

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 1107  
HOUSE BILL 1005

AN ACT CONCERNING A SPECIAL ELECTION TO AUTHORIZE A  
DEVELOPMENT TAX AND A DEVELOPMENT COMMISSION FOR  
MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Upon the presentation of a petition of fifty (50) or more qualified electors of Madison County, the board of county commissioners shall call a special election to determine whether it be the will of the qualified electors of said county that they 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 at a rate not to exceed five cents (5¢) on each one hundred dollar (\$100.00) valuation of property in said county, to be known as the "Madison County Development Tax". The funds therefrom, if the levy be authorized by the voters, shall be used: for the purpose of developing an expanded and diversified economy in Madison County; for the attraction, encouragement and expansion of agricultural, commercial and industrial enterprise and of venture capital; any and all costs or expenses related to these broad development purposes, such as professional planning assistance, resource, labor locations, land use, industrial and other surveys, and of advertising.

Sec. 2. The special election, if held, shall be conducted at the same time as the primary elections are conducted in Madison County during the year 1962. No special registration of voters for the special election shall be required. The special election shall be under the control and supervision of the county board of elections, and, as nearly as may be possible, shall be conducted according to the provisions of the general law applicable to local elections.

Sec. 3. The form of the question submitted to the electors of Madison County shall be substantially the words "FOR Madison County Development Tax" and "AGAINST Madison County Development Tax", 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 his choice for or against such tax. The ballot shall be printed on white paper and a sufficient number shall be supplied to each polling place not later than the day before the election, together with a ballot box marked "Madison County Development Tax Election".

Sec. 4. The duly appointed judges and other election officials named by the county board of elections shall count the ballots cast and the results of the election shall

be officially canvassed, certified and announced by proper officials of the board of elections, according to the manner of canvass, certification and announcement of elections held under the general election laws. Except as herein otherwise provided, the registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

Sec. 5. If a majority of those voting in such election favor the levy of the tax, the Board of Commissioners of Madison County shall levy a special tax at a rate not in excess of five cents (5¢) on each one hundred dollar (\$100.00) of assessed value of real and personal property taxable in the county, and the General Assembly does hereby give its special approval for the levy of this special tax.

Sec. 6. If the majority of the qualified electors voting in the election favor the levy of such a tax, then and in that event there is hereby created a commission to be known as the Development Commission of Madison County, to be composed of eight (8) members appointed by the North Carolina General Assembly, and the chairman from time to time of the Board of County Commissioners of Madison County ex officio. The terms of the members of the commission initially appointed herein shall expire on April 1, 1965, and unless otherwise provided by law, the terms of appointed members of the commission shall expire every four (4) years thereafter, but every appointed member shall serve until his successor may be appointed by the General Assembly and qualify. All interim vacancies among the appointed members of the commission resulting from resignation, death, or otherwise, shall be filled by the remaining members of the commission.

Commission members shall serve without compensation, except for reimbursement for their actual and necessary expenses while engaged on commission affairs.

In addition to the present Chairman of the Board of County Commissioners of Madison County, ex officio, the following are appointed and elected to initial membership on the commission: Jobie Henderson, J. J. Ramsey, Charles E. Mashburn, D. M. Robinson, James Story, Rex Allen, Leonard Baker, S. C. Rudisill and Fred O. Tilson.

Sec. 7. The Industrial Development Commission of Madison County shall hold its first meeting within thirty (30) days after its appointment has become effective as provided for in this Act, and shall, by a majority vote, elect from their membership a chairman, vice chairman, secretary, and treasurer, and shall draw up and ratify their own bylaws and procedural rules and policies. The treasurer of the commission shall have supervision of all funds administered by the commission; shall sign and countersign all checks, drafts, bills of exchange, or any and all other negotiable instruments which shall properly be issued under his supervision; and shall furnish a fidelity bond to be held by the Madison County Auditor, in an amount and with surety approved from time to time by the Madison County Auditor. No money, property or funds of the commission shall be used directly or indirectly as a subsidy or investment in capital assets in any business, industry or business venture.

Sec. 8. Under the supervision and jurisdiction of the Development Commission of Madison County there shall be administered a development program for the county for the purposes and within the limitations set forth in Section 1 of this Act.

The commission is empowered: to employ executive, professional, administrative, clerical, and other necessary personnel for the formulation and execution of a Madison County Development program; to incur necessary and related expense; to administer all tax funds which shall be turned over to the commission by county authorities from the special tax, together with any and all other funds which may come into the hands of the commission; to lease, rent, purchase, or otherwise acquire, suitable office space and other facilities together with necessary furniture, fixtures and other equipment; to purchase advertising in any advertising media which it may select for that purpose; to otherwise engage in any and all activities which the commission shall in its discretion deem necessary, advisable or beneficial in promoting the business, agricultural and industrial development and the general economic welfare of Madison County.

Sec. 9. The Development Commission of Madison County shall annually provide the Board of County Commissioners of Madison County, not later than thirty (30) days prior to July 1 in each and every year, with a proposed budget for the commission's operations for its next ensuing fiscal year, and shall further provide the Board of County Commissioners of Madison County with an annual audit by a certified public accountant of its operations within sixty (60) days after the expiration of its fiscal year.

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 21st day of June, 1961.