

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 158
SENATE BILL 106

1 AN ACT TO ESTABLISH THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION,
2 TO DEFINE THE DUTIES AND RESPONSIBILITIES OF THE SAID COMMISSION
3 AND TO IMPLEMENT THE ESTABLISHMENT OF THE BATTLESHIP U.S.S.
4 NORTH CAROLINA AS A MEMORIAL AND EXHIBIT.

5
6 The General Assembly of North Carolina do enact:
7

8 **Section 1.** Chapter 143 of the General Statutes of North Carolina is amended by
9 adding a new Article, to be entitled "Article 39, The Battleship U.S.S. North Carolina Act," and
10 to read as follows:

11 "ARTICLE 39

12 "BATTLESHIP U.S.S. NORTH CAROLINA ACT

13 "§ 143-360. **Title.** This Article shall be known and may be cited as the 'Battleship U.S.S. North
14 Carolina Act'.

15 "§ 143-361. **Definitions.** As used in this Article unless the context clearly requires otherwise:

- 16 "1. The word 'Commission' shall mean the U.S.S. North Carolina Battleship
17 Commission.
18 "2. The word 'Battleship' shall mean the Battleship U.S.S. North Carolina.
19 "3. The word 'funds' shall mean any funds appropriated by any municipality,
20 county or State governing body, or received from the United States of
21 America; any gifts, bequests, donations or grants from any organization,
22 firm, corporation or individual, or any other moneys or securities made
23 available for the purpose of acquiring, transporting, berthing, equipping or
24 maintaining the Battleship U.S.S. North Carolina.
25 "4. The word 'site' shall mean the location either temporary or permanent, of the
26 Battleship U.S.S. North Carolina, at which it shall be secured and
27 maintained as a memorial and exhibit available to inspection by the general
28 public.

29 "§ 143-362. **Statement of purpose.** The purpose of this Article is to create a separate State
30 agency to be known as the 'U.S.S. North Carolina Battleship Commission', the function,
31 purpose and duty of which shall be to assist in acquiring, transporting, berthing, equipping,
32 maintaining and exhibiting the Battleship U.S.S. North Carolina, as a permanent memorial
33 commemorating the heroic participation of the men and women of North Carolina in the
34 prosecution and victory of the Second World War, and to provide for establishment of
35 appropriate activities to encourage interest in, and to perpetuate the memory of, North
36 Carolinians who gave their lives in the course of that participation, and in the events in which
37 the Battleship was a participant.

38 "§ 143-363. **Battleship Commission.** There is hereby created a Commission to be known as
39 the 'U.S.S. North Carolina Battleship Commission'. The Commission shall consist of not more
40 than fifteen (15) competent and qualified citizens of North Carolina, including as ex officio
41 member, at least one person from the Board or Staff of the North Carolina Department of
42 Conservation and Development. Members shall be appointed by the Governor within ten (10)
43 days after the ratification of this Act for terms of two years, provided that any member of the

1 Commission may be removed by the Governor for cause. Vacancies in the Commission shall
2 be filled by the Governor by appointment of a competent and qualified person for the unexpired
3 term. The Commission shall cease to exist at the expiration of the terms of the initial members
4 unless the General Assembly shall otherwise provide.

5 "It is specifically provided that members of the Commission are commissioners for a
6 special purpose, within the meaning of Article XIV, Section 7 of the Constitution of North
7 Carolina.

8 "**§ 143-364. Meetings; organization.** The Commission shall hold at least two meetings
9 annually at the site of the Battleship, and five members of the Commission shall constitute a
10 quorum for the transaction of business. Additional meetings may be held at such times and
11 places within the State as may be deemed necessary. The Commission may hold additional
12 meetings at the call of the Chairman or on call of three members of the Commission. The
13 Commission shall determine its own organization and procedure in accordance with the
14 provisions of this Article and shall have an official seal. Offices of the Commission shall be
15 provided by it at the site. The Commission shall elect, at its first meeting, a Chairman, Vice
16 Chairman, Secretary, and Treasurer, such officers to hold office for a period of one year and
17 shall be authorized to require the Treasurer to be bonded.

18 "**§ 143-365. Compensation of Commissioners.** The members of the Commission shall
19 receive no compensation for their services other than per diem, subsistence and travel allowed
20 by law for State Boards and Commissions generally while such members are in attendance at
21 meetings of the Commission or engaged in authorized business of the Commission, all of such
22 per diem and travel expenses to be paid from the funds of the Commission as hereinafter
23 provided in this Article.

24 "**§ 143-366. Duties of Commission.** The Commission shall have the duty and authority to
25 select an appropriate site for the permanent berthing of the Battleship U.S.S. North Carolina,
26 taking into consideration factors including, but not limited to, the accessibility, location in
27 relation to roads and highways, scenic attraction, protection from hazards of weather, fire and
28 sea, cost of site and berthing, cooperation of local governmental authorities in securing,
29 equipping, and maintaining appropriate areas surrounding the site, and others which may affect
30 the suitability of such site for establishment of the ship as a permanent memorial and exhibit; to
31 accept gifts, grants, and donations for the purposes of this Article; to transport to, and berth the
32 ship at the site; to ready the ship for visitation by the public, to establish and provide for a
33 proper charge for admission to the ship, and for safekeeping of funds; to maintain and operate
34 the ship as a permanent memorial and exhibit, and to allocate funds for the fulfillment of the
35 duties and authority herein provided as may be necessary and appropriate for the purpose of
36 this Article.

37 "**§ 143-367. Funds.** The Commission shall establish and maintain a 'Battleship Fund'
38 composed of the moneys which may come into its hands from admission or inspection fees,
39 gifts, donations, grants, or bequests, which funds will be used by the Commission to pay all
40 costs of maintaining and operating the ship for the purposes herein set forth. The Commission
41 shall maintain books of accounting records concerning revenue derived and all expenses
42 incurred in maintaining and operating the ship as a public memorial; such records and books
43 shall be available for audit at any time by the State Auditor of North Carolina, and shall be
44 annually audited by him in the same manner as audits are made of other State agencies and
45 departments. The Commission shall establish a reserve fund to be maintained and used for
46 contingencies and emergencies beyond those occurring in the course of routine maintenance
47 and operation, and may authorize the deposit of this reserve fund in a depository to be selected
48 by the Treasurer of North Carolina.

49 "**§ 143-368. Employees.** The Commission is hereby authorized to hire laborers, artisans,
50 care-takers, stenographic and administrative employees, and other personnel, in accordance
51 with the provisions of the State Personnel Act, as may be necessary in carrying out the

1 purposes and provisions of this Article, and to maintain the ship in a clean, neat, and attractive
2 condition satisfactory for exhibition to the public. Employees shall be residents of the State of
3 North Carolina except as may, in emergency conditions, be necessary for the procurement of
4 specially trained or specially skilled employees. Any materials used for any purpose in
5 maintaining and operating the ship for the purposes of this Article shall be, insofar as
6 practicable, North Carolina materials. The Commission is hereby authorized and empowered in
7 its discretion to utilize the services of the Purchase and Contract Division for the procurement
8 of materials and supplies, in accordance with the provisions of Article 3, Chapter 143 of the
9 General Statutes.

10 **"§ 143-369. Employees not to have interest.** It shall be unlawful for any member of the
11 Commission or for any employee thereof to charge, receive, or obtain, directly or indirectly,
12 any fee, commission, retainer or brokerage other than established salaries to be fixed by the
13 Commission, and no member of the Commission or employee thereof shall have any interest in
14 any land, materials, commissions or contracts sold to or made with the Commission, or with
15 any member or employee thereof. Violation of any provisions of this Section shall be a
16 misdemeanor and upon conviction shall be punishable by removal from membership or
17 employment and by a fine of not less than one hundred dollars (\$100.00) or by imprisonment
18 not to exceed six months or both, in the discretion of the court.

19 **"§ 143-370. Severability.** It is expressly provided that, should any Section, clause, or
20 provision of the Act be hereafter held invalid for any reason, such invalidity shall not in any
21 wise affect the remainder of the said Act, or any provision thereof.

22 **"§ 143-371. Emergency funds.** The Commission is hereby authorized to borrow from the
23 Contingency and Emergency Fund such sums as may be approved by the Governor and
24 Council of State for the immediate implementation and establishment of the provisions of this
25 Act, not in excess of fifteen thousand dollars (\$15,000.00), which sum shall be repaid to the
26 Contingency and Emergency Fund from the first funds accruing to the Commission, over and
27 above its budgeted operating expenses, two years after the official opening to the public for
28 exhibition of the memorial exhibit herein provided. Such repayment may be made by
29 increments of not less than one thousand dollars (\$1,000.00) and shall constitute the first
30 obligation upon funds in excess of budgeted maintenance and operation expenses from the time
31 hereinabove set forth."

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

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

35 In the General Assembly read three times and ratified, this the 4th day of April,
36 1961.