

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 958  
HOUSE BILL 1219

1 AN ACT TO GRANT THE AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS  
2 FOR WATERSHED IMPROVEMENT PROGRAMS AND TO CLARIFY THE SMALL  
3 WATERSHED LAWS WITH RESPECT TO PROJECT MAINTENANCE IN NEW  
4 HANOVER COUNTY.

5  
6 The General Assembly of North Carolina do enact:

7  
8 **Section 1.** The Board of County Commissioners of New Hanover County is hereby  
9 authorized to exercise power and authority under Article 3 of Chapter 139 of the North  
10 Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from  
11 a special "watershed improvement tax", not to exceed five cents (5¢) on each one hundred  
12 dollars (\$100.00) valuation of property in said county, by appropriate resolution of the board  
13 and without an election provided for under G.S. 139-39 and G.S. 139-40. The expenditure of  
14 funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General  
15 Statutes is hereby declared to be for a special purpose for which the special approval of the  
16 General Assembly is hereby given, and a necessary expense.

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

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

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

34 (b) The proceeds of any tax heretofore approved by the voters of a county for a  
35 county watershed improvement program, or authorized by special or local act for a county  
36 watershed improvement program, may be expended for such maintenance of works and  
37 projects, as well as structures, if the board of county commissioners or other watershed  
38 governing body after a public hearing determines that the proceeds should be so expended.  
39 Notice of such hearing shall be published as provided for notices under Article 2 of General  
40 Statutes Chapter 139.

41 (c) The proceeds of any tax hereafter approved by the voters of a county for a  
42 watershed improvement program may be expended for such maintenance of works and  
43 projects, as well as structures, with or without the holding of a public hearing as designated by

1 subsection (b) of this Section, even though any election procedures preliminary to the vote  
2 approving the tax may have been initiated prior to the ratification of this Act.

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

6 **Sec. 4.** This Act shall be applicable only in New Hanover County.

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

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

10 In the General Assembly read three times and ratified, this the 20th day of June,  
11 1969.