

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 821
HOUSE BILL 1063

AN ACT TO GRANT THE AUTHORITY TO LEVY, COLLECT, AND EXPEND
FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS AND TO CLARIFY
THE SMALL WATERSHED LAWS WITH RESPECT TO PROJECT
MAINTENANCE IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wayne County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed three cents (3¢) on each one hundred dollar (\$100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G.S. 139-39 and G.S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. General Statutes 139-8 is hereby amended by inserting in line 1 of paragraph (6) of said Section, after the word "structures" and before the word "as", the words and punctuation ", works and projects"; and paragraph (6) of said Section is further amended by adding at the end of said paragraph, before the period, the following: ", including watershed improvement structures, works, and projects as well as any other structures, works, and projects which the district is authorized to undertake"; so that said paragraph (6) as so amended will read as follows:

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

Sec. 3. (a) It is hereby declared that the provisions of General Statutes Chapter 139 were intended to authorize the maintenance of watershed improvement works and projects, as well as watershed improvement structures. All expenditures heretofore incurred by any local watershed sponsor for any such maintenance of works, projects, or structures are hereby validated and confirmed.

(b) The proceeds of any tax heretofore approved by the voters of a county for a county watershed improvement program, or authorized by special or local act for a county watershed improvement program, may be expended for such maintenance of

works and projects, as well as structures, if the board of county commissioners or other watershed governing body after a public hearing determines that the proceeds should be so expended. Notice of such hearing shall be published as provided for notices under Article 2 of General Statutes Chapter 139.

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

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

Sec. 4. This Act shall be applicable only in Wayne County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.