

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 1145  
HOUSE BILL 484

1 AN ACT TO ESTABLISH THE NORTH CAROLINA DEPARTMENT OF LOCAL  
2 AFFAIRS.

3  
4 The General Assembly of North Carolina do enact:

5  
6 **Section 1.** Chapter 143 of the General Statutes is amended by inserting therein a  
7 new article, which shall read as follows:

8 "Article 34.

9 "North Carolina Department of Local Affairs.

10 **"G.S. 143-319. Department established.** There is hereby established the North Carolina  
11 Department of Local Affairs.

12 **"G.S. 143-320. Definitions.** As used in this Article, unless the context otherwise requires:

13 'Council' means the Advisory Council on Local Affairs.

14 'Department' means the North Carolina Department of Local Affairs.

15 'Director' means the Director of Local Affairs.

16 'Division' means a division of the Department of Local Affairs.

17 'Recreation' means those interests that are diversionary in character and that aid  
18 in promoting entertainment, pleasure, relaxation, instruction, and other physical,  
19 mental, and cultural developments and experiences of a leisure nature, and includes  
20 all (1) governmental, (2) private non-profit and (3) commercial recreation forms of  
21 the recreation field and includes parks, conservation, recreation travel, the use of  
22 natural resources, wilderness and high density recreation types and the variety of  
23 recreation interests in areas and programs which are incorporated in this range.

24 **"G.S. 143-321. Structure and organization of Department.**

25 "(a) Director.

26 (1) The Department of Local Affairs shall be under the direction and control of  
27 the Director of Local Affairs, who shall be responsible to the Governor for  
28 the administration of the Department.

29 (2) The Director shall be appointed by the Governor and shall serve at the  
30 pleasure of the Governor.

31 (3) The salary of the Director shall be fixed by the Governor with the approval  
32 of the Advisory Budget Commission.

33 (4) The Governor may appoint an Acting Director of Local Affairs to serve  
34 during the absence or disability of the Director or pending an appointment to  
35 fill a vacancy in the office of Director, and may fix his salary with the  
36 approval of the Advisory Budget Commission.

37 "(b) Divisions.

38 (1) The Department shall be organized initially to include a Recreation Division,  
39 a Law and Order Division, and a Community Planning Division. The  
40 Director, with the approval of the Governor, may establish within the  
41 Department additional divisions and other organizational units.

- 1 (2) Each division shall be under the immediate supervision and control of a  
2 division head, who shall be responsible to the Director for the administration  
3 of that division.
- 4 "(c) Advisory Council.
- 5 (1) There shall be an Advisory Council on Local Affairs, which shall be  
6 advisory to the Director.
- 7 (2) The Council shall consist of the Director, who shall be a member ex officio,  
8 and 18 persons appointed by the Governor to serve at his pleasure. At least  
9 three of the appointed members shall be persons each of whom at the time of  
10 his appointment is serving as a Mayor or member of a municipal governing  
11 board; at least three of the appointed members shall be persons each of  
12 whom at the time of his appointment is serving as a member of a board of  
13 county commissioners; at least one member recommended by the North  
14 Carolina League of Municipalities; and at least one member recommended  
15 by the North Carolina Association of County Commissioners. The initial  
16 members of the Council shall be appointed on July 1, 1969, or as soon as is  
17 practicable thereafter, and shall include at least one member of the North  
18 Carolina Recreation Commission, at least one member of the Governor's  
19 Committee on Law and Order, and at least one member of the Board of  
20 Conservation and Development, who were serving on the date of ratification  
21 of this article and who shall serve on the Council for the remainder of their  
22 respective current terms as members of the Commission, Committee, and  
23 Board. The Council shall elect from its appointed members a chairman to  
24 serve during the term for which he is appointed and for a period not to  
25 exceed two years. The disciplines and special interests initially represented  
26 on the Council shall continue to be generally represented in subsequent  
27 appointments.
- 28 (3) The members of the Council shall serve without compensation, except that  
29 they shall be entitled to receive reimbursement of expenses incurred in  
30 performance of their duties as provided in G.S. 138-5.
- 31 (4) The Council shall meet on call of the Director or the Chairman at least once  
32 a year. The Director shall furnish the Council with necessary staff assistance  
33 and other support.
- 34 "(d) Committees.
- 35 (1) There shall be a Committee on Recreation, which shall consist of the  
36 President of the North Carolina Recreation and Parks Society, Inc., ex  
37 officio, and nine members appointed by the Governor to serve overlapping  
38 terms of six years. Of the initial appointments to the Committee, three shall  
39 be for a term of two years, three shall be for a term of four years, and three  
40 shall be for a term of six years. All regular appointments thereafter shall be  
41 for a term of six years. Any appointed member may be removed by the  
42 Governor at will. An appointment to fill a vacancy shall be for the remainder  
43 of the unexpired term. The Governor shall annually designate a member of  
44 the committee to serve as its Chairman.
- 45 (2) There shall be a Committee on Law and Order, which shall consist of the  
46 Governor, Attorney General, Director of the State Bureau of Investigation,  
47 Commander of the State Highway Patrol, Director of Administration,  
48 Chairman of the North Carolina Good Neighbor Council, Director of the  
49 Administrative Office of the Courts, Commissioner of Correction, Chairman  
50 of the Board of Paroles, Director of the Probation Commission, Adjutant  
51 General, and Commissioner of Motor Vehicles, all serving ex officio, and 14

1 members appointed by the Governor, which number shall consist of one  
2 sheriff, two police executives, one Judge of the Superior Court, one Judge of  
3 the District Court, one Solicitor of the Superior Court, two citizens of the  
4 State with a knowledge of juvenile delinquency, three officials representing  
5 local government, one attorney specializing in the defense of criminal cases,  
6 and two citizens of the State who are not public officials. All appointed  
7 members shall serve for a term of one year and shall be eligible for  
8 reappointment. All members who are public officers shall serve as members  
9 ex officio of the Committee and shall perform their duties on the Committee  
10 in addition to their regular duties imposed by law. The Governor shall  
11 annually designate a member of the Committee to serve as its chairman.

12 (3) There shall be a Committee on Community Planning, which shall consist of  
13 the President of the North Carolina Chapter of the American Institute of  
14 Planners, ex officio, and nine members appointed by the Governor. At least  
15 five of the nine members shall, at the time of their appointment, be members  
16 of municipal, county, or joint planning boards. All appointed members shall  
17 serve for a term of one year. The Governor shall annually designate a  
18 member of the Committee to serve as its chairman.

19 (4) The Director may establish additional committees and advisory agencies to  
20 the Department and its divisions.

21 (5) Each committee shall meet on call of its chairman or the Director at least  
22 quarterly. The members of the committees shall serve without compensation,  
23 except that they shall be entitled to receive reimbursement of expenses  
24 incurred in performance of their duties as provided in G.S. 138-5.

25 **"G.S. 143-322. Functions of Director.** The Director of Local Affairs shall have the following  
26 powers and duties:

27 (1) To administer the Department of Local Affairs.

28 (2) With the approval of the Governor, to organize and reorganize the  
29 Department and its several divisions and other units.

30 (3) To assign and reassign the duties and functions of the Department among the  
31 several divisions and other units, division heads, officers, and employees of  
32 the Department.

33 (4) To perform all duties, exercise all powers, and assume and discharge all  
34 responsibilities vested by law in the Department, except as otherwise  
35 expressly provided by statute.

36 (5) To delegate to any division head or to any other officer or employee of the  
37 Department any of the powers and duties given to the Director or the  
38 Department by statute or by the rules, regulations, and procedures  
39 established pursuant to this Article.

40 (6) To appoint, with the approval of the Governor, the head of each division of  
41 the Department, and to remove at will the head of any division, acting with  
42 the approval of the Governor.

43 (7) To appoint all subordinate officers and employees of the Department, upon  
44 recommendation of the head of the division or other unit to which those  
45 officers or employees are to be assigned and in accordance with the State  
46 Personnel Act.

47 (8) To transfer employees from one division of the Department to another, either  
48 temporarily or permanently, when he determines that a transfer is necessary  
49 to expedite the work of the Department.

50 (9) To adopt, with the approval of the Governor, reasonable rules, regulations,  
51 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:

(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.

- 1 (6) To make grants for use in pursuing its objectives, under such conditions as  
2 are deemed by the Department to be necessary.
- 3 "(c) Local Planning Assistance. The Department shall have the following powers and  
4 duties with respect to local planning assistance:
- 5 (1) To provide planning assistance to municipalities and counties and joint and  
6 regional planning boards established by two or more governmental units in  
7 the solution of their local planning problems. Planning assistance as used in  
8 this section shall consist of making population, economic, land use, traffic,  
9 and parking studies and developing plans based thereon to guide public and  
10 private development and other planning work of a similar nature. Planning  
11 assistance shall also include the preparation of proposed subdivision  
12 regulations, zoning ordinances, capital budgets, and similar measures that  
13 may be recommended for the implementation of such plans. The term  
14 planning assistance shall not be construed to include the providing of plans  
15 for specific public works.
- 16 (2) To receive and expend federal and other funds for planning assistance to  
17 municipalities and counties and to joint and regional planning boards, and to  
18 enter into contracts with the federal government, municipalities, counties, or  
19 joint and regional planning boards with reference thereto.
- 20 (3) To perform planning assistance, either through the staff of the Department or  
21 through acceptable contractual arrangements with other qualified State  
22 agencies or institutions, local planning agencies, or with private professional  
23 organizations or individuals.
- 24 (4) To assume full responsibility for the proper execution of a planning program  
25 for which a grant of State or Federal funds has been made and for carrying  
26 out the terms of a federal grant contract
- 27 (5) To cooperate with municipal, county, joint and regional planning boards,  
28 and federal agencies for the purpose of aiding and encouraging an orderly,  
29 coordinated development of the State.
- 30 (6) To establish and conduct, either with its own staff or through contractual  
31 arrangements with institutions of higher education, State agencies, or private  
32 agencies, training programs for those employed or to be employed in  
33 community development activities.
- 34 "(d) Federal Assistance. The Department, with the approval of the Governor, may apply  
35 for and accept grants from the federal government and its agencies and from any foundation,  
36 corporation, association, or individual, and may comply with the terms, conditions, and  
37 limitations of the grant, in order to accomplish any of the purposes of the Department. Grant  
38 funds shall be expended pursuant to the Executive Budget Act.
- 39 "(e) General. The Department shall have the following general powers and duties:
- 40 (1) To study and to sponsor research on all aspects of local government and of  
41 relationships between the Federal Government, the State and local  
42 governments in North Carolina.
- 43 (2) To collect, collate, analyze, publish, and disseminate information necessary  
44 for the effective operation of the Department and useful to local government.
- 45 (3) To maintain an inventory of data and information, and to act as a clearing  
46 house of information and as a referral agency with respect to State, federal,  
47 and private services and programs available to local government; and to  
48 facilitate local participation in those programs by furnishing information,  
49 education, guidance, and technical assistance with respect to those programs.
- 50 (4) To assist in coordinating State and federal activities relating to local  
51 government.

- 1 (5) To assist local governments in the identification and solution of their  
2 problems.  
3 (6) To assist local officials in bringing specific governmental problems to the  
4 attention of the appropriate State, federal, and private agencies.  
5 (7) To advise and assist local governments with respect to inter-governmental  
6 contracts, joint service agreements, regional service arrangements, and other  
7 forms of inter-governmental cooperation.  
8 (8) To inform and advise the Governor on the affairs and problems of local  
9 government and on the need for administrative and legislative action with  
10 respect to local government.

11 **"G.S. 143-324. Functions of Advisory Council.** The Advisory Council on Local Affairs shall  
12 advise the Director of Local Affairs with respect to the problems and needs of local  
13 government and the work of the Department of Local Affairs. The Council may request the  
14 Director to conduct such studies of local governmental problems as it may deem advisable.

15 **"G.S. 143-325. Functions of Committees.** (a) Committee on Recreation. The Committee on  
16 Recreation shall have power to develop and propose policies, programs, and activities in the  
17 field of recreation for approval by the Director as Department policies, programs, and activities.

18 "(b) Committee on Law and Order. The Committee on Law and Order shall have policy-  
19 making and supervisory authority over the policies, programs, and activities of the Department  
20 in the field of the administration of criminal justice in assisting and participating with State and  
21 local law enforcement agencies, at their request, to improve law enforcement and the  
22 administration of criminal justice.

23 "(c) The other committees and advisory agencies of the Department of Local Affairs  
24 shall advise the Director with respect to those policies, programs, and activities of the  
25 Department that are within their respective competencies."

26 **"G.S. 143-326. Transfer of Functions. Records, Property, etc.**

27 "(a) All of the powers, duties, functions, records, property, supplies, equipment,  
28 personnel, funds, credits, appropriations, quarterly allotments, and executory contracts of the  
29 North Carolina Recreation Commission are transferred to the Department of Local Affairs,  
30 effective July 1, 1969. All statutory references to the 'North Carolina Recreation Commission'  
31 or the 'Recreation Commission' are amended to read 'North Carolina Department of Local  
32 Affairs'.

33 "(b) All of the powers, duties, functions, records, property, supplies, equipment,  
34 personnel, funds, credits, appropriations, quarterly allotments, and executory contracts of the  
35 Governor's Committee on Law and Order are transferred to the Department of Local Affairs,  
36 effective July 1, 1969. All statutory references to the 'Governor's Committee on Law and Order'  
37 are amended to read 'North Carolina Department of Local Affairs'.

38 "(c) All of the powers, duties, functions, records, property, supplies, equipment,  
39 personnel, funds, credits, appropriations, quarterly allotments, and executory contracts of the  
40 Division of Community Planning of the Department of Conservation and Development are  
41 transferred to the Department of Local Affairs, effective July 1, 1969.

42 "(d) Such portion of the powers, duties, functions, records, property, supplies,  
43 equipment, personnel, funds, credits, appropriations, quarterly allotments, and executory  
44 contracts of the State Planning Task Force Division of the Department of Administration as the  
45 Governor may designate is transferred to the Department of Local Affairs, effective July 1,  
46 1969.

47 "(e) The transfers directed by subsections (a) through (d), above shall be made under the  
48 supervision of the Governor, and he shall be the final arbiter of all differences or disputes  
49 arising incident to those transfers.

50 "(f) No transfer of functions to the Department of Local Affairs provided for in this  
51 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 enforcement agencies, and for that purpose:

- a. to contract with other counties, municipalities, and the State and federal governments 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 enforcement agencies, and for that purpose:

- a. to contract with other municipalities, counties, and the State and federal governments 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.