

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 711
HOUSE BILL 903

1 AN ACT TO CLARIFY THE SMALL WATERSHED LAWS WITH RESPECT TO
2 PROJECT MAINTENANCE, THE FORM OF THE BALLOT IN COUNTY
3 WATERSHED ELECTIONS, AND COORDINATION OF COUNTY WATERSHED
4 PROGRAMS WITH RELATED ACTIVITIES.

5
6 The General Assembly of North Carolina do enact:

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8 **Section 1.** (a) General Statutes 139-8 is hereby amended by inserting in line 1 of
9 paragraph (6) of said Section, after the word "structures" and before the word "as", the words
10 and punctuation ", works and projects"; and paragraph (6) of said Section is further amended by
11 adding at the end of said paragraph, before the period, the following: ", including watershed
12 improvement structures, works, and projects as well as any other structures, works, and projects
13 which the district is authorized to undertake"; so that said paragraph (6) as so amended will
14 read as follows:

15 "(6) To construct, improve, operate, and maintain such structures, works and
16 projects as may be necessary or convenient for the performance of any of the
17 operations authorized in this chapter, including watershed improvement
18 structures, works, and projects as well as any other structures, works, and
19 projects which the district is authorized to undertake."

20 (b) It is hereby declared that the provisions of General Statutes Chapter 139 were
21 intended to authorize the maintenance of watershed improvement works and projects, as well as
22 watershed improvement structures. All expenditures heretofore incurred by any local watershed
23 sponsor for any such maintenance of works, projects, or structures are hereby validated and
24 confirmed.

25 (c) The proceeds of any tax heretofore approved by the voters of a county for a
26 county watershed improvement program, or authorized by special or local act for a county
27 watershed improvement program, may be expended for such maintenance of works and
28 projects, as well as structures, if the board of county commissioners or other watershed
29 governing body after a public hearing determines that the proceeds should be so expended.
30 Notice of such hearing shall be published as provided for notices under Article 2 of General
31 Statutes Chapter 139.

32 (d) The proceeds of any tax hereafter approved by the voters of a county for a
33 watershed improvement program may be expended for such maintenance of works and
34 projects, as well as structures, with or without the holding of a public hearing as designated by
35 subsection (c) of this Section, even though any election procedures preliminary to the vote
36 approving the tax may have been initiated prior to the ratification of this Act.

37 (e) No action based on the alleged invalidity of the expenditures herein confirmed
38 or of the use of tax proceeds herein authorized shall lie after January 1, 1970, to enjoin or
39 contest any such expenditure or any such use of tax proceeds.

40 **Sec. 2.** General Statutes 139-40(b) is hereby amended by inserting before the period
41 at the end of the first sentence thereof the following: ", provided, the board of county
42 commissioners may vary the aforesaid form of the question to be placed upon the ballot for the
43 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, sewerage 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.