members ........................................... 102

### Mount Pleasant, Town of:
- A.B.C. officers, appointment ........................................... 220
- A.B.C. stores, location ........................................... 859
- Alcoholic beverages, purchase-transportation permits ........................................... 617
- Zoning authority, territorial jurisdiction ........................................... 11

### Municipal Board of Control:
- Board abolished; corporate charters issued by board ratified ........................................... 673
- Act amended ........................................... 1225

### Municipal Corporations:
- Ad valorem taxes:
  - Attachment and garnishment proceedings ........................................... 1029
  - Discount schedules, adoption; prepayments regulated ........................................... 921
  - Movable personal property, place of listing ........................................... 940
  - Tax garnishment notices, fees for serving, determination ........................................... 1029
- Air pollution control programs ........................................... 538
- Airports, State aid ........................................... 293

### Miscellaneous:
- Alcoholic beverages—see that topic
- Ambulance and rescue squad systems, assigned risk insurance ........................................... 744
- Ambulance services at municipal expense, lien upon real estate ........................................... 684
- Auxiliary police department, establishment; workmen’s compensation benefits for volunteer members ........................................... 206
- Beach erosion control, flood and hurricane protection, special assessments ........................................... 474

### Bonds and notes:
- Cable television systems, period of usefulness,
  - Municipal Finance Act ........................................... 834
Municipal Corporations—(Continued)
Bonds and Notes—(Continued)
Debt limitations ........................................ 995
Act repealed ........................................... 1288
Facsimile seals and signatures ....................... 29
Interest rate limitation removed ..................... 686
Revenue Bond Act:
Interest rate limitation removed ..................... 688
Terms redefined; pledge of revenues; refunding bonds .... 1118
Single bond without coupons ........................ 685
Statement of bonded indebtedness, deduction of sewer system debt .... 1092
Water storage facilities, time for issuance of bonds .... 407
Building codes, statutes relating to, amended ........... 1229
Cemeteries:
Cemetery property and funds, transfer to religious and charitable organizations .................. 402
Perpetual care cemeteries, purchase ................... 851
Charter, amendment by governing body as to form of government; referendum ..................... 629
Debts subject to constitutional limitations, referenda authorized .............................. 944
Elections:
Blind voters, assistance ................................ 175
Precinct officials, compensation ...................... 24
Federal Water Resources Development Law;
 municipal participation .............................. 724, 968
Fire Chief, appointment, compensation, duties .... 1065
Fire protection:
Inspections and investigations; State supervision ........ 1063
Statutes amended; condemnation of unsafe buildings 1065
Firemen, duties; employment of nonresidents .......... 23
Firemen's Pension Fund, pensions exempt from municipal taxation .................. 486
Flood plain management, land use regulations,
 municipal responsibility .............................. 473
Garbage, unauthorized deposit on lands of others, penalties .................. 22
Governing board members and mayor, compensation and allowances, board determination .... 181
Act amended ........................................... 253
Group insurance for employees, amount limitation removed ...................... 845
## Municipal Corporations—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitals, non-profit, gift of property to</td>
<td>1119</td>
</tr>
<tr>
<td>Housing authority functions, alternative methods</td>
<td>1217</td>
</tr>
<tr>
<td>Inspection department, creation; jurisdiction, powers and duties</td>
<td>1065</td>
</tr>
<tr>
<td>Inspectors, exemption from double-office holding restrictions</td>
<td>1070</td>
</tr>
<tr>
<td>Investments in savings and loan associations</td>
<td>862</td>
</tr>
<tr>
<td>Jails, common facilities, agreements with other local units</td>
<td>743</td>
</tr>
<tr>
<td>Joint administrative functions, agreements with other local units</td>
<td>380</td>
</tr>
<tr>
<td>Library employees, clarification of status</td>
<td>488</td>
</tr>
<tr>
<td>Local Affairs Department Act</td>
<td>1145</td>
</tr>
<tr>
<td>Local Government Act, general applicability</td>
<td>788</td>
</tr>
<tr>
<td>Local Governmental Employees' Retirement System, miscellaneous amendments</td>
<td>442</td>
</tr>
<tr>
<td>Act amended</td>
<td>898</td>
</tr>
<tr>
<td>Mayors, administration of oaths of office, validated</td>
<td>713</td>
</tr>
<tr>
<td>Metropolitan Sewerage Districts Act, amendments</td>
<td>993</td>
</tr>
<tr>
<td>Mobile homes, Uniform Standards Code, enforcement</td>
<td>961</td>
</tr>
</tbody>
</table>

### Motor vehicles:

- Firemen, authority to enforce traffic laws and ordinances             | 59      |
- School busses, municipal streets, other traffic, stopping requirements | 952     |
- Traffic officers, willful disobedience prohibited                     | 59      |
- Municipal Board of Control, abolished; charters issued ratified       | 673     |
- Act amended                                                           | 1225    |
- N. C. Zoological Garden, assistance from non-tax revenues             | 1104    |
- Name change, procedure; subject to referendum                         | 680     |

### Officials:

- Elective and non-elective, residence qualifications                  | 134     |
- Self-interest regulatory act, amended as to public assistance programs | 1027    |
- Planning, State Department of Administration, cooperation             | 1144    |
- Police officers, employment of non-residents                          | 23      |
- Population estimates by reactivated municipalities for sharing State funds | 873     |
- Real property, sale, exchange, lease or joint use between governmental units and agencies | 806     |
- Redevelopment programs, annual basis financing                        | 254     |
- Riots and civil disorders, authority for remedial action; ordinance powers | 869     |
- Rural Recreation Districts, establishment authorized                | 811     |

1769
## Index to Session Laws

### Municipal Corporations—(Continued)
- Salary reductions, statute repealed ........................................ 870
- Sales and Use Tax, Local Option Act ........................................ 1228
- Act amended ................................................................. 1287

### Schools—see Schools and School Districts
- Solid waste disposal programs, federal loans and grants ........ 899
- Special assessments, enforcement proceedings, appeals ........ 44
- State Building Code, copy furnished to Chief Building Inspector ... 1229

### Streets:
- Dedication in partition proceeding ........................................ 45
- Eminent domain, acquisition of entire parcel of land when severed by street right of way ................................. 601
- State aid (Powell bill) funds, allocations; clarifying amendments 665
- State Highway System streets:
  - Construction, maintenance and improvement; contracts with State Highway Commission ................................................. 798
  - Improvements .................................................................... 978
- Traffic improvement projects;
  - contracts with State Highway Commission ............................. 794
- Subdivision control act, county exemptions removed .......... 1010
- Unfit dwellings, elimination; procedures; creation of Housing Appeals Board ....................................................... 868
- Urban redevelopment functions, alternative methods .......... 1217
- Vital statistics, regulatory powers as to records repealed .......... 1031
- Water and Sewer Authorities Act, revisions ......................... 850
- Water safety committees, authorized ...................................... 1093
- Zoning, county exemptions removed from enabling act .......... 1010

### Municipal Finance Act:
- Amendments as to debt limitations ....................................... 995
- Act repealed ......................................................................... 1288
- Bonds, interest rate limitation removed ................................. 686
- Cable television systems, period of usefulness ......................... 834
- Statement of bonded indebtedness, deduction of sewer system debt 1092

### Murfreesboro, Town of:
- Mayor and commissioners, compensation .................................. 368

### Museums:
- State Art Museum, location .................................................. 545
- Tobacco museum, establishment ................................................ 840

1770
INDEX TO SESSION LAWS

Chapter

Mutual Deposit Guaranty Associations:
Authorized investments .................................. 816

N

Nags Head, Town of:
Board of Commissioners, election of members .............. 62

Names:
Adopted persons, adults, change of name ..................... 21
Municipal corporations, change of name; procedure .......... 680

Narcotics:
Motor vehicles, driving under influence, punishment .......... 50
Narcotics and other stimulants, regulatory laws amended ....... 970
Prison employees subject to addiction, restriction as to employment 382

Nash County:
Ad valorem taxes, discount for prepayment ..................... 148
Alcoholic beverages, purchase-transportation permits .......... 617
Ambulance services, collection of charges ..................... 708
Board of Commissioners, compensation of members .......... 937
Board of Education, compensation of members ............... 1248
Powell, Mrs. Joe, compensation for injuries ................. 159
Rocky Mount, registration of voters .......................... 1051

Nashville, Town of:
Charter, consolidation and revision ........................... 320

National Guard and State Militia: (see also Military Affairs)
Assistant to Adjutant General, full-time employee ............. 623
Commissions by brevet ........................................ 623
Compensation of members on State duty ....................... 986
Immunity of members of Guard or State Militia from civil
and criminal liability, in aid of civil authorities ............ 969
National Guard Mutual Assistance Company .................. 674
Public buildings, enforcement of evacuation orders .......... 1129

Natural Gas—see Oil and Petroleum

Navigable Waters: (see also Rivers and Streams)
Federal Water Resources Development Law ................. 724, 968
Practices marring beauty, regulated .......................... 792
Uniform State Waterway Marking System ..................... 1093

1771
INDEX TO SESSION LAWS

Chapter

Negotiable Instruments and Worthless Checks:

Garnishment for taxes, instruments issued by garnishee to taxpayer ......................................................... 1071
Interest, legal rates .......................................................................................................................... 1303
Minors, execution of notes for education loans ........................................................................ 1073
Security instruments for future advancement and obligations .................................................. 736
Uniform Commercial Code, miscellaneous amendments ...................................................... 1115

Worthless checks:

Hearings in cases by magistrates ................................................................. 876
Maximum punishment ......................................................................................... 1014

New Bern, City of:

Charter, election laws amended; corporate limits ................................................................. 213
Civil Service Board, powers and duties ................................................................. 324
Firemen's Relief Fund, purchase of group insurance ..................................................... 704

New Hanover County:

Alcoholic beverages, purchase-transportation permits ............................................. 617
Board of Commissioners:
  Compensation of members ..................................................................................... 371
  Maintenance of watershed improvement programs .................................................. 958
County officials, compensation ............................................................................... 245
Divers, display of warning flag ................................................................................. 97
House of Representatives, numbering of seats in elections .................................... 1054
Private parking lots, removal of vehicles .................................................................. 173
School teachers, pensions ......................................................................................... 528
Soil and water conservation, appropriations for program ........................................ 64
Wilmington College, continuing liability for indebtedness incurred in aiding .............. 297
Wilmington Pony League, Inc., discharge of taxes ..................................................... 564

Newport, Town of:

Board of Commissioners, compensation of members ................................................. 303
Municipal elections, procedure regulated ................................................................... 495

Newton, City of:

Elections, use of County registration books ............................................................... 240
Firemen's Supplemental Relief Fund, establishment; payment of benefits .............. 363

Non-Profit Corporations—see Corporations

1772
INDEX TO SESSION LAWS

Chapter

Non-Residents:
Fiduciary corporations of adjacent States, authority to do business in North Carolina .................. 839
Foreign executors and administrators, validation of conveyances ... 1067
Hunting, trapping and fishing license fees .................. 1042
Motor vehicles:
     Driver's license, renewal by temporary non-residents .......... 183
     Safety equipment inspections, exemption of vehicles sold to non-residents .................. 219

Norlina, Town of:
     Town Commissioners, number of members .................. 95

North Carolina Armory Commission—see under State Commissions

North Carolina Association of Rescue Squads:
     Appropriation for communications center .................. 1136

North Carolina Board of Landscape Architects—see State Boards
North Carolina Board of Nursing—see State Boards
North Carolina Board of Water and Air Resources—see State Boards

North Carolina Capital Building Authority—see State Agencies and Administrative Boards
North Carolina Compulsory Meat Inspection Act .................. 893
North Carolina Constitution—see Constitution of North Carolina
North Carolina Courts Commission—see State Commissions
North Carolina Dental Society—see Dentistry
North Carolina Forest Advisory Committee—see State Agencies and Administrative Boards
North Carolina Good Neighbor Council—see State Agencies and Administrative Boards

North Carolina Housing Corporation:
     Appropriation .................................................. 1162
North Carolina Housing Corporation Act .................. 1235
North Carolina Industrial Commission—see State Commissions

North Carolina Law on the Protection of Minors from Harmful Materials .................. 1215

North Carolina Library Commission—see State Commissions

1773
INDEX TO SESSION LAWS

Chapter

North Carolina Local Governmental Employees' Retirement System—see Retirement Systems

North Carolina Medical Care Commission—see State Commissions

North Carolina Metropolitan Sewerage Districts Act:
   Revenues defined; issuance of bonds and notes; interest rates .... 993

North Carolina Real Estate Licensing Board—see State Boards

North Carolina Recreation Commission—see State Commissions

North Carolina Sanatoria—see under State Institutions

North Carolina Stadium Authority—
   see State Agencies and Administrative Boards

North Carolina State Bar—
   see State Agencies and Administrative Boards

North Carolina State Boards—see State Boards

North Carolina State Commission for the Blind—
   see State Commissions

North Carolina State Construction Finance Authority—
   see State Agencies and Administrative Boards

North Carolina State Employment Service—
   see Employment Security Law

North Carolina State Examining Committee of Physical Therapy—
   see State Agencies and Administrative Boards

North Carolina State Hearing Aid Dealers and Fitters Board—
   see State Agencies and Administrative Boards

North Carolina State University at Raleigh—see State Institutions

North Carolina Symphony Society, Inc.:
   Appropriations ......................................................... 1105
   Exemption from privilege license taxes .............................. 100
   State Teachers' and State Employees' Retirement Systems,
      eligibility of permanent employees ........................... 1227

North Carolina Tuberculosis Hospital System—see State Institutions

North Carolina Underwriting Association:
   Creation, composition; plan of operation .......................... 249

North Carolina Utilities Commission—see State Commissions

North Carolina Veterans Commission—see State Commissions

1774
INDEX TO SESSION LAWS

Chapter

North Carolina Vocational Textile School—see State Institutions

North Carolina Water Safety Committee—
see State Agencies and Administrative Boards

North Carolina Wildlife Resources Commission—
see State Commissions

North Carolina Workmen's Compensation Act—
see Workmen's Compensation Act

North Carolina Zoological Authority—
see State Agencies and Administrative Boards

North Carolina Zoological Garden:
Provision for establishment and location .................................. 1104

North Wilkesboro, Town of:
Alcoholic beverages, purchase-transportation permits ............... 617
Firemen's Supplementary Fund, establishment ....................... 120

Northampton County:
A.B.C. Board, allocation of profits ...................................... 226
Board of Education, appointment of members ....................... 248
Rich Square School District, tax levy .................................. 1226

Notaries Public: (for acts relating to particular county, or Notary, see under county involved)
Acts of notaries using seal with incorrect State designation, validated ................................................................. 83
Acts validated .................................................................. 639, 716
Appointments, terms, revocation of commissions; qualification ..... 912
Attorneys-in-fact, improper acknowledgments before notaries, validated .......................................................... 951
Corporate deeds and other conveyances, improperly acknowledged, validated .................................................. 953
Register of deeds, assistants and deputies, ex officio notary duties .. 664
Terms; fees ...................................................................... 563

Notes—see Bonds and Notes; Negotiable Instruments and Worthless Checks

Nurses:
Baccalaureate degrees in nursing, diploma school credits ............ 547
Hospital programs of nursing education, appropriations ............ 1138
Licensed Practical Nurses, diploma school credits
for prior education and experience ............................................. 518
INDEX TO SESSION LAWS

Chapter

Nurses—(Continued)
  Nurses' Week in North Carolina, designation .................................. 520
  Nursing instructors, qualification of R. N. graduates
    of diploma schools ......................................................... 524
  Recruitment program and establishment of new schools
    of nursing, funds provided ................................................ 1219
  School credits, certification to licensing boards of other States .... 942
  Schools for nurses, hospital beds requirement .......................... 1079
  Student scholarship loans, interest rate .................................. 1069

Nursing Homes:
  Nursing Home Administrator Act ........................................ 843

O

Obscenity:
  Law on Protection of Minors from Harmful Materials .................. 1215

Official Bonds—see Surety Bonds

Oil and Petroleum:
  Gasoline, transportation regulations .................................... 1241
  Gasoline taxes ........................................................................ 600
    Act amended ...................................................................... 1056, 1098
  Liquefied petroleum gases, regulation of storage and handling
    and installation of appliances ........................................... 1133
  Motor fuel taxes, refunds .................................................... 600
    Act amended ...................................................................... 1098
  Transporting inflammable materials, regulation ......................... 1231

Old Age Assistance—see Social Services

Onslow County:
  Alcoholic beverages, purchase-transportation permits ............... 617
  Ambulance services, collection of charges .................................. 708
  Beer and wine, issuance of permits for sale .................................. 728
  Board of Commissioners, election and terms of office ................. 151, 167
  Board of Education, election of members .................................. 2
  Elections, persons having access to voting enclosure ................. 1280
  Technical institute, tax levy .................................................. 1035

Optometrists:
  Continuing education requirements; provision for programs .......... 354
  License fees ........................................................................ 624
  Professional Corporation Act ................................................ 718

1776
INDEX TO SESSION LAWS

Chapter

Orange County:
Alcoholic beverages, purchase-transportation permits ............... 617
Board of Education:
Appointment of member ............................................. 701
Residence of members .............................................. 124
Board of Elections, transfer of names of registrants ............... 823
Carnivals, restrictions on licensing ................................ 857
Private parking lots, removal of vehicles .......................... 173
Oriental, Town of:
Corporate limits, extension ........................................ 1240
Osteopathic Physicians—see Physicians and Surgeons
Oxford, City of:
Granville County Board of Education, conveyance of property .... 431
Oysters—see Fish and Fisheries

P

Pamlico County:
Alcoholic beverages, purchase-transportation permits ............... 617
Board of Education:
Appointment of members ............................................. 248
Conveyance of property for community center ...................... 93
Deadly weapons, disposition ......................................... 1117
Parent and Child: (see also Minors)
Adoption, illegitimate child, effect of legitimation
after consent of mother ............................................... 534
Afflicted children, exclusion from public schools,
appeal from administrative decision .............................. 340
Blind and deaf children, compulsory schooling ..................... 749
Child's yearly allowance from parent's estate ...................... 269
Compulsory school attendance law, revisions ....................... 799
Control of children, regulatory act .................................. 1080
Handicapped dependent child, nonsupport, misdemeanor ........... 889
Neglected children, custody; criminal offenses ..................... 911
Non-support of child or parents, punishment ....................... 1045
Removal of child from State, in violation of judicial
custody award, felony .............................................. 81

1777
# Index to Session Laws

## Parks and Recreation
- For local acts, see particular county or municipality
- Rural Recreation Districts, establishment authorized: 811
- State Department of Local Affairs, recreation functions: 1145

## Parole and Probation Laws
- (see also Correctional Institutions under State Institutions)
- Juveniles, probation: 911
- Mandatory review of probation: 615

## Paroles Commissioner—see under State Officials

## Parrott, Lemuel
- Compensation for unjust imprisonment: 1183

## Partnerships
- Electrical contractors, licensing of partnerships: 669

## Pasquotank County
- Alcoholic beverages, purchase-transportation permits: 617
- Ambulance services:
  - Collection of charges: 708
  - Compensation of employees: 210
- Board of Commissioners, compensation of members: 312
- County Accountant, appointment; compensation: 273
- Retirement system, contracts authorized; deductions; employment period: 211

## Passenger Tramway Safety Act
- 1021

## Patrol—see State Highway Patrol

## Paving Assessments—see Counties; Municipal corporations;
- for local acts, see particular county or municipality

## Peace Officers—see Law Enforcement Officers; for local acts,
- see particular county or municipality

## Pembroke, Town of
- Alcoholic beverages, purchase-transportation permits: 617

## Pender County
- A.B.C. Board, expenditures for law enforcement: 609
- Board of Commissioners, compensation of members: 268
- Board of Education:
  - Appointment of members: 248
  - Compensation of members: 268
### Index to Session Laws

- **Pender County**—(Continued)
  - Divers, display of warning flag ........................................... 97
  - Hunting from public roads, regulations ................................... 129
  - Hunting season for certain animals, regulations ....................... 258
  - Soil conservation districts, powers; validation of acts ............... 286

- **Pensions**—see Retirement Systems

- **Performance Bonds**—see Surety Bonds

- **Permits**—see Licenses and Licensing Boards

- **Perquimans County**:
  - Board of Education, appointment of members .......................... 248
  - Deadly weapons, disposition ............................................. 1117

- **Person County**:
  - Alcoholic beverages, purchase-transportation permits ............... 617
  - Ambulance services, collection of charges ............................ 708
  - Board of Commissioners:
    - Compensation of members ............................................. 453
    - Filling of vacancies .................................................. 82
    - Tax levies for special purposes ..................................... 103
  - Roxboro, merger of departments ........................................ 1286

- **Personal Property**:
  - A.B.C. boards, sale of personal property ................................ 118
  - Community Colleges, disposition of property .......................... 328
  - Fraudulent disposal of property subject to security interest ....... 984
  - Tax listing of movable tangible property, place ...................... 940
  - Uniform Commercial Code, miscellaneous amendments ................. 1115

- **Personal Representatives**—see Estates

- **Petroleum**—see Oil and Petroleum

- **Pharmacists**: (see also Drugs and Druggists)
  - Code of professional conduct .......................................... 533
  - Student scholarship loans, interest rate ................................ 1069

- **Physical Therapy Practice Act** ......................................... 556

- **Physicians and Surgeons**:
  - Immunity for reporting cancer .......................................... 5
  - Marriage licenses, physical examinations, authorized physicians .... 759
  - Medical assistance for needy persons .................................. 546

1779
<table>
<thead>
<tr>
<th>Physicians and Surgeons—(Continued)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical examiners:</td>
</tr>
<tr>
<td>Autopsies, limitation upon right to perform</td>
</tr>
<tr>
<td>Statutes applicable when office of coroner abolished</td>
</tr>
<tr>
<td>Medical practice act, miscellaneous amendments</td>
</tr>
<tr>
<td>Non-residents, approval for treatment of Workmen's Compensation claimants</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Osteopathic physicians:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Practice of medicine not illegal when licensed</td>
</tr>
<tr>
<td>Provision for licensing</td>
</tr>
<tr>
<td>Patients, confidential relationship, compelling disclosure of information</td>
</tr>
<tr>
<td>Professional Corporation Act</td>
</tr>
<tr>
<td>Student scholarship loans, interest rate</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pinebluff, Town of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor and Commissioners, election</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pinehurst, City of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate limits, establishment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pitt County:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholic beverages, purchase-transportation permits</td>
</tr>
<tr>
<td>Ambulance services, collection of charges</td>
</tr>
<tr>
<td>Board of Commissioners:</td>
</tr>
<tr>
<td>Compensation of members</td>
</tr>
<tr>
<td>Regulation of tax listing</td>
</tr>
<tr>
<td>Board of Education:</td>
</tr>
<tr>
<td>Appointment of members</td>
</tr>
<tr>
<td>Lease of certain property</td>
</tr>
<tr>
<td>Registration of documents, identification of draftsman</td>
</tr>
<tr>
<td>Senatorial district, numbering of seats</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pittsboro, Town of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning, territorial jurisdiction</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planning: (see also Zoning and Planning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional planning boards, submission of non-State fund projects to Department of Administration</td>
</tr>
<tr>
<td>State and Regional Planning, Department of Administration, functions</td>
</tr>
<tr>
<td>State Department of Local Affairs, planning assistance to municipalities and counties</td>
</tr>
</tbody>
</table>
INDEX TO SESSION LAWS

Chapter

Plats—see Maps and Surveys

Pleasant Hill, Community of:
   Elkin, annexation of area ........................................ 712

Plymouth, Town of:
   Corporate limits, establishment .................................. 251

Podiatrists:
   Professional Corporation Act ..................................... 718

Police Officers—see Law Enforcement Officers; for local acts, see particular county or municipality

Polk County:
   Board of Commissioners, regulation of tax listing ............. 558
   Board of Education, appointment of members ..................... 248
   Elections, registration of voters ................................ 171
   Jail, control by sheriff ............................................. 310
   Non-game fish, snagging in certain area .......................... 659

Polkton, Town of:
   Charter, revision and consolidation ................................ 936

Polkville, Town of:
   Incorporation ....................................................... 819

Pollution:
   Air pollution control, local and regional programs ............. 538
   Water pollution control, classification of waters
     for scientific or research uses ................................ 822

Ponds—see Rivers and Streams

Pornography:
   Law on Protection of Minors from Harmful Materials ............ 1215

Poultry:
   Infectious disease control ........................................ 606, 693
   Regulatory law, amendments ..................................... 464

Primaries—see Elections and Election Laws

Principal and Agent:
   Attorneys-in-fact, improper acknowledgments validated .......... 951
   Real estate agents and brokers, regulatory law amendments .... 191

Principal and Surety—see Surety Bonds

1781
Printing—see State Publications

Prisons and Prisoners: (see also State Department of Correction; see Correctional Institutions under State Institutions)
Agreements among local government units for use of common jail facilities .................................................. 743
Bail and release on defendant’s recognizance, provision for uniform standards ............................................. 1062
Convicts, confinement pending appeals ............................................ 542
County prisoners, transfer to State Department of Correction .... 462
Act amended .................................................................. 1130
Jailers and other custodians, fee regulations .................................. 1090
State Department of Correction, personnel, regulation of conduct . 382
Uniform jail fees, Judicial Department Act of 1965, amendments . 1190

Privilege Tax—see Taxes

Probate and Registration: (see also Register of Deeds)
Corporate dissolution decrees and charter suspensions, recording and indexing ............................................ 965
Federal tax lien registration act, amendments ................................. 216
Federal tax liens, duties of Register of Deeds; fees ......................... 80
Identification of parties signing instruments .................................... 694
Mortgages and deeds of trust, methods of discharge ....................... 746
Officials authorized to take proof, law amended .................... 44
Register of Deeds:
  Certification of acknowledgments; notary powers .................. 664
  Uniform schedule of fees ............................................... 80
Uniform Commercial Code, miscellaneous amendments ............ 1115
Validating acts—see that topic

Probate of Wills—see Wills

Probation Laws—see Parole and Probation

Process—see Civil Procedure; Criminal Procedure

Profanity:
  Use by prison employees, prohibited .................................. 382

Professional Corporation Act .................................................. 718

Prohibition Laws—see Alcoholic Beverages

Property—see Personal Property; Real Estate

Prosecution Bonds—see Surety Bonds

1782
Psychologists:
  Professional Corporation Act ........................................ 718

Public Accountants:
  Professional Corporation Act ........................................ 718

Public Assistance—see Social Services

Public Buildings and Grounds:
  Acquisition of property by Department of Administration .......... 1091
  Capital Building Authority, expansion of services .................. 112
  Capital improvement projects, selection of architects and engineers 1157
  Community College, disposition of properties ...................... 338
  Construction contracts, settlement of controversies ............... 950
  Construction projects, revenue bonds for financing ............... 1048
  Demonstrations and other disorderly conduct in public buildings, punishment .................................... 740
  Evacuation of public buildings in emergencies .................... 1129
  Parking lots in Raleigh, removal of unauthorized vehicles .......... 627
  Sale, lease, exchange, joint use of real property, State and local governmental units ................. 806

Public Contracts—see Contracts and Purchases

Public Drunkenness—see Crimes and Punishment; for local acts see particular county or municipality

Public Health: (for local acts, see particular county or municipality)
  Advisory Council on Alcoholism, creation, functions ................ 676
  Bottled drinks, sanitation requirements ................................ 1068
  Cancer, immunity for persons making reports ....................... 5
  County and district boards, additional members .................... 719
  Eggs for sale, standards ............................................ 139
  Health professions, careers in, funds for promoting ............... 1219
  Mental Health Council, membership .................................. 900
  Private mental institutions and homes, licensing law amended .... 954
  Solid waste disposal programs, planning, development and conduct . 899
  Tuberculosis, treatment in State Sanitoria, cost payments by patients .................................... 20
  Wastewater treatment plant operators, examination and certification .................................. 1059
  Water treatment facility operators, examination and certification .................................. 1059

Public Hospitals—see Hospitals and Hospital Districts

1783
Public Housing Authorities:
County Commissioners, authority to act as Authority .................. 785
Municipal corporations, alternative methods of exercising
housing authority functions ........................................... 1217
North Carolina Housing Corporation Act .............................. 1235

Public Morals, Offences Against:
Law on the Protection of Minors from Harmful Materials ............. 1215

Public Officials—see State Officials; for local acts,
see particular county or municipality

Public Records: (see also Probate and Registration)
Birth and death certificates, open to public inspection ............... 1031
Burnt and lost records, proceedings for replacing, appeals .......... 44
Juvenile court records, public inspection withheld ................... 911
Licensed brokers and salesmen of real estate,
roster open to public inspection ..................................... 191
Motor Vehicles Department, reports concerning incompetents,
alcoholics and others, confidential status .......................... 1125
Proof by affidavit of custodian ....................................... 886
Act amended ...................................................................... 1276
Social services, public assistance records, confidentiality ........... 546

Public Roads—see Roads and Highways

Public Schools—see Schools and School Districts

Public Utilities: (see also Utilities Commission under State Commissions)
Appeals to court of appeals, utilities commission cases ............... 614
Corporate affiliates, inspection of records ............................. 764
False information to Utilities Commission, penalties .................. 765
Motor Carriers:
Common carriers, vehicle inspection ..................................... 763
Interstate carriers, penalties for failure to register authority ....... 645
Interstate carriers of commodities, registration ....................... 721
Interstate common carrier vehicles, safety regulations ............... 722
Taxicabs, exemption from regulation ................................... 681
Natural gas pipelines, inspection agreements between
Utilities Commission and Federal agencies ........................... 646
Public Utilities Act, references to federal rule-making authority .... 723
Radio common carriers, regulation ...................................... 766

1784
### Index to Session Laws

#### Chapter

**Public Utilities**—(Continued)

- Railroad industrial sidings, construction regulation, technical amendment ................................ 723
- Security instruments, after-acquired property clause, effect ........ 813

**Public Welfare**: (see also Social Services; see State Board of Social Services; for local acts, see particular county)

- Name references, change to Social Services .......................... 981, 982

**Public Welfare Work Incentive Program Act of 1969** ................. 739

**Publication Laws**: (see also State Publications)

- Ad Valorem tax discount schedules, publication ......................... 921
- Agricultural products promotion, referenda on assessments by mail; public notice .................................................. 111
- Conservation and Development Department, publication of notice of action under dredging law ................................ 791

**County Commissioners**:

- Notice of intention to fix own compensation and allowances ... 180
- Notice of meeting place and day .......................................... 349
- Act amended ....................................................................... 1036

**County ordinances, publication in newspaper** .......................... 36

**Courts, Appellate Division**, printing of reports ......................... 44

**Election boards**, notice of establishment or change of precincts .... 570

**Harmful materials**, protection of minors, regulatory law .......... 1215

**Municipal governing board members**, notice of intention to fix own compensation and allowances ................................... 181
- Act amended ....................................................................... 253

**Municipality**, change of name, referendum, publication of notice ... 680

**Real property**, disposition or joint use between governmental units and agencies, notice of hearing on proposal ..................... 806

**Riots and civil disorders**, emergency proclamations, publicity ...... 869

**Summons**, service by publication ......................................... 895

**Purchases and Contracts**—see Contracts and Purchases

### R

**Race Relations**:

- General Statutes, amendments eliminating references to race ...... 1279
- North Carolina Good Neighbor Council, appointment, duties and compensation of Director ............................................. 357
- Schools, assignment of pupils on basis of race, prohibited .......... 1274

1785
INDEX TO SESSION LAWS

Radio and Television:
- Cable television systems, period of usefulness under Municipal Finance Act ........................................ 834
- Radio common carriers, regulation .......................................................... 766

Raeford, City of:
- Change of corporate name and governing body ........................................... 244

Railroads: (see also Carriers)
- Industrial sidings, construction regulation, technical amendment .................. 723

Raleigh, City of:
- Charter, revision ......................................................................................... 383
- Civil Service Commission for police and fire department, powers and duties .................. 331
- Elections, voters in annexed territories .......................................................... 58
- Firemen’s Supplemental Retirement Fund, establishment ............................... 421
- Paving of streets, assessment procedure ........................................................ 974

Randolph County:
- Archdale-Trinity, incorporation ................................................................... 667
- County Administrative Unit, issuance of bonds ............................................... 731
- Elections, persons having access to voting enclosure ...................................... 1280
- Justices of peace, appointments .................................................................... 1033
- Tax supervisor, appointment; term of office .................................................. 375

Ranlo, Town of:
- Charter, amendments .................................................................................... 661

Real Estate:
- A.B.C. boards, sale of real estate ................................................................. 118
- Brokers and salesmen of real estate, regulatory law amendments .................. 191
- Buildings, Unit Ownership Act, definition of “building” and “condominium unit” .......................................................... 848
- Community Colleges, disposition of property ................................................ 338
- Deeds and conveyances—see that topic
- Excise stamp tax, responsibility for affixing stamps .................................... 599
- Flood plain management, land use regulations, local government responsibility .......................................................... 473
- Garbage, unauthorized deposits, penalties .................................................... 22
- Investment trusts, interest rate ........................................................................ 127
- Liens for ambulance services at public expense ........................................... 684
- Liens of mechanics, laborers and materialment, statutes rewritten ............... 1112

1786
INDEX TO SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Real Estate—(Continued)</td>
</tr>
<tr>
<td></td>
<td>Life insurance companies, investments in real estate .................. 1199</td>
</tr>
<tr>
<td></td>
<td>Loans on real estate, legal interest rates                           1303</td>
</tr>
<tr>
<td></td>
<td>Marshlands, tax valuation limitations                                 945</td>
</tr>
<tr>
<td></td>
<td>Act amended                                                          1250</td>
</tr>
<tr>
<td></td>
<td>Mortgages and deeds of trust—see that topic</td>
</tr>
<tr>
<td></td>
<td>Posted signs, penalty for mutilation or destruction                   51</td>
</tr>
<tr>
<td></td>
<td>Security instruments for future advancements and obligations          736</td>
</tr>
<tr>
<td></td>
<td>Streets, dedication in partition proceeding                           45</td>
</tr>
<tr>
<td></td>
<td>Subdivision control, county exemptions removed                       1010</td>
</tr>
<tr>
<td></td>
<td>Tenancy by entirety, creation in partition proceeding or division by deeds 748</td>
</tr>
<tr>
<td></td>
<td>Title to real estate, curative statutes—see Validating Acts</td>
</tr>
<tr>
<td></td>
<td>Torrens Law, proceedings, appeals                                    44</td>
</tr>
<tr>
<td></td>
<td>Trees, crops, etc., injury to, penalties                             22</td>
</tr>
<tr>
<td></td>
<td>Unfit dwellings:</td>
</tr>
<tr>
<td></td>
<td>Procedures for demolition, removal; appeals                          868</td>
</tr>
<tr>
<td></td>
<td>Repair, closing, demolition, regulatory law applicable to counties    913</td>
</tr>
<tr>
<td></td>
<td>Unsecured real property improvement loans                            737</td>
</tr>
<tr>
<td></td>
<td>Welfare liens, release                                               1216</td>
</tr>
<tr>
<td></td>
<td>Zoning, county exemptions removed from act                           1010</td>
</tr>
<tr>
<td></td>
<td>Recreation—see Parks and Recreation</td>
</tr>
<tr>
<td></td>
<td>Red Springs, Town of:</td>
</tr>
<tr>
<td></td>
<td>Public Schools, study commission                                     887</td>
</tr>
<tr>
<td></td>
<td>Town manager, appointment and duties                                 212</td>
</tr>
<tr>
<td></td>
<td>Reformatories—see Correctional Institutions under State Institutions</td>
</tr>
<tr>
<td></td>
<td>Refrigeration Contractors:</td>
</tr>
<tr>
<td></td>
<td>Fees for examination and licenses; annual renewal fee                314</td>
</tr>
<tr>
<td></td>
<td>Regional Universities—see State Institutions</td>
</tr>
<tr>
<td></td>
<td>Register of Deeds: (see also Probate and Registration)</td>
</tr>
<tr>
<td></td>
<td>Adopted persons, name change, notification by State Registrar        21</td>
</tr>
<tr>
<td></td>
<td>Clerk to Board of Commissioners, appointment authorized; duties     207</td>
</tr>
<tr>
<td></td>
<td>Corporate dissolution decrees and charter suspensions, recording and indexing 965</td>
</tr>
<tr>
<td></td>
<td>Employees, appointment and discharge; compensation                   358</td>
</tr>
<tr>
<td></td>
<td>Act amended                                                          1017</td>
</tr>
<tr>
<td></td>
<td>Excise stamp tax, real estate conveyances, law clarified             599</td>
</tr>
</tbody>
</table>

1787
Register of Deeds—(Continued)

Federal tax liens, duties as to filing; fees ........................................ 80
Fees, uniform schedule ................................................................. 80
Indexing procedures, identification of parties .................................. 694
Jurors, custody of lists; other duties ............................................... 205
Marriage licenses, physical examinations, authorized physicians ....... 759
Mortgages and deeds of trust, discharge of record, methods;
duties of Register .......................................................................... 746

Notaries Public:
Ex officio duties of Register, assistants and deputies,
as Notaries Public ........................................................................... 664
Qualification; records ....................................................................... 912
Oaths of office, authority to administer .......................................... 499
Official seal, size and design ............................................................ 1028
Surety bond limits .......................................................................... 636
Unfit dwellings, ordinance ordering demolition, recording .......... 868
Uniform Commercial Code, miscellaneous amendments .............. 1115
Vital Statistics, law rewritten ........................................................... 1031

Registration of Voters—see Elections and Election Laws;
for local acts, see particular county or municipality

Registration Plates—see Motor Vehicles

Reidsville, City of:
Alcoholic beverages, purchase-transportation permits .................. 617
Firemen’s Relief Fund, establishment of supplemental retirement fund 412
School Board, election of members ................................................. 574

Retirement Systems:
Federal employees, retired, exemption
of retirement benefits from income tax ........................................... 1272
Firemen’s Pension Fund:
Pensions exemption from State and municipal taxes .................... 486
Secretary subject to State Personnel Act ....................................... 359
Law Enforcement Officers, retirement benefits,
exclusion from income tax .............................................................. 178
Legislative Retirement Fund Act ..................................................... 1269
Local Governmental Employees’ Retirement System:
Administration, contributions, benefits, service;
miscellaneous amendments ............................................................ 442
Act amended ................................................................................. 898

1788
INDEX TO SESSION LAWS

Chapter

Retirement Systems—(Continued)
Local Governmental Employees' Retirement System—(Continued)
Transfers to Teachers' and State Employees' Retirement System ....................................... 1223
Teachers' and State Employees' Retirement System:
Appropriations for increase in pensions for former teachers and employees ........................... 1156
Board of Trustees, additional members ............................................................................. 805
Court of Appeals, judges ineligible for participation ......................................................... 44
Employees of N. C. State Firemen's Association, election as to leaving contributions with Retirement System ................................................................. 847
Local professional associations, effect of position with ...................................................... 540
Miscellaneous amendments to act governing system .......................................................... 1223
North Carolina Symphony Society, Inc., eligibility of permanent employees for membership ................................................................. 1227

Revenue Act: (see also Taxes)
Codification and printing ....................................................................................................... 352

Revenue Bond Act: (see also Bonds and Notes)
Amendments: terms redefined; pledge of revenues; refunding bonds ..................................... 1118
Interest rate limitation removed ............................................................................................. 688

Rich Square, Town of:
School District, tax levy ....................................................................................................... 1226

Richmond County:
Alcoholic beverages, purchase-transportation permits ....................................................... 617
Ambulance services, collection of charges ............................................................................ 708
Board of Education, purchase of school property ................................................................. 992
Elections, compensation of judges and registrars ................................................................... 507
Hamlet, additional seat of District Court ............................................................................... 1254
Municipal police officers, territorial jurisdiction ..................................................................... 52
Richmond Technical Institute, use of funds, if converted to Community College .................. 376
Sales tax, distribution of proceeds ......................................................................................... 1277

Riots and Civil Disorders:
Campus curfews, institutions of higher learning; regulatory law ........................................ 860
Demonstrations and other disorderly conduct in public buildings, punishment ................. 740
INDEX TO SESSION LAWS

Chapter

Riots and Civil Disorders—(Continued)

Governor's Committee on Law and Order ........................................  57
National Guard Mutual Assistance Compact ......................................  674
National guardsmen and members of State militia, civil and
   criminal immunity while aiding civil authorities ......................  969
Obstructing justice by violating court orders, punishment .......... 1128
Prisoners, transfer when jail facilities insufficient ............... 462, 1130
Property insurance in riot-potential areas, provision for ........ 1284
Public buildings, evacuation during emergencies .................. 1129
Riots and civil disorders act; laws revised,
   clarified and supplemented ..................................................  869
Scholarships and grants, State educational institutions,
   revocation upon civil disorders convictions ..................... 1019
State Department of Local Affairs, law and order functions ..... 1145
Veterans, revocation of scholarships, campus disorders ..........  720

Rivers and Streams:

Dredging by adjoining owners, regulation ...........................  791
Estuaries, study and preparation of conservation and
   development plan .......................................................... 1164
Federal Water Resources Development Law ............................  724, 968
Flood plain management, local government responsibility ..........  473
Navigable waters, practices marring beauty, regulated ..........  792
Obstructions in streams and drainage ditches, punishment ..........  790
Private ponds, boats, exemption from motorboat law ............  87
Uniform State Waterway Marking System, adoption ................ 1093
Water pollution control, classification of waters for
   scientific or research uses .............................................  822
Water Safety Committee, creation, membership, functions ...... 1093

Roads and Highways: (see also Motor Vehicles)

Condemnation actions, withdrawal of deposits ....................  649
Controlled access highways:

   Access and local service roads, vacating or restricting by
      consent or condemnation ..............................................  795
   Acquisition of lands; determination of just compensation ..  946
   Dedication of streets in partition proceeding ..................  45
   Marking paved highways, center and edge lines, requirements .. 1172
Municipal corporations:

   Highway system streets, construction, maintenance and
      improvement by municipality ........................................  798
INDEX TO SESSION LAWS

Chapter

Roads and Highways—(Continued)
Municipal Corporations—(Continued)

- Improvements to streets forming part of State highway system . . . . 978
- State aid (Powell bill) funds, allocations; clarifying amendments . . . 665
- Urban traffic improvement projects ........................................ 794
- Railroad intersections, passing motor vehicles, restrictions ........... 13
- Sitting or lying upon highways, punishment for violations ............ 1012
- State Highway Bond Act, interest rate, referendum on amendments . 379
- State Highway Commission, relocation assistance to displaced persons and businesses, highway construction ......................... 733
- State highway construction projects, time for filing claims against contractor and surety .................................................... 621
- Unguarded barbed-wire fences, statute repealed ........................... 619

Roanoke Rapids, City of:
- City Council, terms of office ................................................... 390
- Employees’ Retirement System, establishment ............................. 1072
- Firemen’s Relief Fund, disbursement of funds .............................. 481
- Act amended ................................................................................. 1072
- Mayor and Council, election procedure ....................................... 164

Roanoke River Project:
- State appropriation to Industrial Development Commission for Martin County ................................................................. 1160

Robersonville, Town of:
- Corporate limits, extension ....................................................... 252

Robeson County:
- Ambulance services, collection of charges .................................. 708
- Board of Commissioners, regulation of garbage disposal ............... 79
- Board of Education:
  - Conveyance of property by Fairmont City Administrative Unit .... 569
  - Election of members .................................................................. 770
- Bondmen, regulations .................................................................... 217
- Fairmont City School Administrative Unit, annexation of territory .. 161
- Lumberton City Administrative Unit:
  - Annexation of territory ............................................................... 443
  - Act repealed ............................................................................... 611
  - Collection of certain taxes ......................................................... 663, 1094
- Private parking lots, removal of vehicles ....................................... 173
- Public schools, creation of study commission .................................. 887

1791
INDEX TO SESSION LAWS

Chapter

Rockingham, City of:
A.B.C. Board, appointment of members; allocation of profits ...... 115

Rockingham County:
Ambulance services:
Collection of charges .................................................. 708
Obtaining without intent to pay .................................... 292
Board of Commissioners:
Levy of taxes for special purposes .................................. 1024
Regulation of garbage disposal ........................................ 155
Board of Education, appointment of members ...................... 248
Deadly weapons, disposition ......................................... 1117
House of Representatives, numbering of seats for elections ...... 544
Madison-Mayodan City Administrative Unit, annexation of territory 193
Municipalities:
Assistance to persons relocated ..................................... 551
Establishment of A.B.C. stores ....................................... 832
Open spaces and areas, preservation ................................ 856

Rocky Mount, City of:
Board of Education, terms of members ............................... 370
Charter, revisions .......................................................... 427
Elections, registration of voters ....................................... 1051
Firemen's Supplemental Retirement Fund, establishment ............ 434
Unfit dwellings, location of hearings .................................. 433

Rose Hill, Town of:
Mayor and Commissioners, election and terms of office .......... 330

Roseboro, Town of:
A.B.C. stores, allocation of profits ................................... 86
Alcoholic beverages, purchase-transportation permits ............. 617

Rowan County:
Alcoholic beverages, purchase-transportation permits .......... 617
Board of Commissioners, tax levy for special purposes ............ 594
Board of Education:
Appointment of members ............................................. 248
Conveyance of property to vocational workshop .................... 1086
County officials, compensation ....................................... 571
Justices of peace, appointments ..................................... 1033
Rowan Technical Institute, conveyance of property to county .... 398

1792
# Index to Session Laws

**Chapter**

Rowland, Town of:
- Alcoholic beverages, purchase-transportation permits .................. 617

Roxboro, City of:
- Person County, merger of departments .................................... 1286

Rural Recreation Districts:
- Establishment authorized ..................................................... 811

Rutherford County:
- Board of Education:
  - Appointment of members .................................................... 248
  - Election of members ......................................................... 439
  - Elections, registration of voters .......................................... 171
  - Jail, control by sheriff ..................................................... 309
  - Register of deeds, compensation .......................................... 280
  - Sheriff, compensation ...................................................... 281

Saint Pauls, Town of—see St. Pauls, Town of

Salaries and Fees: (for local acts, see particular county or municipality)
- Advisory Committee for Medical Assistance, travel allowances ........ 1041
- Advisory Council on Alcoholism, compensation and allowances of members ..................................................... 676
- Aged persons, permanent hunting and fishing license fee ............... 1030
- Attachment and garnishment for taxes, fees and court costs .......... 1029
- Attorney General, compensation ........................................... 1214
- Attorneys fees:
  - Fees as costs in certain actions for damages ......................... 786
  - Representation of indigents .............................................. 1013
- Blind Advisory Committee and Professional Advisory Committee,
  travel and other allowances .............................................. 1255
- Burial contracts, pre-need, sellers, license fee;
  - fees payable by purchasers .............................................. 187

Clerks of Superior Court:
- Compensation ................................................................. 1186
- Federal Tax Lien Registration Act, fees .................................. 216
- Commercial fishboats, license fees ....................................... 1243
- Council of State, compensation of members ............................. 1214
- County Board of Elections, Executive Secretary, compensation .... 750
- County Commissioners, authority to fix own compensation and allowances ..................................................... 180

1793
Salaries and Fees—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>County electrical inspectors, compensation; inspection fees;</td>
</tr>
<tr>
<td>certification fees</td>
</tr>
<tr>
<td>County officers and employees, compensation and allowances</td>
</tr>
<tr>
<td>Act amended</td>
</tr>
<tr>
<td>Court of Appeals, election of judges, filing fees</td>
</tr>
<tr>
<td>Courts Commission, compensation of members</td>
</tr>
<tr>
<td>Credit unions, supervisory and examination fees</td>
</tr>
<tr>
<td>District Court prosecutors, assistants, compensation</td>
</tr>
<tr>
<td>Elections:</td>
</tr>
<tr>
<td>Court of appeals, judges, filing fees</td>
</tr>
<tr>
<td>Precinct officials, compensation</td>
</tr>
<tr>
<td>Electric and telephone membership corporations,</td>
</tr>
<tr>
<td>per diem allowances for directors</td>
</tr>
<tr>
<td>Electrical contractors, license fees; compensation</td>
</tr>
<tr>
<td>of examining board members</td>
</tr>
<tr>
<td>Employment Security, State Advisory Council,</td>
</tr>
<tr>
<td>compensation and allowances</td>
</tr>
<tr>
<td>Fishing license fees</td>
</tr>
<tr>
<td>General Assembly:</td>
</tr>
<tr>
<td>Clerks and other employees, compensation</td>
</tr>
<tr>
<td>Compensation and expense allowances of members</td>
</tr>
<tr>
<td>and presiding officers</td>
</tr>
<tr>
<td>Legislative interns, compensation</td>
</tr>
<tr>
<td>Legislative Services Commission, subsistence and travel</td>
</tr>
<tr>
<td>allowances of members</td>
</tr>
<tr>
<td>Legislative Services Officer, compensation</td>
</tr>
<tr>
<td>Subsistence and travel allowances for members and officers</td>
</tr>
<tr>
<td>Governor Morehead School, compensation of directors and officers</td>
</tr>
<tr>
<td>Governor’s Committee on Law and Order, compensation of Director and staff</td>
</tr>
<tr>
<td>Hearing aid dealers and fitters, examination and license fees;</td>
</tr>
<tr>
<td>compensation of regulatory board members</td>
</tr>
<tr>
<td>Hunting and trapping license fees</td>
</tr>
<tr>
<td>Jails, fees of jailers and other custodians</td>
</tr>
<tr>
<td>Judges, Superior Court, salary and allowances</td>
</tr>
<tr>
<td>Judicial Department Act of 1965, miscellaneous</td>
</tr>
<tr>
<td>amendments, costs and fees</td>
</tr>
<tr>
<td>Landscape architects, license fees</td>
</tr>
<tr>
<td>Laurel Springs Livestock Weighing Station, fees</td>
</tr>
</tbody>
</table>
Index to Session Laws

Chapter

Salaries and Fees—(Continued)

Local Affairs, compensation of Director; allowances for
  Council and Committee members ......................................... 1145
Magistrates, compensation .................................................. 1186
Medical practice act, examination and registration fees ............ 929
Motor vehicles:
  License fees, placed in dealers'-manufacturers' license fund, increased .......................... 593
Operator's and chauffeur's license, restoration and duplication fees .................................. 783
Registration and license fees, increases .................................. 600
Act amended ........................................................................ 1056, 1098
Registration plates, commissions payable for issuance ................ 1140
Safety equipment inspection stations, fees ............................... 1242
Municipal corporations:
  Board members and mayor, compensation and allowances ........ 181
  Act amended ....................................................................... 253
Salary reductions, statute repealed ........................................ 870
National Guard and Naval Militia, compensation for State duty .... 986
North Carolina Good Neighbor Council, compensation and allowances, members and personnel .... 357
North Carolina State Bar, membership fees of District Bars .......... 241
Notaries public, fees for commissions ..................................... 563
Nursing home administrators, license fees ............................... 843
Optometrists, license fees ...................................................... 624
Physical therapists, license fees; renewal fees ............................ 556
Post-conviction proceedings, cost borne by State ....................... 1296
Poultry, regulatory law, fees .................................................. 464
Precinct officials, compensation ............................................. 24
Professional corporations, registration fees ............................... 718
Public defenders, compensation .............................................. 1013
Redevelopment commissions, county and regional, compensation .. 1208
Refrigeration contractors, examination and license fees .............. 314
Register of deeds, uniform schedule of fees .............................. 80
Schools:
  Student fees, refunds .......................................................... 756
  Textbooks, rental fees prohibited; damage fees ......................... 519
Seashore Advisory Board, allowances ...................................... 1143
Secretary of State, Federal Tax Lien Registration Act, fees .......... 216
Seed law fees, collection ....................................................... 105
Salaries and Fees—(Continued)

Social Service boards, State and local, members and personnel, compensation .............................................. 546
Solicitors, State allowances for expenses ................................................................. 1263
Solicitors and assistants, compensation ................................................................. 1186
Special masters in condemnation proceedings, compensation .................................. 1016
Special Work Projects Panel, compensation of members ........................................... 739
State Banking Commission, determination of fees for operating commissioner's office ........................................ 229
State Board of Alcoholic Control, salary of chairman ............................................... 294
State officials and employees, travel and subsistence allowances ....................... 1153
Teachers' and State Employees' Retirement System, salary of Director for additional duties ........................................ 1269
Uniform Commercial Code, fees for filing assignments and releases .................. 1115
Vital statistics, fees for filing and certifying records ............................................... 1031
Wastewater treatment plat operators:
  Board of Certification, compensation of members ............................................... 1059
  Certification fees ........................................................................................................ 1059
Water treatment facility operators:
  Board of Certification, compensation of members ............................................... 1059
  Certification fees ........................................................................................................ 1059
Zoo Director, salary ...................................................................................................... 1104

Sales: (see also Deeds and Conveyances; for local acts see particular county or municipality)

Antique firearms ........................................................................................................ 101
Apples, sale promotion ............................................................................................... 605
Bakery products with artificial coloring, sale prohibited ........................................... 1121
Cattle, affected with brucellosis, sale prohibited ....................................................... 465
Cattle sales, promotion, collection of assessments ..................................................... 184
Compulsory Meat Inspection Act ............................................................................... 893
Drugs, narcotics and other stimulants, sales regulated ............................................ 970
Eggs, establishment of standards ................................................................................. 139
Feeder pigs, regulation of public sales ....................................................................... 983
Harmful materials, protection of minors, sales regulated ........................................ 1215
Hearing aids, regulation of sales ................................................................................ 999
Local Option Sales and Use Tax Act .......................................................................... 1228
Act amended ................................................................................................................ 1287
Malt beverages, unlawful sales to minors, prima facie evidence ........................... 998
Mobile homes, Uniform Standards Code .................................................................. 961
INDEX TO SESSION LAWS

Chapter

Sales—(Continued)
Peaches, ungraded, sale without labeling ........................................ 849
Poultry, regulatory law, amendments ............................................. 464
Powers, sales under, foreclosures, statute of limitations .................. 984
Revolving credit charges on sales .................................................. 1303
Unordered merchandise, non-liability ............................................. 70

Sales Tax—see Taxes

Saluda, Town of:
Property, private sale ................................................................. 915

Samarkand Manor—see Correctional Institutions
under State Institutions

Sampson County:
Board of Commissioners:
Compensation of members ........................................................... 583
Regulation of garbage disposal ..................................................... 452
Board of Education:
Appointment of members ............................................................. 248
Compensation of members ............................................................ 651
Elections, registration of voters ..................................................... 171
Soil conservation districts, powers; validation of acts ...................... 286

Sanatoriums—see Hospitals and Hospital Districts;
State Institutions

Sanford, City of:
A.B.C. Board, appointment of members .......................................... 470
Alcoholic beverages, purchase-transportation permits ....................... 617
Damage to municipal property, rewards for information ................... 607
Graded School District, vacancies on Board of Trustees ................... 185
Lee County, conveyance of property .............................................. 472
Public streets, notice of closing ..................................................... 19
Water and sewer bond election, validation of notice ......................... 78

Sanitary Districts:
Cemetery lands, acceptance of gifts .............................................. 700
Debts subject to constitutional limitations, referenda authorized ...... 944
Water distribution systems, acquisition outside district .................. 478

Savings and Loan Associations:
Capital, raised through savings deposits or accounts; regulation ....... 449
Excise tax and capital stock tax, amendments ................................. 1075

1797
**INDEX TO SESSION LAWS**

*Savings and Loan Associations*—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiduciaries, investments in certain associations</td>
<td>861</td>
</tr>
<tr>
<td>Intangibles tax, exemption of shares of associations</td>
<td>1122</td>
</tr>
<tr>
<td>Interest, legal rates</td>
<td>1303</td>
</tr>
<tr>
<td>Local governments, investments in certain associations</td>
<td>862</td>
</tr>
<tr>
<td>Pre-need burial contracts, regulation of funds on deposit</td>
<td>187</td>
</tr>
<tr>
<td>Unsecured loans, real property improvements; mobile home financing</td>
<td>737</td>
</tr>
</tbody>
</table>

*Schools and School Districts*: (for local acts, see particular county or municipality)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afflicted children:</td>
<td></td>
</tr>
<tr>
<td>Compulsory attendance law, exemption</td>
<td>339</td>
</tr>
<tr>
<td>Exclusion from public schools</td>
<td>340</td>
</tr>
<tr>
<td>Assignment of pupils; involuntary bussing of pupils</td>
<td>1274</td>
</tr>
<tr>
<td>outside residence district prohibited</td>
<td></td>
</tr>
<tr>
<td>Blind and deaf children, compulsory schooling</td>
<td>749</td>
</tr>
<tr>
<td>Boards of Education:</td>
<td></td>
</tr>
<tr>
<td>Appointment of members; omnibus act</td>
<td>248</td>
</tr>
<tr>
<td>and general amendments</td>
<td>1301</td>
</tr>
<tr>
<td>Act amended as to Alamance County</td>
<td>500</td>
</tr>
<tr>
<td>Act amended as to Catawba County</td>
<td>874</td>
</tr>
<tr>
<td>Act amended as to Edgecomb County</td>
<td>891</td>
</tr>
<tr>
<td>Disagreements with taxing authorities, court appeals</td>
<td>44</td>
</tr>
<tr>
<td>Bonds and notes, debt limitations</td>
<td>996</td>
</tr>
<tr>
<td>Act repealed</td>
<td>1289</td>
</tr>
</tbody>
</table>

*Busses*:                                                            |      |

| Activity busses, application of statute clarified                    | 264  |
| Other traffic, stopping requirements                                | 952  |
| Railroad grade crossings, stopping requirements                     | 1231 |
| Use and operation, local board powers                               | 47   |
| Compulsory school attendance law, revisions                         | 799  |
| Condemnation of land for school facilities; maximum site area       | 516  |
| Educational research and special school projects, authorized        | 517  |
| Environment and Natural Resources, study of need                    |      |
| for course of instruction                                           | 1103 |
| Eye safety devices for students and teachers, requirements          | 1050 |
| Free enterprise system, program of instruction, qualification       |      |
| of teachers; study authorized                                       | 1230 |
| Governor Morehead School, incorporation; functions                  | 749  |
INDEX TO SESSION LAWS

Chapter

Schools and School Districts—(Continued)

Graduate instruction program for school officials,
  East Carolina University participation ............................................. 114

Hearing-impaired children, program
  of education for, establishment .................................................. 1166

Individualized instruction program, establishment .................................. 487

Kindergarten programs, establishment .............................................. 1213

Merger and consolidation of units, same county .................................. 742

Merger of administrative units ....................................................... 828

Minors, execution of notes for education loans .................................... 1073

Motor vehicle driver training schools, instructional permits .................... 865

Payroll deduction plan, establishment for teachers
  and other school employees ......................................................... 591

Reassignment of pupils, appeals from board decisions .......................... 44

Retirement—see Retirement Systems

School day, length ........................................................................... 678

Student fees, refunds ......................................................................... 756

Student teachers, legal status and authority ....................................... 638

Teacher allotments, duties of superintendents;
  state board determinations .......................................................... 539

Teachers, payroll deductions for credit unions .................................... 890

Teachers’ and State Employees’ Retirement System—
  see Retirement Systems

Temporary classroom facilities, acquisition ........................................ 1022

Textbooks and instructional materials, selection,
  purchase; other regulations ............................................................ 519

Transportation of special education pupils, State Board
  of Education appropriations, use specified ...................................... 1293

Vocational education, middle grades, provision for program ................ 1180

Scotland County:

Alcoholic beverages, purchase-transportation permits .......................... 617

Ambulance services, collection of charges ........................................ 708

Deadly weapons, disposition ................................................................ 1117

Fire protection services, collection of charges ..................................... 855

Scotland Neck, Town of:

  City Administrative Unit, establishment ......................................... 31

Seacoast—see Beach Areas

Seals—see Deeds and Conveyances

1799
## Index to Session Laws

**Seashore Advisory Board**—see State Agencies and Administrative Boards

**Secretary of State**—see under State Officials

**Securities**—see Stocks and Stockholders

**Seed**—see Agriculture

**Senate of North Carolina**—see General Assembly

**Service of Process**—see Civil Procedure

**Servicemen**—see Military Affairs

**Session Laws**: (see also Laws Amended or Repealed)

Distribution of copies to:
- Elizabeth City State College .......................... 355
- Western Carolina University .......................... 852

Indexing, printing, distribution, custody of original bills and resolutions ................. 1184

**Sewer and Sewerage Systems**: (for local acts, see particular county or municipality)

- Metropolitan Sewerage Districts Act, amendments .................. 993
- Special assessments for systems, county exemptions removed .......... 1010
- Wastewater treatment plant operators, examination and certification .......... 1059
- Water and Sewer Authorities Act, revisions .................. 850

**Shelby, City of**:
- Firemen’s Relief Fund, disbursement of funds ................ 496, 552

**Sheriffs**—see Law Enforcement Officers

**Signs**:
- Posted signs, penalty for mutilation or destruction ............... 51

**Ski Tows, Lifts and Tramways**:
- Regulatory act .................................. 1021

**Social Services**: (see also State Board of Social Services; for local acts, see particular county)

- Advisory Committee for Medical Assistance, appointment and purpose ............. 1040

**Attorney’s services**:
- Indigent defendants, appropriations for payment of legal counsel .................. 1266
- Legal counsel for indigent persons; public defenders ................ 1013
- Welfare applicants and recipients .......................... 735

1800
INDEX TO SESSION LAWS

Chapter

Social Services—(Continued)
   Attorney's services—(Continued)
   Children, full-time care organizations, regulation .................. 908
   Act amended ......................................................... 1081
   Eugenics Board, designation of Secretary; duties ..................... 677
   Juveniles, court jurisdiction; probation and other
      social services department functions ................................ 911
   Liens for aid payments, release from real estate ....................... 1216
   Private mental institutions and homes, licensing law amended .... 954
   Public assistance:
      Payments, continuation pending hearings or litigation .......... 754
      Protective and vendor payments .................................. 747
   Public officials, self-interest regulatory act; amended as
      to public assistance programs .................................... 1027
   Public Welfare Work Incentive Program Act of 1969 ................... 739
   State and local programs, provision for ................................ 546
      Act amended ...................................................... 1165, 1216
   Welfare, Board and Commissioner, name change
      references in statutes ........................................... 981, 982

Soft Drinks—see Bottled Drinks

Soil and Water Conservation:
   Promotion; county cooperation with State and National agencies .. 1003

Solicitors and Solicitorial Districts:
   Compensation of Solicitors and assistants ............................ 1186
   Full-time status, choice by solicitors, state-wide application ...... 1263
   Judicial Department Act of 1965, miscellaneous amendments ........ 1190
   Law on Protection of Minors from Harmful Materials, duties ....... 1215
   Motor vehicles, Habitual Traffic Offenders Act, duties ............. 867
   State Bar, honorary membership .................................... 1190

South Carolina:
   Lateral seaward boundary North Carolina-
      South Carolina, establishment ................................... 842

Sparta, Town of:
   Alcoholic beverages, purchase-transportation permits ................ 617
   Mayor, performance of marriages ................................... 1020

Special Elections—see Elections and Election Laws

Special Judges—see Courts

1801
Index to Session Laws

Chapter

Special Police—see Law Enforcement Officers

Special Proceedings—see Civil Procedure

Speed Limits—see Motor Vehicles

St. Pauls, Town of:
Alcoholic beverages, purchase-transportation permits .................. 617
Public schools, study commission ........................................... 887
Town Manager, appointment ................................................... 588
Unfit dwellings, repair, closing and demolition .......................... 641

Stanly County:
Ambulance service, obtaining without intent to pay .................... 753
Board of Commissioners, regulation of tax listing ....................... 768
Elections, persons having access to voting enclosure .................... 1280
Public highways, hunting prohibited ......................................... 858
Senate, numbering of seats in elections ..................................... 985
Vocational workshop, appropriations ......................................... 369

Star, Town of:
Property, conveyance to County ............................................ 346

State Agencies and Administrative Boards: (see also Licenses and Licensing Boards; State Boards; State Commission; State Departments)
Acts applicable to agencies and boards generally:
Accounting systems, installation or change ............................... 458
Administrative procedure act, hearings before Revenue Commissioner, exceptions .......................................... 1132
Appropriations—see that topic
Building projects, financing through revenue bonds .................... 1048
Consolidation of agencies, authority of Governor;
studies authorized ................................................................. 1209
Consuming public's interest, representation by Attorney General in proceedings; duties of agency or board ......................... 535
Judicial review of decisions .................................................. 44
Non-State fund projects, submission to Department of Administration ................................................................. 1210
Occupational licensing boards, reports to Attorney General .......... 42
Real property, sale, exchange, lease or joint use between governmental units and agencies ................................................ 806
Timberlands owned by agencies, contributions to counties in lieu of taxes .......................................................... 1185

1802
INDEX TO SESSION LAWS

State Agencies and Administrative Boards—(Continued)

Advisory Council of Local Affairs, creation, membership, functions ........................................ 1145
Advisory Council on Alcoholism, creation, functions ................................................................. 676
Automobile Rating Bureau, information furnished to Insurance Commissioner .......................... 1252
Building Code Council:
Appeals in cases involving county inspection orders .............................................................. 1066
Appeals in cases involving municipal inspection orders ......................................................... 1065
Forestry Advisory Committee, creation, membership, functions ........................................... 1055
Gasoline and Oil Inspection Board, per diem allowances ......................................................... 445
Governor’s Committee on Law and Order, creation, composition, functions ............................ 57
Hearing Aid Dealers and Fitters, State Board, creation, powers and duties .............................. 999
Judicial Council, membership ..................................................................................................... 1015
Laurel Springs Livestock Weighing Station Committee, creation, functions, appropriation .... 1139
Mental Health Council, membership, statutory revisions ........................................................... 900
Mining Council, functions under Mining Registration Act of 1969 ............................................ 1204
North Carolina Capital Building Authority:
Expansion of services ................................................................................................................ 112
Selection of architects and engineers .......................................................................................... 1157
North Carolina Good Neighbor Council, appointment and tenure of Director; compensation and allowances of members and personnel ................................................................. 357
North Carolina Housing Corporation, creation; membership, functions .................................. 1235
North Carolina Stadium Authority, interest rate of notes .......................................................... 1198
North Carolina State Bar:
Honorary members .................................................................................................................... 44, 1190
Membership fees of District Bars ............................................................................................... 241
Proxy voting at meetings ............................................................................................................. 104
North Carolina State Bar Council:
Attorneys services for welfare applicants or recipients, approval of regulations .................... 735

1803
INDEX TO SESSION LAWS

State Agencies and Administrative Boards—(Continued)
North Carolina State Bar Council—(Continued)
   Judicial Council, appointment of members ......................... 1015
   Public defender system, implementing regulations .................. 1013
North Carolina Underwriting Association, creation; functions ...... 249
North Carolina Zoological Authority, appropriation to aid
   in establishment of Zoological Garden ................................ 1271
Optometry, board of examiners, continuing education requirements 354
Physical Therapists, State Examining Committee:
   Creation, powers and duties ........................................... 556
   Per diem allowances .................................................. 445
Plumbing and Heating Contractors, Licensing Board,
   per diem allowances .................................................. 445
Refrigeration Examiners Board:
   Examination and license fees ......................................... 314
   Per diem allowances .................................................. 445
Seashore Advisory Board, creation, membership, functions .......... 1143
State Building Code Council, membership, functions,
   statutes amended ..................................................... 1229
State Construction Finance Authority, creation,
   membership, powers and duties ....................................... 1048
Tobacco Museum Board, establishment .................................. 840
Wastewater Treatment Plant Operators Board of Certification,
   creation and functions ............................................... 1059
Water Safety Committee, creation, appointment
   of members, functions .............................................. 1093
Water Treatment Facility Operators Board of Certification,
   creation and functions ............................................... 1059
Youth Advisory Board, creation and functions ......................... 404
Zoological Authority, creation, membership, powers and duties ... 1104

State Auditor—see under State Officials

State Board Acts Applicable to Boards, Generally:
   Accounting systems, installation or change ........................ 458
   Appropriations—see that topic
   Consuming public's interest, representation by Attorney General
   in proceedings; duties of board ..................................... 535
   Judicial review of board decisions .................................. 44
   Non-State fund projects, submission to
   Department of Administration ....................................... 1210
   Occupational licensing boards, reports to Attorney General .... 42

1804
State Board Acts Applicable to Boards, Generally—(Continued)

Real property, sale, lease, exchange or joint use,
between governmental units and agencies .................. 806

State Board of Agriculture: (see also Agriculture, Animals,
and Agriculture Department under State Departments)
Apples, promotion of sales; promulgation of regulations ...... 605
Appropriations—see that topic
Cattle, sales promotion ........................................ 184
Cattle with brucellosis, regulatory law amendments ............... 465
Compulsory Meat Inspection Act ................................ 893
Eggs, establishment of standards ................................ 139
Liquefied petroleum gases, regulation amendments .............. 1133
Livestock and poultry, infectious disease control ............... 606, 693
Peaches, ungraded, exemption from labeling requirements ...... 849
Poultry, regulatory law, amendments ............................ 464
Products promotion, referendum by mail on assessments;
procedure .......................................................... 111

State Board of Alcoholic Control: (see also Alcoholic Beverages)
Members, appointment and tenure; powers and duties of Chairman 294

State Board of Assessment:
Discount schedules adopted by local taxing units, approval ...... 921
Joint appeals from local boards ................................ 7

State Board of Conservation and Development: (see also Conservation
and Development Department under State Departments)
Actions to enforce fishery rights, appeals ........................ 44
Appropriations—see that topic
Commercial fishboats, licenses .................................. 1243
Fish dealers, licenses, proof of residence ........................ 1244
Forestry Advisory Committee, advice to Board .................. 1055
Members, appointment, tenure, officers .......................... 271
Seacoast development, powers and duties ........................ 1143

State Board of Dental Examiners:
Provisional licenses for dentists licensed by other jurisdictions .... 804

State Board of Education: (see also Schools and School Districts)
Appropriations—see that topic
Community Colleges:
Disposition of property, approval ................................. 338
Financial support for matching capital outlay .................... 1294

1805
Index to Session Laws

State Board of Education—(Continued)

Education research and special projects; approval of local projects . 517
Environment and natural resources, study of need for instruction . 1103
Free enterprise system, study courses and qualification of teachers; study and report . 1230
Hearing-impaired children, establishment of program of education . 1166
Hospital programs of nursing education, appropriations . 1138
Individualized instruction program, establishment . 487
Interstate agreements on qualifications of educational personnel . 631
Kindergarten programs, establishment . 1213
Merger and consolidation of administrative units, same county . 742
Merger of administrative units, approval . 828
Payroll deduction plan, establishment for teachers and other school employees . 591
Student teachers, legal status and authority . 638
Teacher allotments, duties . 539
Textbooks and instructional materials, powers and duties of board . 519
Transportation of special education pupils, use of appropriations specified . 1293
Vocational education, middle grades, provision for program . 1180
Vocational rehabilitation centers, study of needs; report to Governor; appropriation . 1169

State Board of Elections: (see also Elections and Election Laws)

Appropriations—see that topic
Assistance to county election boards in litigation . 408
Constitution of North Carolina, election on amendments as to:
  Administrative reorganization . 932
  Complete revision . 1258
  Escheats, reassignment . 827
  Extra sessions of General Assembly on legislative call . 1270
  Income taxes . 872
  Literacy requirement for voting, abolition . 1004
  State and Local Finance . 1200
General Assembly, members, numbered seats in elections:
  Fifth House District . 1054
  Forty-first House District . 189
  Fourth Senatorial District . 559
  Thirtieth House District . 302
  Thirty-third House District . 985

1806
## Index to Session Laws

**Chapter**

**State Board of Education**—(Continued)

- General Assembly, members, numbered seats in election—(Continued)
  - Twenty-fifth House District ........................................ 544
  - Twenty-fourth Senatorial District .................................... 985
  - Twenty-ninth Senatorial District .................................... 985

- Notice from certain counties of new registration .................. 171

- Returns, abstracts from county boards ............................... 971

**State Board of Embalmers and Funeral Directors:**

- Annual meetings; oaths; provision for apprenticeship
  in funeral directing .................................................... 584

**State Board of Examiners for Nursing Home Administrators:**

- Establishment; powers and duties .................................... 843

**State Board of Examiners in Optometry:**

- Annual license fees .................................................. 624

**State Board of Examiners of Electrical Contractors:**

- Appointment, compensation, powers and duties; law rewritten .... 669

**State Board of Health:** (see also Public Health; Health Department under State Departments)

- Appropriations—see that topic

- Chemical tests for motor vehicle operators, regulations under implied consent law ........................................... 1074

- Per diem allowances .................................................... 445

- Solid waste disposal programs, planning, development and conduct ......................................................... 899

- Water treatment facility operators, board of certification, creation and functions ........................................... 1059

**State Board of Higher Education:** (see also Schools and School Districts; Educational Institutions under State Institutions)

- Appropriations—see that topic

- Elizabeth City, Fayetteville and Winston-Salem State Colleges, approval of programs ........................................ 130

- Medical students at Duke and Wake Forest Universities, appropriations for assistance ....................................... 1273

- Members, appointment, terms; officers ................................ 400

- Nursing baccalaureate degrees, duties as to institution plans for diploma school credits ........................................ 547

- Pembroke State College, approval of programs ..................... 131

- Regional Universities, degree programs, new functions, subject to approval .................................................... 532

1807
Index to Session Laws

State Board of Landscape Architects:
Creation; powers and duties ........................................ 672

State Board of Medical Examiners:
Medical practice act, miscellaneous amendments .................. 929
Osteopathic physicians, licensing to practice medicine and surgery .... 612
Professional Corporation Act ........................................ 718

State Board of Mental Health:
Advisory Council on Alcoholism, creation;
appointment of members; functions ................................ 676
Appropriations—see that topic
Business managers of hospitals and residence centers,
approval of appointments ........................................... 1249

State Board of Nursing: (see also Nurses)
Hospital beds requirement ........................................... 1079
Instructors in nursing, diploma school graduates,
requiring workshop attendance .................................... 524
School credits, certification to boards of other States ........... 942

State Board of Opticians:
Per diem allowances .................................................. 445

State Board of Pharmacy:
Code of professional conduct, authority to adopt .................. 533

State Board of Public Welfare:
(see also State Board of Social Services)
Name changed ................................................................ 546

State Board of Real Estate Licensing:
Miscellaneous amendments to statute ............................... 191

State Board of Social Services: (see also Social Services)
Advisory Committee for Medical Assistance, creation .......... 1040
Appropriations—see that topic
Attorneys services for welfare applicants or recipients .......... 735
Children, full-time care organizations, regulation ................. 908
Act amended .................................................................. 1081
Creation, functions ..................................................... 546
Act amended ............................................................... 1165, 1216
Eugenics Board, designation of Secretary; duties ................. 677
Juveniles, probation and other functions ........................... 911

1808
State Board of Social Services—(Continued)

Name references corrected in miscellaneous statutes ..........981, 982
Private mental institutions and homes, licensing law amended .... 954
Public assistance:
  Continuation of payments pending hearings or litigation .... 754
  Protective and vendor payments .................................. 747
Public officials, self-interest regulatory act; amended
  as to public assistance programs .................................. 1027
Public Welfare Work Incentive Program Act ...................... 739
State and local programs, provision for .......................... 546
  Act amended ..........................................................1165, 1216

State Board of Water and Air Resources:
Air pollution control programs, local and regional, approval ...... 538
Appropriations—see that topic
Classification of waters for scientific or research uses .......... 822
Federal Water Resources Development Law, board functions ..724, 968
Navigable waters, regulatory law, enforcement .................... 792
Wastewater treatment plant operators, board of certification,
  creation and functions .............................................1059

State Boundaries:
  South Carolina-North Carolina, lateral seaward boundary,
    establishment .................................................... 842
  Virginia-North Carolina, lateral seaward boundary, establishment .. 841

State Building Code: (see also Buildings)
Fire protection, automatic sprinklers, statute amended .............. 1063
Means of ingress into buildings, regulation authorized .......... 567
Miscellaneous statutory amendments relating to Code ............ 1229
Mobile homes, Uniform Standards Code, application
  of State Building Code ............................................. 961

State Buildings—see Public Buildings and Grounds

State Bureau of Investigation—see Justice Department
  under State Departments

State Commissions: (see also State Agencies
  and Administrative Boards)
Acts applicable to Commissions, generally:
  Accounting systems, installation or change ...................... 458
Appropriations—see that topic
Judicial review of decisions ...................................... 44

1809
INDEX TO SESSION LAWS

State Commissions—(Continued)

Act applicable to Commissions, generally—(Continued)
Non-State fund projects, submission to
Department of Administration ................................................. 1210
Real property, sale, lease, exchange or joint use
between governmental units and agencies ................................. 806

Advisory Budget Commission:

Appropriations—see that topic

Attorneys services for welfare applicants or recipients,
approval of regulations .......................................................... 735

Federal Water Resources Development Law,
functions of Commission ......................................................... 724, 968

Good Neighbor Council, salary of Director, approval ................. 357
Local Affairs Director, approval of compensation ..................... 1145

North Carolina Housing Corporation, annual reports .................. 1235
Revenue bonds for student housing and other purposes,
higher educational institutions, interest rate ............................. 1158

Social Services Commissioner, approval of salary ....................... 546
State Board of Alcoholic Control, salary of Chairman, approval .. 294
State Construction Finance Authority, annual reports from ....... 1048

State officials and employees, travel and
other expenses, approval ......................................................... 1153

Zoological Authority, approval of transfer of funds
appropriated for Garden ....................................................... 1271

Art Museum Building Commission:
Location of museum .............................................................. 545

Banking Commission:
Consumer Finance Act, powers and duties; amendments .......... 1303
Fees for operating Commissioner's office, determination .......... 229
Members, appointment ........................................................... 920

Blind, Commission for:
Appropriation for aid to counties for payment of social workers .. 1218
Blind Advisory Committee and Professional Advisory Committee,
advice to Commission .......................................................... 1255

Information from records, release to Revenue
and Motor Vehicles Departments ............................................ 871
Membership, meetings; appointment of director; functions ........ 1255

Burial Association Commission:
Regulatory act, amendments .................................................. 1041

1810
State Commissions—(Continued)

Courts Commission:
Establishment, duties ................................................. 910

Education and Employment of Women Commission:
Limitation of expenses, amended; appropriations .................. 1137

Employment Security Commission:
Appeals from decisions .............................................. 44
Employment Security Act, miscellaneous amendments ............ 575

General Statutes Commission:
Per diem allowances .................................................. 445

Highway Commission:
Appropriations—see that topic
Condemnation actions, withdrawal of deposits .................... 649
Construction projects, time for filing claims
against contractor and surety ........................................... 621
Controlled-access and local service roads, vacating or restricting
by owner's consent or condemnation .................................. 795
Controlled-access facilities, acquisition of lands; determination
of just compensation .................................................... 946
Federal Water Resources Development Law of 1969,
Commission functions .................................................. 968
Marking paved highways, center and edge lines .................... 1172
Members, appointment, tenure ........................................ 237

Municipal corporations:
Contracts for construction, maintenance and
improvement of highway system streets ................................ 798
State system streets, approval of improvements .................... 978
Street aid (Powell bill) funds, allocations;
clarifying amendments ................................................... 665
Urban traffic improvement projects;
contracts with municipalities ......................................... 794
Registration of plans, fees ............................................. 80
Relocation assistance to persons and businesses displaced
by highway construction .................................................. 733
Wade, Town of, payment of Powell Bill funds ....................... 604

Industrial Commission:
Non-resident physicians, approval for treatment
of injured employees ................................................. 135
Workmen's Compensation, benefits increased ....................... 143
State Commissions—(Continued)

Interstate Cooperation Commission:
  Appropriation for contribution to Advisory Commission
  on Intergovernmental Relations ..................................... 1203
  Appropriation for operating expenses .............................. 1202

Legislative Research Commission
  President Pro Tempore of Senate, Speaker of the House,
  vacancies filled ..................................................... 1037

Legislative Services Commission:
  Membership, powers and duties; compensation ................... 1184

Local Government Commission:
  County bonds:
    Interest rate limitation removed .................................. 687
    Time for issuance following dissolved injunction .............. 99
  County Finance Act, amendments as to debt limitations ........ 996
  Act repealed .......................................................... 1289
  Drainage districts, bonds and notes, maximum interest rate .... 878
  Facsimile seals and signatures ...................................... 29
  Good faith checks by bidders for bonds and notes ................ 943
  Local Government Act, general applicability ..................... 788
  Metropolitan Sewerage Districts Act, revenue bonds ............ 993

Municipal Finance Act:
  Amendments as to debt limitations ................................ 995
  Act repealed .......................................................... 1288
  Bonds, interest rate limitation removed ........................... 686
  Cable television systems, period of usefulness ................... 834
  Statement of bonded indebtedness, deduction
    of sewer system debt ............................................. 1092

North Carolina Housing Corporation, issuance of bonds
  and notes; reports to Commission ................................ 1235

Per diem allowances .................................................. 445

Revenue Bond Act:
  Interest rate limitation removed .................................. 688
  Terms redefined; pledge of revenues; refunding bonds .......... 1118
  Single bond without coupons, approval of issuance ............ 685

State Construction Finance Authority, sale of bonds;
  annual reports ...................................................... 1048

Water and Sewer Authorities Act, revenue bonds, interest rate .. 850
State Commissions—(Continued)

Medical Care Commission:
Expenditures for promoting recruitment of nurses and others in health professions ....................... 1219
Scholarship loans, interest rate .................................. 1069

Milk Commission:
Appeals from orders ............................................. 44

Recreation Commission:
Law creating repealed ........................................... 1145

Seashore Commission:
Abolition; transfer of functions ............................... 1143

Textbook Commission:
Appointment of members; powers and duties ................ 519

Utilities Commission:
Appeals to Court of Appeals, procedure ..................... 614
Corporate affiliates, inspection of records .................... 764
False information to Commission, penalties .................. 765
Motor carriers:
Common carriers, vehicle inspection .......................... 763
Interstate carriers of commodities, registration .............. 721
Interstate carriers, penalties for failure to register authority 645
Inerstate common carrier vehicles, safety regulations .......... 722
Taxicabs, exemption from regulation ........................ 681

Natural gas pipelines, inspection agreements
with Federal agencies ............................................. 646

Public Utilities Act, amended as to references
to federal rule-making authority .............................. 723

Radio common carriers, jurisdiction ........................... 766

Railroad industrial sidings, construction regulation,
technical amendment ........................................... 723

Wildlife Resources Commission:
Gasoline taxes, allocation of net proceeds .................... 1201
Hunting and fishing, permanent licenses for aged persons ..... 1030
Navigable waters, inland, regulatory law, enforcement ....... 792
Per diem allowances .............................................. 445
Water safety regulations, adoption; Uniform State Waterway
Marking System, implementation ................................ 1093

Wildlife, manner of taking; permits for scientific purposes ..... 140

State Departments:
Acts Applicable to Departments Generally:
Accounting systems, installation or change ...................... 458
State Departments—(Continued)
Acts Applicable to Departments Generally—(Continued)
  Appropriations—see that topic
  Building projects, financing through revenue bonds 1048
  Judicial review of decisions 44
  Non-State fund projects, submission to
    Department of Administration 1210
  Real property, sale, exchange, lease or joint use
    between governmental units and agencies 806
  Timberlands, contributions to counties in lieu of taxes 1185
Administration Department:
  Acquisition of property by purchase or condemnation 1091
  Building Code, copies furnished 1229
  Cape Lookout National Seashore, acquisition and
    conveyance of lands 904
  Consolidation of agencies, funds for studies 1209
  Construction contracts, procedures for settlement
    of controversies 950
  Navigable waters, signs and structures, issuance of permits 792
  Non-State fund projects, submission to Department required 1210
  North Carolina Capital Building Authority,
    expansion of services 112
  Scholarships for children of war veterans,
    disbursement of funds 741
  State and regional planning, powers and duties 1144
  Veterans, benefits and privileges, statutes amended 720
Agriculture Department:
  Apples, promotion of sales; collection
    of marketing assessments 605
  Appropriations—see that topic
  Bakery products, use of coloring prohibited 1121
  Cattle with brucellosis, regulatory law amendments 465
  Coastal Plain Vegetable Research Station,
    appropriation for land and facilities 1173
  Compulsory Meat Inspection Act 893
  Feeder pigs, regulation of public sales 983
  Livestock and poultry, infectious disease control 606, 693
  Poultry Disease Diagnostic Laboratory,
    appropriation for equipment 1101
  Poultry, regulatory law, amendments 464
  Regional diagnostic laboratory,
    appropriation for building and equipping 1300
# Index to Session Laws

## State Departments—(Continued)

### Agriculture Department—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seed law fees collection; regulations</td>
<td>105</td>
</tr>
<tr>
<td>Soft drinks, regulation of ingredients</td>
<td>49</td>
</tr>
<tr>
<td>Statistical report payments to counties</td>
<td>796</td>
</tr>
<tr>
<td>Swine with hog cholera, destruction; indemnity payments</td>
<td>525</td>
</tr>
</tbody>
</table>

### Archives and History Department:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alamance Battleground, Visitor Center-Museum</td>
<td>1193</td>
</tr>
<tr>
<td>Alexander, Hczekiah, home, appropriation for restoration</td>
<td>1174</td>
</tr>
<tr>
<td>Anson County Historical Society, Inc., supervision of expenditure of appropriation</td>
<td>1135</td>
</tr>
<tr>
<td>Belhaven Memorial Museum, appropriation for cataloging, filing and planning</td>
<td>1292</td>
</tr>
<tr>
<td>Bentonville State Historic Site, appropriation for additional land</td>
<td>1146</td>
</tr>
<tr>
<td>“Blandwood”, appropriations for preservation and protection</td>
<td>1177</td>
</tr>
<tr>
<td>Buildings of significance, identification and protection</td>
<td>577</td>
</tr>
<tr>
<td>Colonial Rewards Project, appropriation for continuation</td>
<td>1176</td>
</tr>
<tr>
<td>Fort Dobbs, appropriation for land purchase, development and research</td>
<td>1154</td>
</tr>
<tr>
<td>Hillsborough, appropriation for real estate acquisition, historic restoration and development</td>
<td>1155</td>
</tr>
<tr>
<td>Historic Carson House, appropriation</td>
<td>1147</td>
</tr>
<tr>
<td>Historic Edenton, appropriations for restoration and maintenance of historic homes</td>
<td>1178</td>
</tr>
<tr>
<td>Historic Halifax and other purposes, appropriations</td>
<td>1151</td>
</tr>
<tr>
<td>Historic Hope, repair and restoration, appropriations for</td>
<td>1110</td>
</tr>
<tr>
<td>Historical preservation, research and restoration in Carteret County</td>
<td>1148</td>
</tr>
<tr>
<td>Lane, Joel, home, appropriation for repair and restoration</td>
<td>1179</td>
</tr>
<tr>
<td>Lenoir, William, house, appropriations for repair and restoration</td>
<td>1295</td>
</tr>
<tr>
<td>Moores Creek National Military Park, appropriation for land acquisition</td>
<td>1150</td>
</tr>
<tr>
<td>Murfreesboro, appropriation for historic preservation in town</td>
<td>1100</td>
</tr>
<tr>
<td>Museum-Visitor Center, Confederate Gunboat, C.S.S. Neuse, appropriation for construction</td>
<td>1291</td>
</tr>
<tr>
<td>Wright Tavern, appropriation for repair and restoration</td>
<td>1152</td>
</tr>
</tbody>
</table>

### Banking Department:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-need burial contracts, regulation; licensing of sellers</td>
<td>187</td>
</tr>
</tbody>
</table>

1815
INDEX TO SESSION LAWS

State Departments—(Continued)

Community Colleges Department:
  Appropriation for operating funds ........................................ 1290
  Tri-County Technical Institute Unit, appropriation for
  operation expenses .......................................................... 1182
  Vocational Rehabilitation Centers, cooperation in study of needs . 1169

Conservation and Development Department:
  Airport construction and development, acceptance of
  federal grants; acquisition of property .............................. 1109
  Appropriations—see that topic
  Commercial fish boats, licenses ........................................ 1243
  County forest rangers, additional personnel
  to assist, appropriation .................................................. 1142
  Estuaries, study and comprehensive plans;
  reports; appropriations .................................................... 1164
  Fire fighting headquarters and equipment in Chowan County ...... 1168
  Fish dealers licenses, proof of residence ............................ 1244
  Fisheries inspectors, search warrants ................................ 347
  Forest nurseries, use of forest tree seeds
  and seedlings, clarification ............................................ 343
  Forest services, additional ............................................. 344
  Forestry Division, renamed ............................................ 342
  Lake Waccamaw, construction of spillway gate .................... 1149

Mining Registration Act of 1969:
  Enactment ........................................................................ 1204
  Implementation; creation of position of State Mining Engineer . 1161
  Navigable waters, coastal, regulatory law, enforcement ........ 792
  Petroleum division, appeals from decisions .......................... 44
  Raven Rock State Park, purchase of lands for establishment ..... 1163
  Riparian owners, dredging permits ..................................... 791
  Seacoast areas, development, powers and duties; appropriations .. 1143
  State Park at Lake Waccamaw,
  appropriation for land acquisition .................................... 1220
  Wildlife protectors, search warrants ................................ 347

Correction, Department of:
  Appropriations—see that topic
  Convicts, confinement pending appeals ................................ 542
  Correctional Institutions—see that topic under State Institutions
  County prisoners, transfer to Department ............................ 462
  Act amended .................................................................... 1130

1816
INDEX TO SESSION LAWS

State Departments—(Continued)

Correction, Department of—(Continued)

Employees, provision for death benefits .................................. 1025
Personnel, regulation of conduct ........................................... 382

Health Department—see Public Health

Insurance Department: (see also Insurance Commissioner under State Officials)

Agents and adjusters, re-examination waiting period ............... 1206
Fire and extended coverage insurance
  for properties in beach areas ........................................... 249
Investigators, powers ......................................................... 1009

Justice Department:

Appropriation for counsel for indigent defendants .................. 1266
Appropriation for Police Information Network .......................... 1267
Division of Criminal Statistics, duties;
  police information network ............................................ 1267

Labor Department—see Commissioner of Labor under State Officials

Local Affairs Department:

Establishment, organization and functions ............................... 1145

Mental Health Department:

Business managers of hospitals and residence centers,
  appointment, supervision, duties ...................................... 1249
Chronic alcoholics, acquitted of public drunkenness,
  commitment regulated .................................................. 469
Mental Health Council, membership ...................................... 900
Out-patient care facilities for mentally ill persons
  and inebriates, approval ............................................... 1127
Private mental institutions and homes, licensing law amended 954
Vocational rehabilitation centers, cooperation in study of needs 1169

Motor Vehicles Department: (see also Commissioner of Motor Vehicles under State Officials)

Blind persons, information from Commission for the Blind ...... 871
Chauffeur’s licenses:
  Restoration and duplication fees ...................................... 783
  Surrender to department upon revocation ........................... 182
Commissions for issuing registration plates ............................ 1140
Drivers’ licenses:
  Instructional permits, driver training schools ..................... 865
  Learners, night driving permits ..................................... 37

1817
State Departments—(Continued)
Motor Vehicles Department—(Continued)
Driver's licenses—(Continued)

Limited driving permits, after conviction of drunken driving ........................................ 1283
Mental incompetents, alcoholics and others, revocation; powers and duties .............................. 1125
Probationary license, period limited .................................................. 242
Renewal by temporary non-residents .................................................. 183
Restoration and duplication fees ...................................................... 783
Revocation for refusal to submit to chemical tests .................................................. 1074
Revocation or suspension, additional period upon conviction of moving violation during period .................................................. 348
Suspension for drunken driving convictions in Federal courts .................................................. 988
Habitual Traffic Offenders Act ...................................................... 867

Safety equipment inspections:
Filing of dealer-purchaser agreements .................................................. 219
Grace period for expired certificates; trip permits to inspections stations .................................................. 179
Inspection stations, fees ................................................................. 1242
Purchaser self-inspections; exemptions .................................................. 219
Reciprocity agreements with other jurisdictions .................................................. 620
Small trailers ................................................................. 386
Tire inspections ................................................................. 378
Act amended ................................................................. 1256

Titles to motor vehicles, security interest, duties .................................................. 838

Personnel Department:
Governor Morehead School, compensation of officers .................................................. 749

Public Instruction Department: (see also Superintendent of Public Instruction under State Officials)
Division of Vocational Rehabilitation, appropriations .................................................. 1297
Education research and special projects of local boards, approval .................................................. 517
Kindergarten programs, establishment .................................................. 1213
School day in public schools ................................................................. 678

Public Welfare Department:
Name changed ................................................................. 546

Revenue Department:
Appropriation for administration of soft drink tax and tobacco tax units .................................................. 1212
Blind persons, information from Commission for the Blind .................................................. 871
Revenue Act, amendments—see Taxes

1818
State Departments—(Continued)
Social Services Department: (see also Social Services)
Advisory Committee for Medical Assistance, staff services ...... 1040
Creation, functions .............................................. 546
Act amended ...................................................... 1165, 1216
Eugenics Board, designation of employee as Secretary .......... 677
Public assistance payments, continuation pending
  hearings or litigation ........................................... 754
Veterans Affairs, Department of:
Benefits and privileges, statutes amended ....................... 720
Scholarships for children of veterans, functions under law ...... 741
Water Resources Department:
  Flood plain management, law amended ........................ 473
State Employees:
Blanket bond coverage .......................................... 844
Payroll deductions for credit unions ................................ 625
Retirement—see Retirement systems
Travel and subsistence allowances .................................. 1153
State Funds: (see also Appropriations)
Investment of surplus funds ...................................... 125
Reactivated municipalities, population estimates
  for sharing in funds ............................................ 873
State Highway Bond Act:
  Amendments as to interest rate, referendum .................. 379
State Highway Patrol:
  Registration plates ............................................ 800
State Institutions and State-supported Institutions:
Acts appropriating funds for State Institutions:
  Capital Improvement Appropriation Act of 1969 ............... 755
  Current Operations ............................................ 807
Correctional Institutions:
Appropriations—see that topic
Cameron Morrison School, new name for training school ...... 901
Eastern Carolina Industrial Training School
  for Boys, change of name ..................................... 771
Richard T. Fountain School, new name for boys school ...... 771
Samarkand Manor, new name for girls school .................... 837
Samuel Leonard School, new name for training school ........ 901
State Institutions and State-supported Institutions—(Continued)
  Correctional Institutions—(Continued)
    State Home and Industrial School for Girls:
      Appropriation for improvement of Chapel .................. 1261
      Change of name ................................................. 837
    State Training School for Girls, appropriation
      for construction of Chapel ............................... 1262
    Stonewall Jackson School, new name for training school ...... 901

Educational Institutions:
  Appalachian State University, Capital Improvement
    Appropriations Act of 1967, amended as to
      self-liquidating projects .................................. 1188
  Appropriations—see that topic
  Building projects, financing through revenue bonds ............ 1048
  Capital Improvement Appropriations Act of 1963, amendment
    as to Fayetteville State Teachers College, Student Center .... 1192
  Capital Improvement Appropriation Act of 1965, amendment
    as to self-liquidating projects ................................ 1159
  Capital Improvement Appropriations Act of 1967, amendment
    as to self-liquidating projects of Western Carolina
      University, Appalachian State University and
      Wilmington College ........................................... 1188

Community Colleges:
  Disposition of property ........................................... 338
  Financial support for matching capital outlay ................. 1294
  Payroll deduction plan for employees,
    establishment authorized .................................... 591
  Purposes described ............................................... 562
  Richmond Technical Institute, use of funds if converted
    to Community College .......................................... 376
  Curfews on campuses, regulatory law ............................ 860

East Carolina University:
  Appropriation for developing School of Medicine curriculum .. 1189
  Graduate instruction program for public school officials ...... 114
  Greenville City Board of Education, appropriation
    and conveyance of property .................................. 504
  School of Allied Health Professions, authority for
    expenditure of appropriations .............................. 1299
  “Education institution” redefined in income tax statutes ...... 1175

Elizabeth City State College:
  Distribution of State publications ............................ 355
State Institutions and State-supported Institutions—(Continued)

Educational Institutions—(Continued)

Elizabeth City State College—(Continued)
  Name changed to University ........................................ 801
  Primary purpose defined ........................................... 130

Eye safety devices for students and teachers, requirements ........ 1050

Fayetteville State College:
  Capital Improvement Appropriations Act of 1963,
    amended as to Student Center ................................. 1192
  Name changed to University ........................................ 801
  Primary purpose defined ........................................... 130

Governor Morehead School, incorporation,
  organization and functions ........................................ 749

Medical Care Commission, scholarship loans, interest rate ........ 1069

Minors, execution of notes for education loans .................. 1073

Motor vehicles, traffic regulation by trustee boards ............. 1011

Non-State fund projects, submission to
  Department of Administration ....................................... 1210

North Carolina Agricultural and Technical State University,
  Building Code, copies furnished ................................... 1229

North Carolina Central University, established .................... 608

North Carolina College of Durham, converted
  to regional university ............................................. 608

North Carolina School for the Deaf at Morganton,
  appropriations for construction and furnishing of Chapel .... 1264

North Carolina State University at Raleigh:
  Addition to Broughton Hall, appropriation for completion ....... 1265
  Building Code, copies furnished ................................... 1229
  Emergency appropriation for Nuclear Science
    and Engineering Center ........................................... 214
  Nuclear reactor hazards, insurance ................................ 1023
  Textile extension program, appropriations ....................... 1211
  Tobacco and tobacco products, appropriation
    for research and experimentation ................................ 1141

North Carolina Vocational Textile School,
  Board of Trustees enlarged ........................................ 479

   Nursing baccalaureate degrees, institutions offering credits
     for diploma school graduates ................................... 547

Pembroke State College:
  Name changed ..................................................... 388
  Primary purpose defined ......................................... 131

Public buildings, evacuation during emergencies .................. 1129

1821
Index to Session Laws

State Institutions and State-supported Institutions—(Continued)

Educational Institutions—(Continued)

Regional Universities, programs of instruction; restrictions upon new programs ........................................ 532
Revenue bonds for student housing and other purposes, interest rate ......................................................... 1158
Riots and civil disorders—see that topic
Scholarships and grants, revocation upon civil disorder convictions ......................................................... 1019
Timberlands owned by related foundations, contributions to counties in lieu of taxes ................................ 1185
University of North Carolina at Asheville, establishment ................................................................. 297
University of North Carolina at Chapel Hill:
Center for Alcoholic Studies, appropriations for establishment and operation ............................................. 1111
Department of Family Medicine, School of Medicine, appropriations ......................................................... 1108
Revenue bonds for auxiliary facilities, interest rate; time for issuance .................................................... 1236
Special teaching program for medical students, appropriations ................................................................. 1107
University of North Carolina at Greensboro:
Appropriation for repairing Parkway Playhouse ......................................................................................... 1167
Dormitory facility, construction and financing ............................................................................................... 1205
University of North Carolina at Wilmington, establishment ................................................................. 297
University of North Carolina, Consolidated, status of trustees, temporary service in United States Government ................................................................. 1126
Western Carolina University:
Capital Improvement Appropriations Act of 1967, self-liquidating projects ................................................. 1188
Distribution of State publications .................................................................................................................. 852
Motor vehicle laws, applicable to campus streets; additional ordinances authorized .................................. 853
Wilmington College, Capital Improvement Appropriations Act, amended as to self-liquidating projects .... 1188
Winston-Salem State College:
Name changed .................................................................................................................................................. 801
Primary purpose defined .................................................................................................................................. 130
Institutions, Generally:
Accounting systems, installation or change ................................................................................................. 458
Appropriations—see that topic
Building projects, financing through revenue bonds .................................................................................... 1048

1822
State Institutions and State-supported Institutions—(Continued)
Institutions, Generally—(Continued)
Confederate Woman's Home, corporate existence extended ........................................... 116
Public buildings, evacuation during emergencies ......................................................... 1129
North Carolina Sanatoria, costs of treatment, payment by patients ............................... 20
State Mental Hospitals:
Business managers for hospitals and residence centers, appointment, supervision, duties ................................................................. 1249
Chronic alcoholics, acquitted of public drunkenness, commitments regulated .................. 469
District Court commitments to State mental hospitals ................................................. 767
Motor Vehicles Commissioner, reports to, concerning incompetents, alcoholics, and others; immunity ............................................. 1125

State Lands—see State-owned Properties; see Public Buildings and Grounds

State Licensing Board—see Licenses and Licensing Boards; State Agencies and Administrative Boards

State Mammal for North Carolina:
Adoption .................................................................................................................. 1207

State Medical Care Commission—see under State Commissions

State Militia—see Military Affairs; National Guard

State Officials:
Acts applicable to officials, generally:
Appropriations—see that topic
Blanket bond coverage ........................................................................ 844
Self-interest regulatory act, amended as to public assistance programs ...................... 1027
Travel and subsistence allowances ............................................................................. 1153
Adjutant General:
Assistant, full-time employee ................................................................................. 623

Administration, Director of:
Architects and engineers, capital improvement projects, selection ................................ 1157
Local Option Sales and Use Tax Act, functions under .............................................. 1228
Police information network, duties ............................................................................. 1267
State Construction Finance Authority, ex officio member ........................................ 1048

1823
INDEX TO SESSION LAWS

State Officials—(Continued)

Agriculture, Commissioner of:
Bottled drinks, sanitation requirements ........................................ 1068
Cattle sales promotion, collection of assessments .................................. 184
Cattle with brucellosis, regulatory law amendments .................................. 465
Compensation of Commissioner ......................................................... 1214
Compulsory Meat Inspection Act ....................................................... 893
Credit unions, determination of fees .................................................. 69
Feeder pigs, regulation of public sales ................................................ 983
Livestock and poultry, infectious disease control law, duties ...................... 606
Peaches, ungraded, exemption from labeling requirements ......................... 849
Poultry:
  Inspection law, appeals from decisions ............................................ 44
  Regulatory law, amendments .......................................................... 464
Seed law fees collection; regulations ................................................. 105

Archives and History, Director of:
Tobacco Museum Board, ex officio member .......................................... 840

Attorney General:
Archives and History Department, contracts concerning
certain buildings, approval .............................................................. 577
Compensation of Attorney General ................................................... 1214
Consuming public's interest in court and board proceedings,
representation; duties ................................................................. 535
Court of Appeals Reports and Advance Sheets, copies furnished .......... 1285
Hearing Aid Dealers and Fitters Board, reports ................................... 999
Judicial Council, membership .......................................................... 1015
Machinery Act, codification and printing, advice .................................. 353
Medical Care Commission, approval of student
  assistance contract cancellations ............................................... 1069
Occupational licensing boards, reports .......................................... 42
Police information network, powers and duties ................................... 1267
Presidential electors, collection of penalties
  for non-performance of duties .................................................... 949
Revenue Act, codification and printing, advice .................................. 352
School textbooks and materials,
  approval of contracts; enforcement .............................................. 519
State Board of Elections, legal assistance in local litigation ..................... 408

Auditor:
Accounting systems for State departments,
institutions and agencies .............................................................. 458

1824
State Officials—(Continued)

Auditor—(Continued)

Appropriations—see that topic
Compensation of Auditor ........................................ 1214
Governor Morehead School, duties as to payments
for clothing and transportation ............................... 749
Hearing Aid Dealers and Fitters Board, reports ............ 999
North Carolina Housing Corporation, annual reports ....... 1235
State Construction Finance Authority, ex officio member ..... 1048

Budget, Director of:

Accounting systems, revision of authority .................. 458
Appropriations—see that topic
Scholarships for children of veterans, functions under law ...... 741
State officials and employees, travel and other expenses
above maximum, approval ...................................... 1153

Burial Association Commissioner:

Assessments for operation of office .......................... 1006
Bank deposits of inoperative association,
transfer to Commissioner ....................................... 1083
Regulatory law, amendments .................................... 1041

Commercial and Sports Fisheries, Commissioner of:

Commercial fishboats, licenses ................................. 1243
Fish dealers licenses, proof of residence ....................... 1244
Study of estuaries and preparation of plan ................... 1164

Conservation and Development Director:

Appointment of State Mining Engineer ...................... 1204
Powers .................................................................... 271
Seacoast areas, development; powers and duties ............ 1143
Tobacco Museum Board, ex officio member .................. 840

Council of State:

Compensation of members ....................................... 1214
County prisoners, provision for transfer cost assistance .... 462
Act amended ................................................................ 1130
Riot Reinsurance Reimbursement Fund, certifications by
Insurance Commissioner ........................................... 1284
Surplus funds of State, investment ............................... 125

Good Neighbor Council, Director:

Appointment and salary ........................................... 357

1825
INDEX TO SESSION LAWS

Chapter

State Officials—(Continued)

Governor:

Advisory Committee for Medical Assistance, appointment of members ........................................... 1040
Attorneys services for welfare applicants or recipients, approval of regulations .................................. 735
Blind Advisory Committee and Professional Advisory Committee, appointment of members ......................... 1255
Blind Commission, appointment of members; designation of chairman ................................................. 1255
Constitution of North Carolina, certification of results of election on amendments as to:

Administrative reorganization .................................................. 932
Complete revision ................................................................. 1258
Escheats, reassignment ......................................................... 827
Extra sessions of General Assembly on legislative call .............................................................. 1270
Income taxes ........................................................................ 872
Literacy requirements for voting, abolition .................................................................................. 1004
State and Local Finance ............................................................. 1200
County prisoners, transfer and maintenance costs by

State upon recommendation .................................................... 462
Act amended .......................................................... 1130
Court of Appeals, authority to fill vacancies .................................................. 44
Electrical Contractors, State Board of Examiners, appointment of members ............................ 669
Estuaries, report on study, transmission to General Assembly .................................................. 1164
Federal Water Resources Development Law:

Approval of projects ................................................................. 724
Functions of Governor ............................................................. 968
Fifth Judicial District, appointment of additional resident judge ..................................................... 1171
Forestry Advisory Committee, appointment of members .......................................................... 1055
Good Neighbor Council, appointment of Directors; salaries of personnel ........................................... 357
Governor Morehead School, appointment of directors; other duties ................................................. 749
Governor's Committee on Law and Order, membership, powers ................................................... 57
Hearing Aid Dealers and Fitters Board, appointment of members .................................................. 999
Highway Commission, appointment of members ........................................................................... 237
**Index to Session Laws**

State Officials—(Continued)

Governor—(Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial Council, appointment of members</td>
<td>1015</td>
</tr>
<tr>
<td>Landscape Architects, N. C. Board, appointment of members</td>
<td>672</td>
</tr>
<tr>
<td>Livestock and Poultry, infected feedstuff, quarantine; proclamations</td>
<td>606</td>
</tr>
<tr>
<td>Local Affairs, appointment of Director and Council and Committee members</td>
<td>1145</td>
</tr>
<tr>
<td>National Guard Mutual Assistance Compact, powers and duties</td>
<td>674</td>
</tr>
<tr>
<td>North Carolina Housing Corporation, appointment of members, removal;</td>
<td></td>
</tr>
<tr>
<td>other functions of Governor; annual reports</td>
<td></td>
</tr>
<tr>
<td>Notaries Public:</td>
<td></td>
</tr>
<tr>
<td>Appointments; revocation of commissions</td>
<td>912</td>
</tr>
<tr>
<td>Terms of office</td>
<td>563</td>
</tr>
<tr>
<td>Nursing Home Administrators, Board of Examiners, appointment of members</td>
<td>843</td>
</tr>
<tr>
<td>Physical Therapy Examining Committee, appointment of members</td>
<td>556</td>
</tr>
<tr>
<td>Presidential electors, resignations submitted to Governor</td>
<td>949</td>
</tr>
<tr>
<td>Public buildings, evacuation orders during emergencies</td>
<td>1129</td>
</tr>
<tr>
<td>Riot Reinsurance Reimbursement Fund, certifications by Insurance Commissioner</td>
<td>1284</td>
</tr>
<tr>
<td>Riots and civil disorders, powers and duties</td>
<td>869</td>
</tr>
<tr>
<td>Seashore Advisory Board, appointment of members</td>
<td>1143</td>
</tr>
<tr>
<td>Social Services Board, appointment of members; approval of Commissioner and salary</td>
<td>546</td>
</tr>
<tr>
<td>Special Work Projects Panel, powers and duties</td>
<td>739</td>
</tr>
<tr>
<td>State agencies, consolidation and studies authorized</td>
<td>1209</td>
</tr>
<tr>
<td>State Banking Commission, appointment of members</td>
<td>920</td>
</tr>
<tr>
<td>State Board of Alcoholic Control, appointment of members;</td>
<td></td>
</tr>
<tr>
<td>salary of chairman</td>
<td>294</td>
</tr>
<tr>
<td>State Board of Conservation and Development, appointment of members and chairman</td>
<td>271</td>
</tr>
<tr>
<td>State Board of Education:</td>
<td></td>
</tr>
<tr>
<td>Vocational rehabilitation centers, report on study</td>
<td>1169</td>
</tr>
<tr>
<td>Instruction in free enterprise system in public schools, report on</td>
<td>1230</td>
</tr>
<tr>
<td>State Board of Higher Education, service as chairman; appointment of members</td>
<td>400</td>
</tr>
<tr>
<td>State Construction Finance Authority, ex officio member</td>
<td>1048</td>
</tr>
</tbody>
</table>

1827
| Chapter |
|------------------|------------------|
| **State Officials—(Continued)** |  |
| Governor—(Continued) |  |
| State Mental Council, appointment of member | 900 |
| Superior Court special judges, appointment | 1190 |
| Surplus funds of State, investment | 125 |
| Teachers’ and State Employees’ Retirement System, board of trustees, appointment of members | 805 |
| Textbook Commission, appointment of members | 519 |
| Tobacco Museum Board, appointment of members | 840 |
| Water and Sewer Authorities Act, appointment duties deleted | 850 |
| Water Safety Committee, appointment of members | 1093 |
| Youth Advisory Board, appointment of members | 404 |
| Zoological Authority: |  |
| Appointment of members | 1104 |
| Approval of transfer of funds appropriated for Garden | 1271 |
| **Health Director:** |  |
| Water Treatment Facility Operators Board of Certification, appointment of members | 1059 |
| **Insurance Commissioner:** |  |
| Agents and adjusters, re-examination waiting period | 1206 |
| Automobile liability insurance rates, information from rating bureau; consideration | 1252 |
| Blanket bond coverage for State officials and employees | 844 |
| Building Code, statutes relating to, amended | 1229 |
| Collection agencies, regulation | 906 |
| Compensation of Commissioner | 1214 |
| County electrical inspectors, certification | 1064 |
| County inspection orders, hearing of appeals | 1066 |
| Electrical Contractors, State Board of Examiners, designation of member | 669 |
| Fire and extended coverage for properties in beach areas; powers and duties | 249 |
| Local inspectors and fire investigators, supervision; fire prevention statutes amended | 1063 |
| Mobile homes, Uniform Standards Code | 961 |
| Municipal inspection orders, hearing of appeals | 1065 |
| Orders and decisions, court review, statute amended | 44 |
| Property insurance in riot-potential areas, provision for; powers and duties | 1284 |

1828
<table>
<thead>
<tr>
<th>Index to Session Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Officials—(Continued)</strong></td>
</tr>
<tr>
<td><strong>Insurance Commissioner—(Continued)</strong></td>
</tr>
<tr>
<td><strong>Savings and loan associations:</strong></td>
</tr>
<tr>
<td>Capital raised through savings deposits, regulation .......... 449</td>
</tr>
<tr>
<td>Unsecured loans, real property improvements and mobile home financing, regulations .......... 737</td>
</tr>
<tr>
<td><strong>Title insurance companies, unearned premium reserve requirements</strong> .......... 897</td>
</tr>
<tr>
<td><strong>Variable annuity contracts, regulation</strong> .......... 616</td>
</tr>
<tr>
<td><strong>Labor Commissioner:</strong></td>
</tr>
<tr>
<td>Compensation of Commissioner .......... 1214</td>
</tr>
<tr>
<td>Ski tows, lifts and tramways, regulatory powers and duties .......... 1021</td>
</tr>
<tr>
<td><strong>Lieutenant Governor:</strong></td>
</tr>
<tr>
<td>Tobacco Museum Board, appointment of members .......... 840</td>
</tr>
<tr>
<td><strong>Local Affairs Director:</strong></td>
</tr>
<tr>
<td>Appointment, compensation, functions .......... 1145</td>
</tr>
<tr>
<td><strong>Mental Health Commissioner:</strong></td>
</tr>
<tr>
<td>Business managers of hospitals and residence centers, approval of appointments .......... 1249</td>
</tr>
<tr>
<td><strong>Mining Engineer:</strong></td>
</tr>
<tr>
<td>Appointment and duties .......... 1204</td>
</tr>
<tr>
<td>Position created .......... 1161</td>
</tr>
<tr>
<td><strong>Motor Vehicles Commissioner:</strong></td>
</tr>
<tr>
<td>Brake linings, approval .......... 787</td>
</tr>
<tr>
<td>Financial responsibility, proof exclusion in suspension and revocation cases .......... 186</td>
</tr>
<tr>
<td><strong>Habitual Traffic Offenders Act, duties</strong> .......... 867</td>
</tr>
<tr>
<td>Implied consent for chemical tests in drunken driving cases; revocation of driver's license .......... 1074</td>
</tr>
<tr>
<td>Inspection of vehicles, trip permits to inspection stations .......... 179</td>
</tr>
<tr>
<td>Mental incompetents, alcoholics and narcotic addicts, revocation of driver's licenses .......... 1125</td>
</tr>
<tr>
<td>Safety equipment inspection, reciprocity agreements with other jurisdictions .......... 620</td>
</tr>
<tr>
<td><strong>State Highway Patrol, registration plates</strong> .......... 800</td>
</tr>
<tr>
<td><strong>Public Welfare Commissioner:</strong></td>
</tr>
<tr>
<td>Eugenics Board, designation of Secretary .......... 677</td>
</tr>
<tr>
<td><strong>Revenue Commissioner:</strong></td>
</tr>
<tr>
<td>Actions for recovery of taxes; actions for refunds; appeals .......... 44</td>
</tr>
<tr>
<td>Administrative hearings, procedure .......... 1132</td>
</tr>
<tr>
<td>1829</td>
</tr>
</tbody>
</table>
State Officials—(Continued)
Revenue Commissioner—(Continued)

Banks, excise tax, return date ........................................ 1282
Beer and wine, excise tax:
  Discounts .............................................................. 1239
  Rules for relief of resident manufacturers
  as to free beverages ............................................. 1268
Breweries, resident, license tax, transshipments .......... 1057
Garnishment, negotiable instruments issued
  by garnishee to taxpayer ...................................... 1071
Gasoline tax, refunds and rebates, claims; regulations,
  penalties, time limitations ................................... 1298
Income tax, deduction of portion of dividends
  from holding company .......................................... 1123
Laundries and dry cleaning establishments,
  privilege license taxes ....................................... 884
Local Option Sales and Use Tax Act, duties .......... 1228
  Act amended ....................................................... 1287
Revenue act, amendments—see Taxes
Sales and use tax, time limitations upon claims; penalties .. 1298

Secretary of State:

Business Corporation Act, miscellaneous
  amendments, duties ............................................. 751
Compensation of Secretary of State ......................... 1214
Constitution of North Carolina, enrollment of amendments as to:
  Administrative reorganization ................................ 932
  Complete revision ............................................... 1258
  Escheats, reassignment ....................................... 827
  Extra sessions of General Assembly on legislative call .. 1270
  Income taxes .................................................... 872
  Literacy requirements in voting, abolition ............. 1004
  State and Local Finance ...................................... 1200
Corporate dissolution decrees and charter suspensions,
  duties concerning ........................................... 965
Federal Tax Lien Registration Act, duties ............... 216
Foreign corporations, adjacent States,
  fiduciary services, process agent ......................... 839
Hearing Aid Dealers and Fitters Board, reports .......... 999
Lake Norman Marine Commission, filing of documents .... 1089
Machinery Act, codification and printing ................. 353

1830
## INDEX TO SESSION LAWS

### State Officials—(Continued)

**Secretary of State—(Continued)**

- Mining Council, filing rules and regulations ........................................ 1204
- Non-Profit Corporation Act, miscellaneous amendments .......................... 875
- Professional Corporation Act, functions under .................................... 718
- Revenue Act, codification and printing .................................................. 352

**Session Laws:**

- Distribution to Elizabeth City State College .......................................... 355
- Distribution to Western Carolina University ........................................... 852

**Session Laws and Journals of Senate and House,**

- duties with respect to .............................................................................. 1184

**Uniform Commercial Code, miscellaneous amendments** ....................... 1115

**Water and Sewer Authorities Act, filing of resolutions** ......................... 850

### Social Services Commissioner:

- Appointment, salary, functions ............................................................... 546
- Eugenics Board, designation of Secretary ................................................ 677
- Statutory name references changed ......................................................... 981, 982

### Superintendent of Public Instruction:

- Compensation of Superintendent ............................................................ 1214
- Environment and Natural Resources, study of need for course of instruction .......................................................... 1103
- Hearing-impaired children, program of education for, duties .................. 1166
- Interstate agreements on qualifications of educational personnel ............. 631
- Kindergarten programs, establishment .................................................... 1213
- Motor vehicle driver training schools, approval ......................................... 865

**Vocational education, middle grades,**

- recommendation of programs .................................................................. 1180

### Treasurer:

- Appropriations—see that topic
- Bonds and notes, good faith checks by bidders ....................................... 943
- Compensation of Treasurer ................................................................. 1214
- Daily deposit of funds to credit of Treasurer; exceptions ......................... 44

### General Assembly:

- Legislative Retirement Fund, duties concerning ..................................... 1269
- Payment of salaries and operating expenses ........................................... 1184
- Governor Morehead School, ex officio treasurer ..................................... 749
- Legal assistance to indigent persons; deposit of funds ............................ 1013
- Parrott, Lemuel, payment of compensation
  - for unjust imprisonment ........................................................................ 1183

**1831**
State Officials—(Continued)

Treasurer—(Continued)

Post-conviction proceedings, costs borne by State .................. 1296
Riot Insurance Reimbursement Fund, duties concerning ............ 1284
State Construction Finance Authority, ex officio member .......... 1048
Surplus funds, investment ....................................... 125
Unemployment Insurance Fund, performance of duties;
   official bond liability ........................................ 575

Veterinarian:

Cattle, tested for brucellosis, reports ............................... 465
Livestock and Poultry, infectious disease reports .................. 606
Poultry, infectious disease control law, duties .................... 693
Swine with hog cholera, appraisal for indemnity payments ....... 525

Vital Statistics Registrar:

   Adopted children, birth certificates, date of birth ............. 977
   Adopted persons, name change, duties ........................... 21
   Powers and duties ............................................. 1031

Water and Air Resources, Assistant Director:

   Wastewater Treatment Plant Operators Board of Certification,
      appointment of members .................................... 1059

State-owned Properties: (see also Public Buildings and Grounds)

   Acquisition of property by Department of Administration ...... 1091
   Architects and engineers, capital improvement projects, selection ... 1157
   Cape Lookout National Seashore, acquisition
      and conveyance of lands .................................... 904
   Community colleges, disposition of properties .................. 338
   Construction projects:
      Financing through revenue bonds ................................ 1048
      Procedure for settling contract controversies ............... 950
      Lakes, dredging by adjoining owners, regulation ............. 791
   “Land” redefined ................................................ 1164
   Parking lots, City of Raleigh,
      removal of unauthorized vehicles ............................ 627

Public buildings:

   Demonstrations and other disorderly conduct; punishment ....... 740
   Evacuation during emergencies .................................. 1129
   Sale, lease, exchange, joint use of real property,
      other governmental units .................................... 806
   Timberlands, contributions to counties in lieu of taxes .......... 1185
Index to Session Laws

State Park—see Parks and Recreation

State Penitentiary—see Prisons and Prisoners

State Personnel Act:
- North Carolina Firemen's Pension Fund,
  application of Act to Secretary ........................................... 359
- State Youth Council personnel, Act inapplicable .......................... 404

State Prison System—see Prisons and Prisoners

State Publications:
- Building Code, distribution of copies ..................................... 1229
- Court of Appeals Reports and Advance Sheets, copies to Attorney General .................................................. 1285
- Machinery Act, codification and printing ................................ 353
- Revenue Act, codification and printing ................................ 352

Session Laws:
- Distribution to Elizabeth City State College .............................. 355
- Distribution to Western Carolina University .............................. 852
- Indexing, printing, distribution;
  custody of original bills and resolutions ................................ 1184
- Session Laws and Senate and House Journals, indexing, printing and distribution .............................................. 1184
- Western Carolina University, distribution of State publications .... 852

State Superintendent of Public Instruction—see under State Officials

State Treasurer—see under State Officials

Statements of Injured Persons:
- Copies furnished to person making statement; effect of failure .... 692

Statesville, City of:
- Corporate limits, establishment ............................................. 447
- Police and fire departments, residency requirements .................... 471

Statutes of Limitation:
- Actions on sealed contract, counter claim
  and additional defendants ..................................................... 810
- Foreclosure sales under powers in security instruments ............... 984
- Liens, public assistance, enforcement .................................... 546
- Act amended ........................................................................ 1165, 1216
- Liens of mechanics, laborers and materialmen,
  actions for enforcement ....................................................... 1112
- Slander, civil actions .......................................................... 1001
INDEX TO SESSION LAWS

Chapter

Stocks and Stockholders:
   Income tax:
      Cash dividends paid during corporate liquidation .................... 1120
      Corporations, deduction of dividends from subsidiaries
      and from holding companies ....................................... 1124
      Deduction of portion of dividends from holding company ........ 1123
   Intangibles tax, rate; corporate shares owned
      by certain corporations exempt ..................................... 1122
      Joint ownership with right of survivorship ....................... 1115
   Stock purchase agreements; insurable interest of parties .......... 751

Stokes County:
   Ad valorem taxes, discount for prepayment ........................ 150
   Board of Education, appointment .................................... 248
   Elections, registration of voters ................................... 171
   Hunting from public roads, regulations ............................. 195
   Municipalities, establishment of A.B.C. stores ................... 832

Stonewall, Town of:
   Charter, revision; corporate limits .................................. 385

Stream Sanitation—see Rivers and Streams

Street Assessments—see Municipal Corporations

Streets—see Roads and Highways; for local acts,
      see particular municipality

Students—see Schools and School Districts

Summons—see Civil Procedure

Sunset Beach, Town of:
   A.B.C. stores, establishment ......................................... 734

Superior Courts—see Courts

Support—see Divorce and Alimony; Parent and Child;
      Year’s Allowance

Supreme Court—see Courts

Surety Bonds: (see also local acts,
      see particular county or municipality)
   Bail:
      Fixed by custodian of persons arrested .......................... 296
      Release of surety when principal
      under continued court supervision .............................. 1005
      Uniform standards ................................................. 1062

1834
INDEX TO SESSION LAWS

Surety Bonds—(Continued)

Hearing Aid Dealers and Fitters Board, bond of Secretary-Treasurer ........................................ 999
Highway construction projects, time for filing claims against surety ........................................... 621
Register of Deeds, amount of bond .............................................. 636
Seed growers and dealers, bond to guarantee fees .................................................. 105
State officials and employees, blanket bond coverage .................................................. 844

Surry County:

Board of Commissioners, election and terms of members .............. 526
Board of Education:
  Appointment of members .................................................... 248
  Election of members ............................................................ 549
Justices of the peace, fees for certain services ............................. 454
North Surry School District, membership of school committee ..... 613

Surveyors—see Engineers and Land Surveyors

Surveys—see Maps and Surveys

Survivorship Rights—see Joint Ownership and Survivorship Rights

Swain County:

Board of Commissioners, regulation of tax listing ........................ 91
Board of Education, appointment of members .............................. 277
House of Representatives, numbering of seats in elections ............ 985
Municipalities, elections on sale of beer and wine ......................... 595
Sheriff, appointment to fill vacancy ............................................ 405

Swaynana, Village of:

Beer and wine, sale in certain areas ........................................... 414

Swine:

Animals with hog cholera, destruction; indemnity payments .......... 525
Compulsory Meat Inspection Act ............................................. 893
Feeder pigs, regulation of, public sales ..................................... 983

T

Taxes and Assessments: (for local acts, see particular county or municipality)

Ad valorem taxes:
  Attachment and garnishment proceedings ................................. 1029
  County exemptions removed, miscellaneous statutes .................. 1003

1835
Taxes and Assessments—(Continued)

Ad valorem taxes—(Continued)

Discount schedules, adoption by local taxing units;
prepayments regulated .................................................. 921
Employee lists, limitation upon use by tax officials ............... 305
Garnishment, negotiable instruments issued
by garnishee to taxpayer ................................................ 1071
Joint appeals to State Board of Assessment .......................... 7
Marshlands, tax valuation limitations ................................... 945
    Act amended ........................................................... 1250
Movable personal property, place of listing ........................... 940
Public assistance programs, levy of taxes ............................. 546
Records, elimination of references to race ........................... 1279
Timberlands owned by State or related foundations,
    contributions in lieu of taxes ..................................... 1185

Alcoholic beverages:

Beer and wine excise tax:

    Discounts ............................................................ 1239
    Resident manufacturers; beverages furnished free on premises . 1268
    Beer, wine and liquors, increased and additional taxes ........... 1075

Capital stock tax on savings and loan associations,
amendments ............................................................. 1075

Cigarette Tax Act ....................................................... 1075
    Act amended .......................................................... 1222, 1238, 1246

Corporate charters suspended for failure to file reports
or pay taxes, recording and indexing .................................. 965

Excise taxes:

    Banks, return date .................................................. 1282
    Banks and savings and Loan associations ......................... 1075
    Beer and wine ....................................................... 1239, 1268
    Real estate transfers, responsibility for affixing stamps ....... 599

Exemptions:

    Corporate stocks, intangibles tax exemptions .................... 1122
    Farm chemicals, exemption from sales and use tax ............... 907
    Firemen's Pension Fund, pensions exempt
        from State and municipal taxes ................................ 486
    Head of household, income tax exemption .......................... 1075
    Law enforcement officers, exclusion of retirement
        benefits from gross income .................................... 178

1836
Taxes and Assessments—(Continued)
Exemptions—(Continued)
North Carolina Housing Corporation, property tax exemption;
exemption of securities; exceptions .......................... 1235
North Carolina Symphony Society, license tax exemption ..... 100
North Carolina Zoological Garden Fund, gifts to,
   exempt from all taxes ............................................. 1104
Retired federal employees, retirement benefits,
   income tax exemption ............................................ 1272
State Construction Finance Authority, bonds and interest ..... 1048
Franchise taxes, common carriers ............................... 600
   Act amended ....................................................... 1056, 1098
   Garnishment, negotiable instruments issued
      by garnishee to taxpayer ................................... 1071
Gasoline taxes:
   Increase; miscellaneous amendments ....................... 600
   Act amended ....................................................... 1056, 1098
North Carolina Wildlife Resources Commission,
   allocation of net proceeds ..................................... 1201
Refunds and rebates, claims; regulations, penalties,
   time limitations .................................................. 1298
Income taxes:
   Armed forces personnel, abatement of taxes upon death
      from combat zone service .................................... 1116
Cash dividends paid during corporate liquidation, status .... 1120
Corporations, gain or loss upon sales pursuant
   to liquidation plan .............................................. 1113
Deductions:
   Air cleaning devices, amortization of capital invested ..... 817
   Contributions to emergency rescue organizations
      and volunteer fire departments .............................. 725
Corporations, dividends from subsidiaries
   and from holding companies .................................. 1124
Educational institutions and foundations,
   contributions deductible ....................................... 1175
Gifts to non-profit hospitals .................................... 1082
Portion of dividends from holding company .................... 1123
“Educational institution” redefined to include foundations
   and similar organizations .................................... 1175
Exemptions:
   Head of household .............................................. 1075
INDEX TO SESSION LAWS

Chapter

Taxes and Assessments—(Continued)

Income Taxes—(Continued)

Exemptions—(Continued)

Retired federal employees, retirement benefits .......................... 1272
Law Enforcement Officers’ Retirement benefits, exclusion from gross income ........................................ 178

Insurance taxes:
Domestic life insurance companies primarily engaged in casualty insurance business, election as to tax .......... 1221

Intangibles taxes:
Corporate stocks, tax rate; exemption of shares owned by certain corporations; other exemption ..................... 1122
Credit to resident beneficiaries of foreign trusts for foreign taxes paid .................................................. 1114

License taxes:
Laundries and dry cleaning establishments .................................. 884
North Carolina Symphony Society, exemption ........................... 100
Machinery Act, codification and printing .................................. 353
Oysters shipped in shell out of State, tax repealed ......................... 1275
Poll tax records, elimination of references to race ........................ 1279
Real estate transfer tax, responsibility for affixing stamps ............... 599

Revenue Act:
Codification and printing ..................................................... 352
Miscellaneous amendments; additional taxes .............................. 1075
Act amended .............................................................. 1222, 1238, 1246, 1247, 1251

Revenue Commissioner, administrative hearings, procedure ............. 1132

Revenue Department, information from Commission for Blind concerning blind persons ............................ 871

Rural recreation districts, special taxes ....................................... 811

Sales and Use taxes:
Farm chemicals, exemption ................................................... 907
Local Option Sales and Use Tax Act ........................................ 1228
Act amended ............................................................. 1287
Motor vehicles, airplanes, etc., amendments ................................ 1075
Refunds, time limitation on claims; penalties ................................ 1298
Shrimp, green, heads on, tax levied ........................................ 1275
Soft Drink Tax Act .......................................................... 1075
Act amended ............................................................. 1247, 1251

Special assessments:
Erosion control, flood and hurricane protection projects ................. 474

1838
INDEX TO SESSION LAWS

Chapter

Taxes and Assessments—(Continued)
   Special Assessments—(Continued)
      Proceedings for enforcement, appeals ........................................ 44
      Water systems, county exemptions removed ................................ 1010
      Watershed improvement taxes, use of funds, referenda ................ 711

Taxicabs—see Public Utilities; Motor Vehicles

Taylorsville, Town of:
   Alcoholic beverages, purchase-transportation permits ................. 617

Teachers—see Schools and School Districts

Teachers' and State Employees' Retirement System—
   see Retirement Systems

Technical Institutes and Schools—see Schools and School Districts

Television—see Radio and Television

Tenants—see Landlord and Tenant

Terms of Superior Court—see particular county; see Courts

Testamentary Disposition—see Wills

Thomasville, City of:
   Board of Education, purchase of property ............................... 166
   Cable television system, operation ........................................... 420

Timber:
   Injuries to growing timber, penalties ...................................... 22

Tobacco—see Agriculture

Tobacco Museum Board—see State Agencies

Tortfeasors:
   Immunity from liability:
      Automobile liability insurers, notices as to loss
         of safe driver discounts, etc. ........................................... 989
      Inspections and communications under plan
         for property insurance in riot-potential areas ...................... 1284
      National Guard and State Militia personnel,
         while aiding civil authorities ......................................... 969
      Officials making reports to Motor Vehicles Department
         concerning incompetents and others ................................. 1125
      Persons reporting cancer .................................................. 5
      Wrongful death act, amendments as to damages ....................... 215
Index to Session Laws

Tourist Homes—see Hotels and Restaurants

Towns—see Municipal Corporations

Trade and Commerce:
Corporations under investigation, compelling examinations, statute amended .................................................. 44
Poultry, regulatory law, false advertising prohibited .............. 464
Unfair methods of competition and deceptive practices, civil remedies ......................................................... 833

Trade Unions—see Employer and Employee

Trailers—see Motor Vehicles

Training Schools—see Correctional Institutions under State Institutions

Transylvania County:
Board of Commissioners:
Chairman made County Manager ....................................................... 922
Regulation of tax listing ................................................................. 91
Feral hogs, open season ............................................................... 1259
House of Representatives, numbering of seats in elections ....... 985
Jailer, compensation ................................................................. 225
Municipalities, elections on sale of beer and wine ................. 595
Sheriff:
Appointment to fill vacancy ....................................................... 405
Training and duties of deputies; compensation ......................... 922

Treasurer—see under State Officials

Trials—see Civil Procedure; Criminal Procedure

Trinity, Town of:
Merger with Town of Archdale ................................................... 667

Troy, Town of:
Property, conveyance to County ............................................. 346

Trusts and Trustees:
Foreign corporations, adjacent States, fiduciary services ......... 839
Funeral and burial trust funds, under pre-need burial contracts, regulation ........................................... 187
Intangibles tax, credit to resident beneficiaries of foreign trusts for foreign taxes paid .................................. 1114

Investments—see that topic

1840
## INDEX TO SESSION LAWS

### Chapter

<table>
<thead>
<tr>
<th>Trusts and Trustees—(Continued)</th>
<th>127</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real estate investment trusts, interest rate</td>
<td></td>
</tr>
<tr>
<td>Substitute trustees, acts validated</td>
<td>477</td>
</tr>
<tr>
<td>Successor trustees, proceeding for appointment, appeals</td>
<td>44</td>
</tr>
</tbody>
</table>

### Tryon, Town of:

| A.B.C. Board, distribution of profits | 882 |
| Board of Education, appointment of members | 779 |

### Tyrrell County:

| Alcoholic beverages, purchase-transportation permits | 617 |
| Bear, hunting prohibited | 757 |
| Board of Commissioners, compensation of members | 322 |
| Board of Education: |
| Appointment of members | 248 |
| Number and election of members | 153 |
| Elections, persons having access to voting enclosure | 1280 |

### U

**Unemployment Compensation**—see Employment Security Law

**Unfair practices**—see Trade and Commerce; Consumer Protection

### Uniform Anatomical Gift Act

| 84 |

### Uniform Commercial Code:

| Foreclosure sales, security instruments, statute of limitations | 984 |
| Interest, legal rates | 1303 |
| Miscellaneous amendments | 1115 |
| Motor vehicles, security interests on titles | 838 |
| Personal property with security interest, fraudulent disposal; hindrance of lien enforcement | 984 |

### Uniform Federal Tax Lien Registration Act

| 216 |

### Uniform Standards Code for Mobile Homes Act

| 961 |

### Union County:

| Ad valorem taxes, discount for prepayment | 705 |
| Board of Commissioners, regulation of tax listing | 706 |
| Board of Education, appointment of members | 248 |
| Deputy sheriffs, application of Workmen's Compensation Act | 707 |
| Senate, numbering of seats in elections | 985 |

1841
Unit Ownership Act:
“Building” and “condominium unit” defined .......................... 848

United States Government:
Aviation Facilities Expansion Act of 1969, acceptance of grants ........................................ 1109
Cape Lookout National Seashore, acquisition and conveyance of lands by State ........................................ 904
Compulsory Meat Inspection Act. State and Federal cooperation ... 893
Department of Local Affairs, authority as to federal grants ...... 1145
Federal Tax Lien Registration Act ........................................... 216
Federal tax liens, filing notice, duties of Register of Deeds; fees ... 80
Federal Water Resources Development Law .......................... 724
Federal water resources development projects, State cooperation .................. 968
Grants-in-aid for social services ............................................ 546
National Poultry and Turkey Improvement Plan, State cooperation . 464
Natural gas pipelines, inspection agreements between Utilities Commission and federal agencies .................. 646
Non-State fund projects, submission of requests for funds to Department of Administration .................................... 1210
Planning and development, cooperation with federal agencies ...... 1144
Presidential electors, resignation procedure; duties; penalties for non-performance ............................ 949
Retired federal employees, exemption of retirement benefits from income tax ........................................... 1272
Soil and water conservation, county cooperation .......................... 1003
Special Work Projects Panel, agreements by Governor with U. S. Secretary of Labor .................................... 739
Trustees of Consolidated University of North Carolina, temporary service in U. S. Government, status .................. 1126
Urban Property Protection and Reinsurance Act of 1968, State participation ............................................ 1284

Universities—see State Institutions

Unordered Merchandise:
Non-liability of recipient ...................................................... 70

Urban Redevelopment Law:
Amendments; county and regional redevelopment commissions ...... 1208
Financing programs, annual basis ......................................... 254
Municipal corporations, alternative methods of exercising redevelopment functions .................................... 1217

1842
**INDEX TO SESSION LAWS**

**Usury**—see Interest

**Utilities**—see Public Utilities; for local acts, see particular county or municipality

**Utilities Commission**—see under State Commissions

### V

**Vagabond School of the Drama, Inc.:**
- Appropriation for operation, construction and expansion of theatre ........................................ 1102

**Validating Acts:**
- Attorneys-in-fact, improper acknowledgments ................................................................. 951
- Corporate deeds and other conveyances improperly acknowledged .................................... 953
- Corporate deeds without seals ............................................................................................ 815
- Foreign executors and administrators, conveyances ......................................................... 1067
- Married women, instruments executed without private examination .............................. 1008
- Mayors, administration of oaths of office .......................................................................... 713
- Notaries public, acts validated .......................................................................................... 83, 639, 716
- School consolidations and mergers ..................................................................................... 742
- Substitute trustees, acts validated ...................................................................................... 477

**Vance County:**
- Alcoholic beverages, purchase-transportation permits ....................................................... 617
- Ambulance services, collection of charges ......................................................................... 708
- Board of Education, conveyance of property to County .................................................... 123
- Constable, compensation .................................................................................................... 188
- County officials, compensation ........................................................................................... 304
- Electioneering, distance from voting place ......................................................................... 1039
- Municipalities, zoning procedure ...................................................................................... 373
- Weapons, records of permits to purchase ............................................................................ 396

**Vanceboro, Town of:**
- Charter, amendments ......................................................................................................... 585

**Venue**—see Civil Procedure; Criminal Procedure

**Vessels**—see Boats and Other Watercraft

**Veterans of Wars:**
- Benefits and privileges, statutes amended .......................................................................... 720
- Children of veterans, scholarships for higher learning ...................................................... 741
- Motor vehicles, free registration plates to disabled veterans ............................................. 461
- Teachers’ and State Employees’ Retirement system, armed service credit ....................... 1223

1843
Veterinarians:
Cattle with brucellosis, regulatory law .................................. 465
Livestock, infectious disease control statutes .......................... 606, 693
Professional Corporation Act .............................................. 718
State Veterinarian—see under State Officials
Swine with hog cholera, destruction; indemnity payments .......... 525

Virginia, State of:
Lateral seaward boundary, North Carolina-Virginia, establishment . 841

Vital Statistics:
Adopted persons, adults, change of name; birth certificate .......... 21
Birth certificates of adopted children, birth dates .................. 977
Regulatory act rewritten .................................................. 1031

Vocational Schools—see State Institutions;
see also Schools and School Districts

W

Wade, Town of:
Mayor and commissioners, election; validation of acts ............... 89
Powell bill funds, payment of 1968 allocation ......................... 604

Wadesboro, Town of:
Alcoholic beverages, purchase-transportation permits ............... 617

Wages—see Employer and Employee

Wagram, Town of:
Alcoholic beverages, law repealed ...................................... 633

Wake County:
Ad valorem taxes, discount for prepayment ............................. 394
Alcoholic beverages, purchase-transportation permits ............... 617
Board of Commissioners, conveyance of hospital property ........ 635
Board of Education, appointment of member ........................... 162
Municipalities, assistance to persons relocated ......................... 551
Private parking lots, removal of vehicles ............................... 173
Register of Deeds, compensation ......................................... 275
Registration records, purging of names .................................. 576
Act amended ........................................................................ 927
Sheriff, compensation ......................................................... 275

War Veterans—see Veterans of Wars

1844
INDEX TO SESSION LAWS

Chapter

Warrants of Arrest—see Criminal Procedure

Warren County:

A.B.C. Board, sale of wines ........................................... 68
Alcoholic beverages, purchase-transportation permits .................. 617
Ambulance services, collection of charges ............................ 708
Board of Education, appointment of members .......................... 248
Deadly weapons, disposition ............................................ 1117
Electioneering, distance from voting place ............................. 1039
Littleton-Lake Gaston School District, establishment ................. 628
Senatorial district, numbering of seats ................................ 559
Warrenton City Administrative Unit, establishment ..................... 578

Warrenton, Town of:

City Administrative Unit, establishment .................................. 578

Warsaw, Town of:

Mayor and Commissioners, compensation .................................. 773

Washington County:

Alcoholic beverages, purchase-transportation permits .................. 617
Board of Education:

Appointment of members ................................................. 248
Election and terms of office of members ................................. 282

Waste Disposal: (see also Sewers and Sewerage Systems)

Solid waste disposal programs, planning development and conduct .. 899

Wastewater—see Sewer and Sewerage Systems

Wastewater Treatment Plant Operators Board of Certification—
see State Agencies and Administrative Boards

Watauga County:

Airport Commission, acquisition of land .................................. 634
Ambulance services, collection of charges .............................. 708
Board of Commissioners, tax levy for public library .................. 1049
Board of Education, election of members ................................ 1260
Elections, registration of voters ......................................... 171

Water—see Rivers and Streams

Water Pollution—see Pollution

1845
### Water Resources: (see also Rivers and Streams)
- Classification of waters for scientific or research uses .................................. 822
- Federal Water Resources Development Law .................................................. 724, 968
- Soil and water conservation, county cooperation ........................................... 1003

### Water Systems:
- Bonds for water storage facilities, counties and municipalities,
  time for issuance ................................................................................................. 407
- Sanitary districts, acquisition of systems outside district ............................... 478
- Special assessments for systems, county exemptions removed ....................... 1010
- Water and Sewer Authorities Act, revisions .................................................. 850
- Water treatment facility operators, examination and certification ................. 1059

### Water Treatment Facility Operators Board of Certification—
see State Agencies and Administrative Boards

### Watercraft—see Boats and Other Watercraft; for local acts,
see particular county or municipality

### Watershed Improvement Districts:
- Clarification of laws as to taxes, referenda, project maintenance .................. 711

### Wayne County:
- A.B.C. Board, expenditure of funds .............................................................. 671
  - Act amended ................................................................................................. 1245
- Alcoholic beverages, purchase-transportation permits .................................. 617
- Elections, persons having access to voting enclosure ..................................... 1280
- Watershed improvement program, levy of taxes;
  validation of acts ............................................................................................. 821

### Weapons:
- Antique firearms, defined; purchase authorized ............................................. 101
- Field trial firearms, regulations ........................................................................ 75
- Firearms, discharge into occupied dwelling
  or other structure, felony ................................................................................ 341
- Riots and civil disorders law, weapons regulated ........................................... 869
- Sale of firearms, permits ................................................................................ 73

### Welfare—see Social Services

### West Bladenboro, Town of:
- Charter repealed ............................................................................................ 235

### Whispering Pines, Village of:
- Charter of Village .......................................................................................... 72
  - Act amended ................................................................................................. 372
### Index to Session Laws

#### Whiteville, City of:
- Airport Authority, conveyance of property; authority abolished .................................................. 28
- Board of Education, appointment of members ................................................................. 201

#### Wild Animals—see Game and Game Laws;
for local acts see particular county

#### Wildlife Resources Commission—see under State Commissions

#### Wilkes County:
- Ad valorem taxes, discounts for prepayment .......................................................... 66
- Ambulance services:
  - Collection of charges ......................................................... 708
  - Obtaining without intent to pay ........................................... 292
- Board of Commissioners, tax levy for public library .......................................... 1049
- Board of Education:
  - Appointment of member .................................................. 248
  - Conveyance of property ................................................. 170
- Domestic fowls, running at large prohibited ...................................................... 199
- Justices of peace, appointments ............................................................. 1033
- Land surveyors, licensing procedure .................................................................. 227
- Pleasant Hill, annexation by Elkin .................................................................. 712

#### Wilkesboro, City of:
- Alcoholic beverages, purchase-transportation permits ........................................ 617

#### Wills: (see also Estates)
- Minors, authority to make will ........................................................................ 39
- Uniform Anatomical Gift Act ............................................................................ 84

#### Wilmington, City of:
- Historic districts, zoning authority;
  - appointment of commission .......................................................... 246
- Mayor and members of council, compensation ............................................. 926
- Wilmington College, continuing liability for indebtedness incurred in aiding .......... 297
- Wilmington Pony League, Inc., discharge of taxes ....................................... 564

#### Wilson, City of:
- Board of Education, consolidation of boards ............................................... 885
- Charter, consolidation and revision .............................................................. 136
- Firemen's Supplemental Retirement Fund, establishment;
  - disbursements; benefits ........................................................................ 138
- Police Department Benefit Fund, establishment .......................................... 892

1847
### Wilson County:
- Alcoholic beverages, purchase-transportation permits ........................................ 617
- Ambulance services, collection of charges ............................................................ 708

### Board of Commissioners:
- Appointment and compensation of officials and employees ............................... 295
- Compensation of members ..................................................................................... 61

### Board of Education:
- Appointment of members ...................................................................................... 248
- Consolidation of boards ......................................................................................... 885
- Private parking lots, removal of vehicles ............................................................... 288

### Windsor, Town of:
- Township Development Commission, investment of funds ..................................... 456

### Wines—see Alcoholic Beverages

### Winston-Salem, City of:
- Board of Education, conveyance of property ......................................................... 336
- City Manager, execution of documents .................................................................... 33
- Employees' Retirement Fund:
  - Benefits exempt from taxation ............................................................................ 1076
  - Investments in common stocks ............................................................................ 397
- Firemen's Retirement Fund Association, eligible persons; retirement benefits .... 94
- Peace Officers' Protective Association, compensation of officials ....................... 17
- Property, sales and leases ...................................................................................... 63
- Public schools, possession of weapons ................................................................... 1187
- Purchase contracts, joint arrangements ................................................................. 274
- Zoning regulations, posting of notice .................................................................... 43

### Winterville, Town of:
- Retirement system, establishment ......................................................................... 656

### Witnesses:
- Physicians, disclosure of privileged information ...................................................... 914
- Statements of injured persons, inadmissible in evidence unless copies furnished .... 692
- Uniform fees, Judicial Department Act of 1965, amendments ................................ 1190

### Woodland, Town of:
- Corporate limits, establishment ............................................................................ 586
Index to Session Laws

Workmen's Compensation Act:
Benefits, increase .......................................................... 143
Municipal corporations, benefits for volunteer members
  of auxiliary police department ......................................... 206
Non-resident physicians qualified to treat claimants, approval .... 135

Worthless Checks—see Negotiable Instruments and Worthless Checks

Wrightsville Beach, Town of:
  Mayor and aldermen, compensation .................................... 417

Wrongful Death Act:
  Damages recoverable, elements; evidence ............................. 215

Y

Yadkin County:
  Board of Commissioners, election of members ......................... 967
  Board of Education:
    Appointment of members .................................................. 248
    Appointment of members; election of future members .............. 406
    Conveyance of certain property ....................................... 662
  Justices of peace, appointments ......................................... 1033
  Land surveyors, licensing procedure .................................... 227

Yancey County:
  Ambulance services, collection of charges ............................. 708
  Board of Education:
    Appointment of members .................................................. 248
    Election of members ....................................................... 460
    Elections, registration of voters ....................................... 171
    Rural Development Authority, establishment ......................... 931

Year's Allowance:
  Children, allowance for support from parent's estate ............... 269
  Surviving spouse, allowance ............................................. 14

Youth Council Act of 1969 .................................................. 404

Z

Zoning and Planning: (for local acts,
  see particular county or municipality)

1849
Zoning and Planning—(Continued)

County and municipal zoning, county exemptions
removed from enabling act ........................................ 1010

Flood plain management, local government responsibility .......... 473

Zoo:

North Carolina Zoological Garden,
provision for establishment and location .......................... 1104
## INDEX TO THE RESOLUTIONS
### 1969 SESSION

<table>
<thead>
<tr>
<th>A</th>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjournment:</td>
<td></td>
</tr>
<tr>
<td>Adjournment sine die</td>
<td>105</td>
</tr>
<tr>
<td>Advisory Budget Commission:</td>
<td></td>
</tr>
<tr>
<td>Study of efficiency in government</td>
<td>88</td>
</tr>
<tr>
<td>Africana Art Gallery:</td>
<td></td>
</tr>
<tr>
<td>Resolution of commendation</td>
<td>121</td>
</tr>
<tr>
<td>Agricultural Conservation Program:</td>
<td></td>
</tr>
<tr>
<td>Resolution urging reinstatement of funds</td>
<td>68</td>
</tr>
<tr>
<td>Alcoholic Beverages:</td>
<td></td>
</tr>
<tr>
<td>Commission for the study of laws of State pertaining to sale, possession and consumption</td>
<td>115</td>
</tr>
<tr>
<td>Arthritis:</td>
<td></td>
</tr>
<tr>
<td>Designation of special month</td>
<td>26</td>
</tr>
<tr>
<td>Atkins High School:</td>
<td></td>
</tr>
<tr>
<td>Resolution honoring basketball team</td>
<td>30</td>
</tr>
</tbody>
</table>

### B

<table>
<thead>
<tr>
<th>B</th>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banks:</td>
<td></td>
</tr>
<tr>
<td>Tax Study Commission, study of methods of taxation</td>
<td>118</td>
</tr>
<tr>
<td>Bell, Clifton Linwood:</td>
<td></td>
</tr>
<tr>
<td>Resolution of respect</td>
<td>20</td>
</tr>
<tr>
<td>Brock, Burr Coley:</td>
<td></td>
</tr>
<tr>
<td>Resolution of respect</td>
<td>23</td>
</tr>
<tr>
<td>Brooks, Frederick P.:</td>
<td></td>
</tr>
<tr>
<td>Resolution of respect</td>
<td>10</td>
</tr>
<tr>
<td>Bunn, J. Wilbur:</td>
<td></td>
</tr>
<tr>
<td>Resolution of respect</td>
<td>8</td>
</tr>
<tr>
<td>Byerly, S. Ray:</td>
<td></td>
</tr>
<tr>
<td>Resolution of respect</td>
<td>17</td>
</tr>
</tbody>
</table>

1851
INDEX TO THE RESOLUTIONS

Resolution Number

C

Caldwell, John:
Resolution of commendation .................................................. 34

Campus Disorders:
Resolution of concern .............................................................. 93

Cates, William Roy, Sr.:
Resolution of respect .............................................................. 83

Citizens Advisory Committee on the General Assembly:
Creation, powers and duties ..................................................... 100

Clark, James Hector, Sr.:
Resolution of respect .............................................................. 52

Clark, John Washington:
Resolution of respect .............................................................. 49

Clinical Laboratories:
Study of licensing legislation for blood banks and employees ...... 116

Commission for Study of Alcoholic Beverage Laws:
Creation, powers and duties ..................................................... 115

Commission for the Study of Local and Ad Valorem Tax Structure:
Creation, powers and duties ..................................................... 92

Cooper, Mrs. Annie E.:
Resolution of gratitude ............................................................ 11

Courts:
North Carolina Courts Commissions, study of offices
of judges and solicitors .......................................................... 62

Currie, Wilbur Hoke:
Resolution of respect .............................................................. 2

D

Dalton, Crawford:
Resolution of appreciation ....................................................... 106

Davidson College:
Resolution of congratulations to College Bowl Team ................... 70

Davis, Isaac Peter:
Resolution of respect .............................................................. 21

1852
INDEX TO THE RESOLUTIONS

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Department of Administration:</th>
</tr>
</thead>
<tbody>
<tr>
<td>85</td>
<td>Creation of North Carolina Marine Science Council</td>
</tr>
<tr>
<td>110</td>
<td>Development of improved budget procedures</td>
</tr>
<tr>
<td>44</td>
<td>Resolution with regard to numbering of license plates for General Assembly</td>
</tr>
<tr>
<td>24</td>
<td>Request for assistance</td>
</tr>
</tbody>
</table>

E

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>East Rutherford High School:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Resolution honoring band</td>
</tr>
<tr>
<td>41, 42</td>
<td>Eisenhower, Dwight David: Resolutions of respect</td>
</tr>
<tr>
<td>63</td>
<td>Employment of Youth: Resolution of support</td>
</tr>
</tbody>
</table>

F

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Federal Communications Commission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Resolution opposing regulations</td>
</tr>
<tr>
<td>69</td>
<td>Forsyth County: Commission to study functions of local governmental units, creation</td>
</tr>
<tr>
<td>16</td>
<td>Fountain, Benjamin Eagles: Resolution of respect</td>
</tr>
</tbody>
</table>

G

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Gardner, Mrs. O. Max:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Resolution of respect</td>
</tr>
<tr>
<td>64</td>
<td>Gardner Webb College: Resolution of congratulations</td>
</tr>
<tr>
<td>90</td>
<td>Garrison, Sam P.: Resolution of commendation</td>
</tr>
<tr>
<td>105</td>
<td>General Assembly: Adjournment sine die</td>
</tr>
<tr>
<td>88</td>
<td>Advisory Budget Commission, study of efficiency in government</td>
</tr>
</tbody>
</table>

1853
Index to the Resolutions

General Assembly—(Continued)

Africana Art Gallery, resolution of commendation .......................... 121
Agricultural Conservation Program, reinstatement of funds ............. 68
Archives and History—State Library Building,
  resolution of congratulations to departments ............................ 57
Arthritis, designation of special month ........................................ 26
Atkins High School, resolution honoring basketball team .............. 30
Caldwell, John, resolution of commendation .................................. 34
Campus disorders, resolution of concern ....................................... 93
Citizens Advisory Committee on the General Assembly, creation ... 100
Commission for study of laws pertaining
to alcoholic beverages, creation ................................................ 115
Commission for the study of local and ad valorem
tax structure, creation ............................................................... 92
Commission on use of illegal and harmful drugs, creation .............. 74
Congress, opposition to regulations of Federal
  Communications Commission ..................................................... 15
Cooper, Mrs. Annie E., resolution of gratitude .............................. 11
Dalton, Crawford, resolution of appreciation ................................. 106
Davidson College, resolution of congratulations
to College Bowl Team ............................................................... 70
Department of Administration, development of
  improved budget procedures ..................................................... 110
Disaster areas, request for assistance ........................................... 24
Distributive Education Clubs, resolution honoring ....................... 28
East Rutherford High School, resolution honoring band ................ 6
Employment of youth, resolution of support .................................. 63
Forsyth County, creation of commission to
  study local governmental units ................................................ 69
Gardner Webb College, resolution of congratulations .................... 64
Garrison, Sam P., resolution of commendation .............................. 90
Governor:
  Invitations to address joint sessions:
    22 January, 1969 ................................................................. 1
  Resolution amended ............................................................... 47
    12 February, 1969 ............................................................... 14
    27 March, 1969 ................................................................. 37
Governor's Study Commission on Automobile Liability
  Insurance and Rates, creation ................................................. 65

1854
### Index to the Resolutions

**General Assembly—(Continued)**

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>97</td>
<td>Greater University of North Carolina, joint session for election of trustees</td>
</tr>
<tr>
<td>4</td>
<td>Greensboro Jaycees, resolution of congratulations</td>
</tr>
<tr>
<td>89</td>
<td>Greensboro Pony League All-Stars, resolution honoring</td>
</tr>
<tr>
<td>45</td>
<td>Halifax Resolves, resolution commemorating</td>
</tr>
<tr>
<td>112</td>
<td>Health agencies and services, examination of institutions and programs</td>
</tr>
<tr>
<td>51</td>
<td>Hooks, William A., congratulations upon election as Grand Master of Masons</td>
</tr>
<tr>
<td>35</td>
<td>Huffman, Robert O., resolution honoring</td>
</tr>
<tr>
<td>84</td>
<td>Insurance Commissioner, revision of Safe Driver Reward Plan</td>
</tr>
<tr>
<td>114</td>
<td>International trade, promotional program</td>
</tr>
<tr>
<td>60</td>
<td>Jones, Rudolph, resolution of appreciation</td>
</tr>
<tr>
<td>82</td>
<td>Junior Chamber of Commerce: Commendation for Miss North Carolina Pageant</td>
</tr>
<tr>
<td>19</td>
<td>Designation of Jaycee Day</td>
</tr>
<tr>
<td>98</td>
<td>Law enforcement officers, resolution of appreciation</td>
</tr>
<tr>
<td>31</td>
<td>League of Women Voters, resolution of congratulations</td>
</tr>
<tr>
<td>56</td>
<td>Legislative Commission on Student Financial Aid, creation, powers and duties</td>
</tr>
<tr>
<td>107</td>
<td>Legislative Research Commission: Investigation of use of North Carolina Sanitorium for health needs</td>
</tr>
<tr>
<td>55</td>
<td>Study of health manpower needs</td>
</tr>
<tr>
<td>116</td>
<td>Study of licensing legislation for blood banks and employees</td>
</tr>
<tr>
<td>113</td>
<td>Study of Retirement Fund for General Assembly</td>
</tr>
<tr>
<td>76</td>
<td>Study of retirement program for institutions of higher learning</td>
</tr>
<tr>
<td>27</td>
<td>Local bills, deadline on introduction</td>
</tr>
<tr>
<td>111</td>
<td>Local Government Study Commission, extension of term</td>
</tr>
<tr>
<td>104</td>
<td>Medical schools, increase of students</td>
</tr>
<tr>
<td>43</td>
<td>Medical vocation guidance, resolution of support</td>
</tr>
<tr>
<td>62</td>
<td>North Carolina Courts Commission, study of offices of judges and solicitors</td>
</tr>
<tr>
<td>85</td>
<td>North Carolina Marine Science Council, creation</td>
</tr>
<tr>
<td>50</td>
<td>Nursing education, avoidance of repetitious training</td>
</tr>
<tr>
<td>48</td>
<td>Parents and Teachers, congratulations upon unification of organizations</td>
</tr>
</tbody>
</table>

1855
# Index to the Resolutions

## General Assembly—(Continued)

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plemmons, William Howard, resolution honoring</td>
<td>91</td>
</tr>
<tr>
<td>Premedical education, resolution of support</td>
<td>103</td>
</tr>
<tr>
<td>Raleigh Junior Chamber of Commerce, appreciation for support of zoo</td>
<td>122</td>
</tr>
<tr>
<td>Red Springs High School, resolution honoring basketball team</td>
<td>40</td>
</tr>
<tr>
<td>Registration plates for automobiles of members of General Assembly, numbering system</td>
<td>44</td>
</tr>
</tbody>
</table>

## Resolutions of respect for deceased persons:

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bell, Clifton Linwood</td>
<td>20</td>
</tr>
<tr>
<td>Brock, Burr Coley</td>
<td>23</td>
</tr>
<tr>
<td>Brooks, Frederick P.</td>
<td>10</td>
</tr>
<tr>
<td>Bunn, J. Wilbur</td>
<td>8</td>
</tr>
<tr>
<td>Byerly, S. Ray</td>
<td>17</td>
</tr>
<tr>
<td>Cates, William Roy, Sr.</td>
<td>83</td>
</tr>
<tr>
<td>Clark, James Hector, Sr.</td>
<td>52</td>
</tr>
<tr>
<td>Clark, John Washington</td>
<td>49</td>
</tr>
<tr>
<td>Currie, Wilbur Hoke</td>
<td>2</td>
</tr>
<tr>
<td>Davis, Isaac Peter</td>
<td>21</td>
</tr>
<tr>
<td>Eisenhower, Dwight David</td>
<td>41, 42</td>
</tr>
<tr>
<td>Fountain, Benjamin Eagles</td>
<td>16</td>
</tr>
<tr>
<td>Gardner, Mrs. O. Max</td>
<td>5</td>
</tr>
<tr>
<td>Gray, Bowman, Jr.</td>
<td>46</td>
</tr>
<tr>
<td>Hancock, Franklin Wills, Jr.</td>
<td>12</td>
</tr>
<tr>
<td>Hodges, Mrs. Luther H.</td>
<td>120</td>
</tr>
<tr>
<td>Johnson, Charles Thomas</td>
<td>72</td>
</tr>
<tr>
<td>Kerr, John H.I., Jr.</td>
<td>119</td>
</tr>
<tr>
<td>Mason, Joseph William</td>
<td>96</td>
</tr>
<tr>
<td>McEachern, Laurie</td>
<td>32</td>
</tr>
<tr>
<td>McLendon, Lennox Polk</td>
<td>102</td>
</tr>
<tr>
<td>McMillan, Robert LeRoy</td>
<td>66</td>
</tr>
<tr>
<td>Norman, Zebulon Vance</td>
<td>22</td>
</tr>
<tr>
<td>Richardson, Stephen Girard</td>
<td>61</td>
</tr>
<tr>
<td>Stone, T. Clarence</td>
<td>59</td>
</tr>
<tr>
<td>Strickland, Earl Cranston</td>
<td>79</td>
</tr>
<tr>
<td>Thompson, Paul Herman</td>
<td>18</td>
</tr>
<tr>
<td>Umstead, John Wesley, Jr.</td>
<td>13</td>
</tr>
</tbody>
</table>

1856
## Index to the Resolutions

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>Uzzell, George Randolph</td>
</tr>
<tr>
<td>54</td>
<td>Van Hecke, Maurice Taylor</td>
</tr>
<tr>
<td>33</td>
<td>Weaver, Philip J.</td>
</tr>
<tr>
<td>53</td>
<td>Wettach, Robert Hasley</td>
</tr>
<tr>
<td>25</td>
<td>Whitfield, James Vivian</td>
</tr>
<tr>
<td>94</td>
<td>Willis, Emmett Clive, Jr.</td>
</tr>
<tr>
<td>87</td>
<td>Ruffin, Thomas, relocation of statue</td>
</tr>
<tr>
<td>81</td>
<td>Secretary of Agriculture: Reduction of appropriation for Agriculture Stabilization Corporation</td>
</tr>
<tr>
<td>67</td>
<td>Resolution with regard to food stamp program</td>
</tr>
<tr>
<td>95</td>
<td>Southeast Guilford High School Baseball team, resolution of congratulations</td>
</tr>
<tr>
<td>7</td>
<td>Spilman, Mrs. John B., Sr., resolution of appreciation</td>
</tr>
<tr>
<td>58</td>
<td>State Board of Nursing, resolution encouraging establishment of diploma schools of nursing</td>
</tr>
<tr>
<td>9</td>
<td>Statesville Senior High School, resolution honoring band</td>
</tr>
<tr>
<td>3</td>
<td>Stone, T. Clarence, delegation at funeral</td>
</tr>
<tr>
<td>75</td>
<td>Study Commission on North Carolina's Emotionally Disturbed Children, creation</td>
</tr>
<tr>
<td>109</td>
<td>Study Commission on Schools for the Blind and Deaf, creation</td>
</tr>
<tr>
<td>73</td>
<td>Tax Study Commission: Creation</td>
</tr>
<tr>
<td>118</td>
<td>Study of taxation of banks</td>
</tr>
<tr>
<td>80</td>
<td>Teachers and State Employees Benefits Study Commission, creation</td>
</tr>
<tr>
<td>77</td>
<td>Tryon Palace, commemoration of Bicentennial</td>
</tr>
<tr>
<td>117</td>
<td>Turner, Frank B., appreciation for services</td>
</tr>
<tr>
<td>101</td>
<td>Uniform Consumer Credit Code Study Commission, creation</td>
</tr>
<tr>
<td>29</td>
<td>University of North Carolina at Chapel Hill, resolution congratulating basketball team</td>
</tr>
<tr>
<td>109</td>
<td>Wake County, election on merger of school systems</td>
</tr>
<tr>
<td>39</td>
<td>Wake County Bicentennial Commission, creation</td>
</tr>
<tr>
<td>71</td>
<td>Wake County Medical Society, gratitude for services</td>
</tr>
<tr>
<td>36</td>
<td>Whiteville High School, resolution honoring basketball team</td>
</tr>
<tr>
<td>78</td>
<td>Youth Appreciation Week, designation</td>
</tr>
</tbody>
</table>

1857
**INDEX TO THE RESOLUTIONS**

<table>
<thead>
<tr>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Governor:</strong></td>
</tr>
<tr>
<td>Arthritis, designation of special month</td>
</tr>
<tr>
<td>Commission for study of laws pertaining to alcoholic beverages, appointment of members</td>
</tr>
<tr>
<td>Commission for the Study of Local and Ad Valorem Tax Structure, appointment of members</td>
</tr>
<tr>
<td>Commission on Automobile Liability Insurance and Rates, appointment of members</td>
</tr>
<tr>
<td>Commission on Use of Illegal and Harmful Drugs, appointment of members</td>
</tr>
<tr>
<td>Health agencies and services, examination of institutions and programs</td>
</tr>
<tr>
<td>International Month, designation; promotion program</td>
</tr>
<tr>
<td>Invitations to address General Assembly:</td>
</tr>
<tr>
<td>22 January, 1969</td>
</tr>
<tr>
<td>Resolution amended</td>
</tr>
<tr>
<td>12 February, 1969</td>
</tr>
<tr>
<td>27 March, 1969</td>
</tr>
<tr>
<td>Legislative Commission on Student Financial Aid, appointment of members</td>
</tr>
<tr>
<td>Local Government Study Commission, appointment of members</td>
</tr>
<tr>
<td>North Carolina Marine Science Council, appointment of members</td>
</tr>
<tr>
<td>Study Commission on North Carolina's Emotionally Disturbed Children, appointment of members</td>
</tr>
<tr>
<td>Study Commission on Schools for the Blind and Deaf, appointment of members</td>
</tr>
<tr>
<td>Tax Study Commission, appointment of members</td>
</tr>
<tr>
<td>Teachers and State Employees Benefits Study Commission, appointment of members</td>
</tr>
<tr>
<td>Uniform Consumer Credit Code Study Commission, appointment of members</td>
</tr>
<tr>
<td>Wake County Bicentennial Commission, appointment of members</td>
</tr>
<tr>
<td>Youth Appreciation Week, issuance of proclamation</td>
</tr>
<tr>
<td><strong>Governor's Study Commission on Automobile Liability Insurance and Rates:</strong></td>
</tr>
<tr>
<td>Creation of Commission</td>
</tr>
<tr>
<td><strong>Gray, Bowman, Jr.:</strong></td>
</tr>
<tr>
<td>Resolution of respect</td>
</tr>
</tbody>
</table>
INDEX TO THE RESOLUTIONS

Greensboro, City of:
Resolution honoring Pony League All-Stars ......................... 89
Resolution of congratulations to Jaycees ............................ 4

Guilford County:
Resolution congratulating high school baseball team .............. 95

Halifax Resolves:
Resolution commemorating ............................................ 45

Hancock, Franklin Wills, Jr.:
Resolution of respect .................................................. 12

Hodges, Mrs. Luther H.:
Resolution of respect .................................................. 120

Hooks, William A.:
Resolution of congratulations ........................................ 51

Huffman, Robert O.:
Resolution honoring ................................................... 35

Insurance:
Governor's Study Commission on Automobile Liability Insurance and Rates, creation ......................... 65

Insurance Commissioner:
Revision of Safe Driver Reward Plan ............................... 84

International Trade:
Promotion of International Month .................................... 115

Jaycees—see Junior Chamber of Commerce

Johnson, Charles Thomas:
Resolution of respect .................................................. 72

Jones, Dr. Rudolph:
Resolution of appreciation ............................................. 60

Junior Chamber of Commerce:
Commendation for Miss North Carolina Pageant ................... 82

1859
INDEX TO THE RESOLUTIONS

Resolution Number

Junior Chamber of Commerce—(Continued)
  Designation of Jaycee Day .................................................. 19
  Greensboro Jaycees congratulated ........................................ 4
  Raleigh Jaycees commended ................................................ 122

K

Kerr, John H., Jr.:
  Resolution of respect ....................................................... 119

L

Law Enforcement Officers:
  Resolution of appreciation ................................................ 98

League of Women Voters:
  Resolution of congratulations ............................................ 31

Legislative Commission on Student Financial Aid:
  Creation, powers and duties .............................................. 56

Legislative Research Commission:
  Blood banks and employees, study of licensing legislation ........ 116
  General Assembly, study of Retirement Fund .......................... 113
  Health manpower, study of needs ........................................ 55
  Institutions of higher learning, study of retirement program ...... 76
  North Carolina Sanitorium, investigation as to use ................ 107

Legislative Study Commission on Use of Illegal
and Harmful Drugs:
  Creation, powers and duties .............................................. 74

Local Government Study Commission:
  Extension of term ............................................................ 111

M

Mason, Joseph William:
  Resolution of respect ....................................................... 96

Masons:
  Resolution honoring William A. Hooks as Grand Master ............ 51

McEachern, Laurie:
  Resolution of respect ....................................................... 32
INDEX TO THE RESOLUTIONS

Resolution Number

McLendon, Lennox Polk:
Resolution of respect ................................................. 102

McMillan, Robert LeRoy:
Resolution of respect ............................................... 66

N

Norman, Zebulon Vance:
Resolution of respect ................................................. 22

North Carolina Courts Commission:
Resolution directing study of offices of judges and solicitors .... 62

North Carolina Distributive Education Clubs:
Resolution honoring organization .................................. 28

North Carolina Marine Science Council:
Creation, powers and duties ......................................... 85

North Carolina Sanitorium:
Investigation of use for health needs .............................. 107

North Carolina State Board of Nursing—see State Board of Nursing

P

Parents and Teachers:
Resolution congratulating organizations upon unification ........ 48

Physicians:
  Health agencies and services, examination
  of institutions and programs ...................................... 112
  Legislative Research Commission, study of health manpower needs . 55
  Legislative Study Commission on Use of Illegal
  and Harmful Drugs, creation .................................... 74
  Medical schools, increase of students .......................... 104
  Medical vocation guidance, resolution of support ............ 43
  North Carolina Sanitorium, investigation of use for health needs ... 107
  Premedical education, resolution of support .................. 103
  Study Commission on North Carolina's Emotionally
  Disturbed Children, creation .................................... 75
  Wake County Medical Society, gratitude for services ........ 71

Plemmons, William Howard:
Resolution honoring .................................................. 91

1861
### Index to the Resolutions

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Number</th>
</tr>
</thead>
</table>

**R**

Raleigh, City of:
- Resolution of appreciation to Junior Chamber of Commerce for support of zoo .......... 122
- Resolution urging election on merger of school systems .......... 109

Red Springs, Town of:
- Resolution honoring basketball team .......... 40

Richardson, Stephen Girard:
- Resolution of respect .......... 61

Ruffin, Thomas:
- Relocation of statue on Capitol Square .......... 87

**S**

Secretary of Agriculture:
- Reduction of appropriation for Agriculture Stabilization Corporation .......... 81
- Resolution with regard to food stamp program .......... 67

Secretary of State:
- Atkins High School, certification and transmittal of resolution .......... 30
- Caldwell, John, certification and transmittal of resolution .......... 34
- Congress, transmittal of resolution opposing F.C.C. regulations .......... 15
- Dalton, Crawford, certification and transmittal of resolution .......... 106
- Distributive Education Clubs, certification and transmittal of resolution .......... 28
- Garrison, Sam P., certification and transmittal of resolution .......... 90
- Greensboro Pony League All-Stars, certification and transmittal of resolution .......... 89
- Hooks, William A., certification and transmittal of resolution .......... 51
- Huffman, Robert O., certification and transmittal of resolution .......... 35
- Jones, Rudolph, certification and transmittal of resolution .......... 60
- League of Women Voters, certification and transmittal of resolution .......... 31
- Parents and Teachers, certification and transmittal of resolution .......... 48
- Plemmons, William Howard, certification and transmittal of resolution .......... 91
- Red Springs High School, certification and transmittal of resolution .......... 40

1862
### INDEX TO THE RESOLUTIONS

**Secretary of State—(Continued)**

Resolutions of respect for deceased persons, certification and transmittal:

<table>
<thead>
<tr>
<th>Name</th>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bell, Clifton Linwood</td>
<td>20</td>
</tr>
<tr>
<td>Brock, Burr Coley</td>
<td>23</td>
</tr>
<tr>
<td>Brooks, Frederick P.</td>
<td>10</td>
</tr>
<tr>
<td>Bunn, J. Wilbur</td>
<td>8</td>
</tr>
<tr>
<td>Byerly, S. Ray</td>
<td>17</td>
</tr>
<tr>
<td>Cates, William Roy, Sr.</td>
<td>83</td>
</tr>
<tr>
<td>Clark, James Hector, Sr.</td>
<td>52</td>
</tr>
<tr>
<td>Clark, John Washington</td>
<td>49</td>
</tr>
<tr>
<td>Currie, Wilbur Hoke</td>
<td>2</td>
</tr>
<tr>
<td>Davis, Isaac Peter</td>
<td>21</td>
</tr>
<tr>
<td>Eisenhower, Dwight David</td>
<td>41, 42</td>
</tr>
<tr>
<td>Fountain, Benjamin Eagles</td>
<td>16</td>
</tr>
<tr>
<td>Gardner, Mrs. O. Max</td>
<td>5</td>
</tr>
<tr>
<td>Gray, Bowman, Jr.</td>
<td>46</td>
</tr>
<tr>
<td>Hancock, Franklin Wills, Jr.</td>
<td>12</td>
</tr>
<tr>
<td>Hodges, Mrs. Luther H.</td>
<td>120</td>
</tr>
<tr>
<td>Johnson, Charles Thomas</td>
<td>72</td>
</tr>
<tr>
<td>Kerr, John H., Jr.</td>
<td>119</td>
</tr>
<tr>
<td>Mason, Joseph William</td>
<td>96</td>
</tr>
<tr>
<td>McEachern, Laurie</td>
<td>32</td>
</tr>
<tr>
<td>McLendon, Lennox Polk</td>
<td>102</td>
</tr>
<tr>
<td>Norman, Zebulon Vance</td>
<td>22</td>
</tr>
<tr>
<td>Richardson, Stephen Girard</td>
<td>61</td>
</tr>
<tr>
<td>Stone, T. Clarence</td>
<td>59</td>
</tr>
<tr>
<td>Thompson, Paul Herman</td>
<td>18</td>
</tr>
<tr>
<td>Uzzell, George Randolph</td>
<td>38</td>
</tr>
<tr>
<td>Van Hecke, Maurice Taylor</td>
<td>54</td>
</tr>
<tr>
<td>Weaver, Philip J.</td>
<td>33</td>
</tr>
<tr>
<td>Wettach, Robert Hasley</td>
<td>53</td>
</tr>
<tr>
<td>Whitfield, James Vivian</td>
<td>25</td>
</tr>
<tr>
<td>Willis, Emmett Clive, Jr.</td>
<td>94</td>
</tr>
<tr>
<td>Ruffin, Thomas, certification and transmittal of resolution with respect to relocation of statue</td>
<td>87</td>
</tr>
<tr>
<td>Southeast Guilford High School, certification and transmittal of resolution</td>
<td>95</td>
</tr>
</tbody>
</table>

1863
Secretary of State—(Continued)

Spilman, Mrs. John B., Sr., certification and transmittal of resolution ........................................ 7
Statesville Senior High School Band, certification and transmittal of resolution ............................. 9
Tryon Palace Commission, certification and transmittal of resolution ............................................. 77
Turner, Frank B., certification and transmittal of resolution ......................................................... 117
Wake County Medical Society, certification and transmittal of resolution ...................................... 71
Whiteville High School, certification and transmittal of resolution ................................................ 36

Spilman, Mrs. John B., Sr.:
Resolution of appreciation ........................................ 7

State Board of Education:
Resolution with respect to premedical education ................................................................. 103

State Board of Higher Education:
Resolution with respect to premedical education ................................................................. 103

State Board of Nursing:
Resolution encouraging establishment of diploma schools of nursing ..................................... 58
Resolution with respect to repetitious training in nursing education ..................................... 50

State Capitol Planning Commission:
Relocation of Thomas Ruffin statue ........................................ 87

State Department of Archives and History:
Resolution of congratulations upon occupation of new building .............................................. 57

State Employees:
Advisory Budget Commission, study of economy in government ............................................. 88
Legislative Research Commission, study of retirement benefits for institutions of higher education ........................................ 76
Teachers and State Employees Benefits Study Commission, creation ........................................ 80

State Library:
Resolution of congratulations upon occupation of new building .............................................. 57

Statesville Senior High School:
Resolution honoring band ........................................ 9

1864
## INDEX TO THE RESOLUTIONS

<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Stone, T. Clarence:</strong></td>
</tr>
<tr>
<td></td>
<td>Official delegation at funeral</td>
</tr>
<tr>
<td></td>
<td>Resolution of respect</td>
</tr>
<tr>
<td></td>
<td><strong>Strickland, Earl Cranston:</strong></td>
</tr>
<tr>
<td></td>
<td>Resolution of respect</td>
</tr>
<tr>
<td></td>
<td><strong>Study Commission on North Carolina’s</strong></td>
</tr>
<tr>
<td></td>
<td>Emotionally Disturbed Children:</td>
</tr>
<tr>
<td></td>
<td>Creation, powers and duties</td>
</tr>
<tr>
<td></td>
<td><strong>Study Commission on Schools for the Blind and Deaf:</strong></td>
</tr>
<tr>
<td></td>
<td>Creation, powers and duties</td>
</tr>
<tr>
<td></td>
<td><strong>Tax Study Commission:</strong></td>
</tr>
<tr>
<td></td>
<td>Creation, powers and duties</td>
</tr>
<tr>
<td></td>
<td>Investigation with respect to taxation of banks</td>
</tr>
<tr>
<td></td>
<td><strong>Teachers and State Employees Benefits Study Commission:</strong></td>
</tr>
<tr>
<td></td>
<td>Creation, powers and duties</td>
</tr>
<tr>
<td></td>
<td><strong>Teachers’ and State Employees’ Retirement System:</strong></td>
</tr>
<tr>
<td></td>
<td>Creation of study commission</td>
</tr>
<tr>
<td></td>
<td>Study of retirement program</td>
</tr>
<tr>
<td></td>
<td>for institutions of higher learning</td>
</tr>
<tr>
<td></td>
<td><strong>Thompson, Paul Herman:</strong></td>
</tr>
<tr>
<td></td>
<td>Resolution of respect</td>
</tr>
<tr>
<td></td>
<td><strong>Tryon Palace:</strong></td>
</tr>
<tr>
<td></td>
<td>Commemoration of Bicentennial</td>
</tr>
<tr>
<td></td>
<td><strong>Turner, Frank B.:</strong></td>
</tr>
<tr>
<td></td>
<td>Resolution of appreciation</td>
</tr>
<tr>
<td></td>
<td><strong>Umstead, John Wesley, Jr.:</strong></td>
</tr>
<tr>
<td></td>
<td>Resolution of respect</td>
</tr>
<tr>
<td></td>
<td><strong>Uniform Consumer Credit Code Study Commission:</strong></td>
</tr>
<tr>
<td></td>
<td>Creation, powers and duties</td>
</tr>
<tr>
<td></td>
<td><strong>United States Congress:</strong></td>
</tr>
<tr>
<td></td>
<td>Agricultural Conservation Program, reinstatement of funds</td>
</tr>
<tr>
<td></td>
<td>Disaster areas, request for assistance</td>
</tr>
<tr>
<td></td>
<td>Federal Communications Commission, opposition to regulations</td>
</tr>
</tbody>
</table>

1865
# Index to the Resolutions

<table>
<thead>
<tr>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of North Carolina:</td>
</tr>
<tr>
<td>Joint Session for election of trustees</td>
</tr>
<tr>
<td>University of North Carolina at Chapel Hill:</td>
</tr>
<tr>
<td>Resolution congratulating basketball team</td>
</tr>
<tr>
<td>Uzzell, George Randolph:</td>
</tr>
<tr>
<td>Resolution of respect</td>
</tr>
</tbody>
</table>

**V**

<table>
<thead>
<tr>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Van Hecke, Maurice Taylor:</td>
</tr>
<tr>
<td>Resolution of respect</td>
</tr>
</tbody>
</table>

**W**

<table>
<thead>
<tr>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wake County:</td>
</tr>
<tr>
<td>Bicentennial Commission established</td>
</tr>
<tr>
<td>Resolution urging election on merger of school systems</td>
</tr>
<tr>
<td>Wake County Medical Society:</td>
</tr>
<tr>
<td>Resolution of gratitude for services</td>
</tr>
<tr>
<td>Weaver, Philip J.:</td>
</tr>
<tr>
<td>Resolution of respect</td>
</tr>
<tr>
<td>Wettach, Robert Hasley:</td>
</tr>
<tr>
<td>Resolution of respect</td>
</tr>
<tr>
<td>Whiteville High School:</td>
</tr>
<tr>
<td>Resolution commending basketball team</td>
</tr>
<tr>
<td>Whitfield, James Vivian:</td>
</tr>
<tr>
<td>Resolution of respect</td>
</tr>
<tr>
<td>Willis, Emmett Clive, Jr.:</td>
</tr>
<tr>
<td>Resolution of respect</td>
</tr>
<tr>
<td>Winston-Salem, City of:</td>
</tr>
<tr>
<td>Resolution honoring Atkins High School basketball team</td>
</tr>
</tbody>
</table>

**Y**

<table>
<thead>
<tr>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Appreciation Week:</td>
</tr>
<tr>
<td>Resolution designating</td>
</tr>
</tbody>
</table>