

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.



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.**

9        "(a) Recreation. The Department of Local Affairs shall have the following powers and  
10      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.

38        "(b) Law and Order. The Department shall have the following powers and duties with  
39 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.



- (5) To assist local governments in the identification and solution of their problems.
- (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.

"(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

1 business transaction involving any of those functions that was initiated, undertaken, or entered  
2 into prior to or pending the time of the transfer, except that the Department shall be substituted  
3 for the agency from which the function was transferred, and as far as practicable the procedure  
4 provided for in this article shall be employed in completing or disposing of the matter. All  
5 rules, regulations, and policies of the agencies from which powers, duties, and functions are  
6 herein transferred to the Department of Local Affairs shall continue in force as rules,  
7 regulations, and policies of the Department of Local Affairs until altered pursuant to G.S. 143-  
8 320(9).

9 **"G.S. 143-327. Short Title.** This article may be cited as the Department of Local Affairs Act."

10 **Sec. 2.** G.S. 153-9 is amended by adding thereto a new paragraph, which shall read  
11 as follows:

12 "(60) To plan and execute training and development programs for law  
13 enforcement agencies, and for that purpose:

- 14 a. to contract with other counties, municipalities, and the State and  
15 federal governments and their agencies;
- 16 b. to accept, receive, and disburse funds, grants, and services;
- 17 c. to create joint agencies to act for and on behalf of participating  
18 counties and municipalities;
- 19 d. to make application for, receive, administer, and expend federal grant  
20 funds; and
- 21 e. to appropriate and expend available tax or nontax funds.

22 **Sec. 3.** G. S. 160-200 is amended by adding thereto a new paragraph, which shall  
23 read as follows:

24 "(45) To plan and execute training and development programs for law  
25 enforcement agencies, and for that purpose:

- 26 a. to contract with other municipalities, counties, and the State and  
27 federal governments and their agencies;
- 28 b. to accept, receive, and disburse funds, grants, and services;
- 29 c. to create joint agencies to act for and on behalf of participating  
30 municipalities and counties;
- 31 d. to make application for, receive, administer, and expend federal  
32 grants; and
- 33 e. to appropriate and expend available tax or nontax funds.

34 **Sec. 4.** All laws and clauses of laws in conflict with this Act are repealed. The  
35 following statutes are specifically repealed: G.S. 113-15.1, G.S. 143-205 through 143-210.1,  
36 and G.S. 143-400 through 143-402.2.

37 **Sec. 5.** This Act shall become effective on July 1, 1969.

38 In the General Assembly read three times and ratified, this the 30th day of June,

39 1969.