

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 476  
HOUSE BILL 1127

AN ACT TO FURTHER EFFECTUATE THE REORGANIZATION OF STATE  
GOVERNMENT #2.

The General Assembly of North Carolina enacts:

**Section 1.** Short title. — This act shall be known and may be cited as the "Executive Organization Act of 1973."

**Sec. 2.** Interim applicability of the Executive Organization Act of 1973. — The Executive Organization Act of 1973 shall be applicable only to the following named departments:

1. Department of Cultural Resources
2. Department of Human Resources
3. Department of Revenue.

**Sec. 3.** Definitions. — As used in the Executive Organization Act of 1973, except where the context clearly requires otherwise, the words and expressions defined in this section shall be held to have the meanings here given to them.

- (1) Agency: whenever the term "agency" is used it shall mean and include, as the context may require, an existing department, institution, commission, committee, board, division, bureau, officer or official.
- (2) Board: a collective body which assists the head of a principal department or his designee in the development of major programs including the tender of advice on departmental priorities.
- (3) Commission: a collective body which adopts rules and regulations in a quasi-legislative manner and which acts in a quasi-judicial capacity in rendering findings or decisions involving differing interests.
- (4) Committee: a collective body which either advises the head of a principal department or his designee or advises a commission in detailed technical areas.
- (5) Council: a collective body which advises the head of a principal department or his designee as representative of citizen advice in specific areas of interests.
- (6) Division: the principal subunit of a principal State department.
- (7) Head of department: head of one of the principal State departments.
- (8) Higher education: State senior institutions of higher learning.
- (9) Principal State department: one of the departments created by the General Assembly in compliance with Article III, Section 11, of the Constitution of North Carolina.

**Sec. 4.** Policy making authority and administrative powers of Governor, delegation. — The Governor, in accordance with Article III of the Constitution of North Carolina, shall be the Chief Executive Officer of the State. The Governor shall be responsible for formulating and administering the policies of the executive branch of the State government. Where a conflict arises in connection with the administration of the policies of the executive branch of the State

government with respect to the reorganization of State government, the conflict shall be resolved by the Governor, and the decision of the Governor shall be final.

**Sec. 5.** Governor, continuation of powers and duties. — All powers, duties, and functions vested by law in the Governor or in the office of Governor are continued except as otherwise provided by the Executive Organization Act of 1973.

The immediate staff of the Governor shall not be subject to the State Personnel Act.

**Sec. 6.** Principal departments. — (a) In addition to the principal departments enumerated in the Executive Organization Act of 1971, all executive and administrative powers, duties, and functions not including those of the General Assembly and its agencies, the General Court of Justice and the administrative agencies created pursuant to Article IV of the Constitution of North Carolina, and Higher Education previously vested by law in the several State agencies, are vested in the following principal departments:

- (1) Department of Cultural Resources
- (2) Department of Human Resources
- (3) Department of Revenue.

(b) Conforming changes. The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 143A-11(14), G.S. 143A-11(17), and G.S. 143A-11(18).

**Sec. 7.** Continuation of functions. — Each principal State department shall be considered a continuation of the former agencies to whose power it has succeeded for the purpose of succession to all rights, powers, duties, and obligations of the former agency. Where a former agency is referred to by law, contract, or other document, that reference shall apply to the principal State department now exercising the functions of the former agency.

**Sec. 8.** Unassigned functions. — All functions, duties, and responsibilities established by law that are not specifically assigned to any principal State department may be assigned by the Governor to that department which, in accordance with the organization of State government, can most appropriately and effectively perform those functions, duties, and responsibilities. This provision shall not apply to professional and occupational licensing boards or to higher education.

**Sec. 9.** Appointment of officers and employees. — The head of each principal State department, except those departments headed by popularly-elected officers, shall be appointed by the Governor and serve at his pleasure.

The salary of the head of each of the principal State departments, except in those departments headed by popularly-elected officers shall, upon the recommendation of the Governor, be set by the General Assembly. The salaries of elected officials shall be as prescribed by law.

The head of a principal State department shall appoint a chief deputy or chief assistant, and such chief deputy or chief assistant shall not be subject to the State Personnel Act. The salary of such chief deputy or chief assistant shall, upon the recommendation of the Governor, be set by the General Assembly. Unless otherwise provided for in the Executive Organization Act of 1973, and subject to the provisions of the Personnel Act, the head of each principal State department shall designate the administrative head of each transferred agency and all employees of each division, section, or other unit of the principal State department.

**Sec. 10.** Powers and duties of heads of principal departments. — (a) Assignment of functions. - Except as otherwise provided by this Chapter, the head of each principal State department may assign or reassign any function vested in him or in his department to any subordinate officer or employee of his department.

(b) Reorganization by department heads. - With the approval of the Governor, each head of a principal State department may establish or abolish within his department any division. Each head of a principal State department may establish or abolish within his department any other administrative unit to achieve economy and efficiency and in accordance

with sound administrative principles, practices, and procedures except as otherwise provided by law.

(c) Department staffs. - The head of each principal State department may establish necessary subordinate positions within his department, make appointments to those positions, and remove persons appointed to those positions, all within the limitations of appropriations and subject to the State Personnel Act. All employees within a principal State department shall be under the supervision, direction, and control of the head of that department. The head of each principal State department may establish or abolish positions, transfer officers and employees between positions, and change the duties, titles, and compensation of existing offices and positions as he deems necessary for the efficient functioning of the department, subject to the State Personnel Act and the limitations of available appropriations. For the purposes of the foregoing provisions, a member of a board, commission, council, committee, or other citizen group shall not be considered an "employee within a principal department."

(d) The head of each principal department may create and appoint committees or councils to consult with and advise the department. The members of any committee or council created by the head of a principal department shall serve at the pleasure of the head of the principal department and may be paid per diem and necessary travel and subsistence expenses within the limits of appropriations and in accordance with the provisions of G.S. 138-5.

(e) Departmental management functions. - All management functions of a principal State department shall be performed by or under the direction and supervision of the head of that principal State department. Management functions shall include planning, organizing, staffing, directing, coordinating, reporting, and budgeting.

(f) Custody of records. - The head of a principal State department shall have legal custody of all books, papers, documents, and other records of the department.

(g) Budget preparation. - The head of a principal State department shall be responsible for the preparation of and the presentation of the department budget request which shall include all funds requested and all receipts expected for all elements of the department.

(h) Plans and reports. - Each principal State department shall submit to the Governor an annual plan of work for the next fiscal year prior to the beginning of that fiscal year. Each principal State department shall submit to the Governor an annual report covering programs and activities for each fiscal year. These plans of work and annual reports shall be made available to the General Assembly. These documents will serve as the base for the development of budgets for each principal State department of State government to be submitted to the Governor.

(i) Reports to Governor, public hearings. - Each head of a principal State department shall develop and report to the Governor legislative, budgetary, and administrative programs to accomplish comprehensive, long-range coordinated planning and policy formulation in the work of his department. To this end, the head of the department may hold public hearings, consult with and use the services of other State agencies, employ staff and consultants, and appoint advisory and technical committees to assist in the work.

(j) Departmental regulations. - The head of each principal State department may adopt regulations, consistent with law and with rules established by the Governor and with the rules and regulations of the State Personnel Board, for

- (1) the administration of his department;
- (2) the conduct of employees of his department;
- (3) the distribution and performance of business; and
- (4) the custody, use, and preservation of the records, documents, and property pertaining to department business.

**Sec. 11.** Subunit nomenclature. — (a) The principal subunit of a department is a division. Each division shall be headed by a director.

(b) The principal subunit of a division is a section. Each section shall be headed by a chief.

(c) If further subdivision is necessary, sections may be divided into subunits which shall be known as branches and which shall be headed by heads, and branches may be divided into subunits which shall be known as units and which shall be headed by supervisors.

**Sec. 12.** Internal organization of departments; allocation and reallocation of duties and functions; limitations. — The Governor shall cause the administrative organization of each department to be examined periodically with a view to promoting economy, efficiency, and effectiveness. The Governor may assign and reassign the duties and functions of the executive branch among the principal State departments except as otherwise expressly provided by statute. When the changes affect existing law, they must be submitted to the General Assembly in accordance with Article III, Section 5(10) of the Constitution of North Carolina.

**Sec. 13.** Appointment, qualifications, terms, and removal of members of commissions. — (a) Each member of a commission created by or under the authority of the Executive Organization Act of 1973 shall be a resident of the State of North Carolina, unless otherwise specifically authorized by law.

Unless more restrictive qualifications are provided in the Executive Organization Act of 1973, the Governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field for which appointed, and with a view to providing diversity of interest and points of view in the membership.

The balance of unexpired terms of existing commission members shall be served in accordance with their most recent appointment.

A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and for the balance of the unexpired term, unless otherwise provided by law or by the Constitution of North Carolina.

(b) A commission membership becomes vacant on the happening of any of the following events before the expiration of the term: (1) the death of the incumbent, (2) his insanity as determined by final judgment or final order of a court of competent jurisdiction, (3) his resignation, (4) his removal from office, (5) his ceasing to be a resident of the State, (6) his ceasing to discharge the duties of his office over a period of three consecutive months except when prevented by sickness, (7) his conviction of a felony or of any offense involving a violation of his official duties, (8) his refusal or neglect to take an oath within the time prescribed, (9) the decision of a court of competent jurisdiction declaring void his appointment, and (10) his commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, a dipsomaniac, an inebriate, or stimulant addict; but in that event, the office shall not be considered vacant until the order of commitment has become final.

(c) No member of any State commission may: (1) use his position to influence any election or the political activity of any person, (2) serve as a member of the campaign committee of any political party, (3) interfere with or participate in the preparation for any election or the conduct thereof at the polling place, or (4) be in any manner concerned with the demanding, soliciting, or receiving of any assessments, subscriptions, or contributions, whether voluntary or involuntary, to any political party or candidate. Any commission member who shall violate any of the provisions of this section shall be subject to dismissal from office by the Governor.

(d) In addition to the foregoing, any member of a commission may be removed from office by the Governor for misfeasance, malfeasance, and nonfeasance.

(e) Any appointment by the Governor to a commission, board, council or committee made subsequent to January 5, 1973, and prior to the effective date of this act, for a term that would extend for a period inconsistent with the staggered term provisions of the Executive Organization Act of 1973, may be reduced by the Governor to conform to those staggered term provisions.

**Sec. 14.** Administrative services to commissions. — (a) The head of the principal State department to which a commission has been assigned is responsible for the provision of all administrative services to the commission.

(b) Except as otherwise provided in the Executive Organization Act of 1973, the powers, duties, and functions of a commission (including but not limited to rule making, regulation, licensing, and promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications) shall not be subject to the approval, review, or control of the head of the department or of the Governor.

(c) The Governor may assign to an appropriate commission created by the Executive Organization Act of 1973 duties of a quasi-legislative and quasi-judicial nature existing in the executive branch of State government which have not been assigned by this Chapter to any other commission. All such assignment of duties by the Governor to a commission shall be made by an executive order which has the force and effect of law upon issuance but must be submitted to the General Assembly in accordance with Article III, Section 5(10) of the Constitution of North Carolina.

(d) All management functions of a commission shall be performed by the head of the principal State department. Management functions shall include planning, organizing, staffing, directing, coordinating, reporting, and budgeting.

**Sec. 15.** Compensation of members of commissions. — The salary of members of full-time commissions shall be set by the General Assembly upon recommendation of the Governor to be submitted as a part of his budget requests.

**Sec. 16.** Appointment and removal of members of boards, councils, and committees. — Unless more restrictive qualifications are provided in this act, the Governor shall appoint each member of a board, council, or committee on the basis of his interest in public affairs, good judgment, knowledge and ability in the field for which appointed, and with a view to providing diversity of interest and points of view in the membership. Unless other conditions are provided in the Executive Organization Act of 1973, any member of a board, council, or committee may be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance.

**Sec. 17.** Commission investigations and orders. — Unless otherwise provided for in the Executive Organization Act of 1973, any commission created by the Executive Organization Act of 1973 may order an investigation into areas of concern over which it has rule-making authority, and the head of the department required to give staff support to such commission shall render such reports and information as the commission may require. In default of the production of information by the head of the principal department or any employee or agent thereof, the commission may seek the aid of the Wake County Superior Court to require the production of information as hereinafter provided.

In proceedings before any commission or any hearing officer or member of the commission so authorized by the commission, if any person refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined or refuses to obey any lawful order of a commission contained in its decision rendered after hearing, the chairman of the commission may apply to the Superior Court of Wake County or to the Superior Court of the county where the proceedings are being held for an order directing that person to take the requisite action. Should any person willfully fail to comply with an order so issued, the Court shall punish him as for contempt.

**Sec. 18.** Commission rules and regulations, filing, hearing, copies. — Any rules and regulations adopted by any commission created by the Executive Organization Act of 1973 shall state the effective date and shall be filed as required by law.

A public hearing with at least ten days' notice advertised in at least three newspapers with general circulation shall be required prior to the adoption of any rules and regulations

other than rules and regulations inapplicable to the public at large intended solely as administrative procedures of the commission.

Sufficient copies of adopted rules and regulations shall be made available to interested citizens upon request.

Certified copies of such rules and regulations and amendments thereto shall be received in evidence in all courts and other official proceedings in the State, when in conformity with the Rules of Civil Procedure in G.S. Chapter 1A.

**Sec. 19.** Pending actions and proceedings. — No action or proceeding pending at the time the Executive Organization Act of 1973 takes effect and brought by or against any State agency whose functions, powers, and duties are transferred by the Executive Organization Act of 1973 to a principal State department shall be affected by any provision of the Executive Organization Act of 1973, but the same may be prosecuted or defended in the name of the head of the principal State department. In all such actions and proceedings, the principal State department to which the functions, powers, and duties of a State agency have been transferred shall be substituted as a party upon appropriate application to the courts.

**Sec. 20.** Continuation of rules, regulations, and decisions. — All rules, regulations, acts, determinations, and decisions of any State agency and commissioners and directors thereof pertaining to the functions transferred and assigned by the Executive Organization Act of 1973 to a principal State department or commission and in force at the time of such transfer or assignment shall continue in force and effect as rules, regulations, acts, determinations, and decisions of the principal State department concerned until such time as they may be modified or repealed by the principal State department or commission.

**Sec. 21.** Affirmation of prior acts of abolished agencies. — The abolition of certain agencies by the Executive Organization Act of 1973 should not be construed as invalidating any lawful prior act of such agency.

**Sec. 22.** Terms occurring in laws, contracts, and other documents. — Any reference or designation in any statute, contract, or other document pertaining to functions, powers, obligations, and duties of a State agency assigned by the Executive Organization Act of 1973 to a principal State department shall be deemed to refer to the principal State department or the head of the principal State department, as may be appropriate.

**Sec. 23.** Completion of unfinished business. — Any business or other matter undertaken or commenced by any State agency or the commissioners or directors thereof, pertaining to or connected with the functions, powers, obligations, and duties hereby transferred to a principal State department, and pending on the effective date of this Chapter, may be conducted and completed by the principal State department in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the State agency or commissioners and directors thereof.

**Sec. 24.** Cooperative Agreements. — Except as otherwise provided by law, each principal State department may, with the approval of the Department of Administration, enter into cooperative agreements with the federal government, any state government, any agency of the State government, any local government of the State, jointly with any two or more, or severally, in carrying out its functions.

**Sec. 25.** Agencies not enumerated. — Any agency not enumerated in the Executive Organization Act of 1973 but established or created by the General Assembly shall continue to exercise all its powers, duties, and functions subject to the provisions of Chapter 143A of the General Statutes of the State of North Carolina.

**Sec. 26.** Constitutional references. — All references to the Constitution of North Carolina in the Executive Organization Act of 1973 refer to the Constitution of North Carolina as effective July 1, 1973.

**Sec. 27.** Transfer of funds by Governor. — To implement the Executive Organization Act of 1973, the Governor with the approval of the Advisory Budget Commission

shall have the authority to transfer all or a part of any appropriations or funds of an agency to the department to which such agency is transferred.

**Sec. 28.** Goals of continuing reorganization. — Structural reorganization of State government should be a continuing process, accomplished through careful executive and legislative appraisal of the placement of proposed new programs and coordination of existing programs in response to changing emphases in public needs and should be consistent with the following goals:

- (1) The organization of State government should assure its responsiveness to popular control. It is the goal of reorganization to improve the administrative capability of the executive to carry out these policies.
- (2) The organization of State government should aid communication between citizens and government. It is the goal of reorganization through coordination of related programs in function-oriented departments to improve public understanding of government programs and policies and to improve the relationships between citizens and administrative agencies.
- (3) The organization of State government should assure efficient and effective administration of the policies established by the General Assembly. It is the goal of reorganization to promote efficiency and effectiveness by improving the management and coordination of State services and by eliminating ineffective, overstaffed, obsolete or overlapping activities.

#### DEPARTMENT OF CULTURAL RESOURCES

**Sec. 29.** Department of Cultural Resources; creation, powers, and duties. — There is hereby created a department to be known as the "Department of Cultural Resources," with the organization, duties, functions, and powers defined in the Executive Organization Act of 1973.

**Sec. 30.** Duties of the Department. — It shall be the duty of the Department to provide the necessary management, development of policy and establishment and enforcement of standards for the furtherance of resources, services and programs involving the arts and the historical and cultural aspects of the lives of the citizens of North Carolina.

**Sec. 31.** Functions of the Department. — (a) The functions of the Department of Cultural Resources shall comprise, except as otherwise expressly provided by the Executive Organization Act of 1973 or by the Constitution of North Carolina, all executive functions of the State in relation to the development and preservation of libraries, historical records, sites and property, and of an appreciation of art and music and further including those prescribed powers, duties, and functions enumerated in Article 17 of Chapter 143A of the General Statutes of this State.

(b) All such functions, powers, duties, and obligations heretofore vested in any agency enumerated in Article 17 of Chapter 143A of the General Statutes are hereby transferred to and vested in the Department of Cultural Resources except as otherwise provided by the Executive Organization Act of 1973. They shall include, by way of extension and not of limitation, the functions of: (1) The Secretary and Department of Art, Culture and History; (2) the State Department of Archives and History; (3) the North Carolina Advisory Council on Historic Preservation; (4) the North Carolina State Library; (5) the Interstate Library Compact; (6) the North Carolina Museum of Art; (7) the North Carolina State Art Society, Inc.; (8) the North Carolina Symphony Society, Inc.; (9) the State Art Museum Building Commission; (10) the Library Certification Board; (11) the Tryon Palace Commission; (12) the North Carolina Arts Council; (13) the U.S.S. North Carolina Battleship Commission; (14) the Memorials Commission; (15) the Commission to Promote Plans for the Celebration of the Four Hundredth Anniversary of the Landing of Sir Walter Raleigh's Colony on Roanoke Island; (16) the Executive Mansion Fine Arts Commission; (17) the North Carolina American Revolution Bicentennial Commission; (18) the North Carolina Awards Commission; (19) the Tobacco

Museum Board; (20) the Roanoke Island Historical Association, Inc.; (21) the Sir Walter Raleigh Memorial Commission; (22) the Governor Richard Caswell Memorial Commission; (23) the Historic Swansboro Commission; (24) the Edenton Historical Commission; (25) the Historic Bath Commission; (26) the Historic Hillsborough Commission; (27) the John Motley Morehead Memorial Commission; (28) the Historic Murfreesboro Commission; (29) the Charles. B. Aycock Memorial Commission; (30) the Frying Pan Lightship Marine Museum Commission; (31) the Guilford County Bicentennial Commission; (32) the Daniel Boone Memorial Commission; (33) the Bennett Place Memorial Commission; (34) the Durham-Orange Historical Commission; (35) the Pitt County Historical Commission; (36) the Transylvania County Historical Commission; (37) the Lenoir County Historical and Patriotic Commission; (38) the Raleigh Historic Sites Commission; and (30) the Stonewall Jackson Memorial Fund.

**Sec. 32.** Head of the Department. — The Secretary of Cultural Resources shall be the head of the Department.

**Sec. 33.** Organization of the Department. — The Department of Cultural Resources shall be organized initially to include the Art Commission, the Art Museum Building Commission, the North Carolina Historical Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission, the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the American Revolution Bicentennial Committee, the North Carolina Awards Committee, the America's Four Hundredth Anniversary Committee, the North Carolina Arts Council, the Public Librarian Certification Commission, the State Library Committee, the North Carolina Symphony Society, Inc., the North Carolina Art Society, and the Division of the State Library, the Division of Archives and History, the Division of the the Arts, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973.

**Sec. 34.** Art Commission; creation, powers and duties. — There is hereby created the Art Commission of the Department of Cultural Resources with the power and duty to promulgate rules and regulations concerning the acquisition and disposal of art objects for the State of North Carolina and with the power and duty to adopt, amend, and rescind rules and regulations under, and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article.

(a) The Art Commission shall have the following powers and duties:

- (1) in consultation with the Secretary of Cultural Resources, on behalf of and in the name of the North Carolina Museum of Art, to acquire by purchase, gift or will, absolutely or in trust, from individuals, corporations, the federal government, or from any other source, money or other property which may be retained, sold, or otherwise used to promote the purposes of the North Carolina Museum of Art as provided by G.S. 140-2;
- (2) in consultation with the Secretary of Cultural Resources to exchange works of art owned by the North Carolina Museum of Art for other works of art which, in the opinion of the Commission, would improve the quality, value, or representative character of the art collection of the Museum as provided by G.S. 140-2;
- (3) in consultation with the Secretary of Cultural Resources to sell any work of art owned by the North Carolina Museum of Art as provided by G.S. 140-2;
- (4) to approve prior to acceptance any gift of artistic value given to the State as provided in Chapter 100 of the General Statutes of North Carolina;
- (5) to advise the Secretary concerning the inspection, appraisal, obtaining attributions and evaluations of, transporting, exhibiting, lending, storing, receiving upon consignment or as loans, statuary, paintings, and other works

- of art of any and every kind and description which are worthy of acquisition, preservation, and exhibition by the North Carolina Museum of Art; and
- (6) to advise the Secretary on the care, custody, storage and preservation of all works of art acquired by the North Carolina Museum of Art, or received by it upon consignment or loan.

(b) The Commission shall make rules and regulations consistent with the provisions of this Chapter. All rules and regulations heretofore adopted by the Board of Trustees of the State Art Museum, the Memorials Commission, and the Executive Mansion Fine Arts Commission shall remain in full force and effect unless and until repealed or superseded by action of the Art Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Cultural Resources.

**Sec. 35.** Art Commission; members, selection, quorum, compensation. — The Art Commission of the Department of Cultural Resources shall consist of eleven members appointed by the Governor, four of whom shall be appointed upon the nomination of the State Art Society. Two of the members, whether appointed by the Governor or upon nomination of the State Art Society shall be members of the art or design faculty at a North Carolina college or university. The initial members of the Commission shall include the four members of the Art Museum Board of Trustees whose terms on the Art Museum Board of Trustees expire July 1, 1976, and who shall serve for a period equal to the remainder of their current terms on the Art Museum Board of Trustees. Of the four nominated by the North Carolina Art Society, two shall be appointed for an initial term of one year and two shall be for an initial term of five years. Of the three appointed by the Governor, two shall be appointed for initial terms of one year and one shall be for an initial term of five years. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources.

**Sec. 36.** Officers of the Art Commission. — The Art Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 37.** Regular and special meetings. — The Art Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least five members.

**Sec. 38.** Art commission; conforming changes. — (a)(1) Whenever the words "Board of Trustees of the North Carolina Museum of Art" or "Board of Trustees" or "Board," when referring to the Board of Trustees of the North Carolina Museum of Art, are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Cultural Resources" or "Department," as appropriate shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references, the words "Board of Trustees of the North Carolina Museum of Art,"

"Board of Trustees," or "Board," when referring to the Board of Trustees of the North Carolina Museum of Art shall be deleted and the words "Art Commission" or "Commission," as appropriate, shall be inserted in lieu thereof: G.S. 140-2(d), line 1; G.S. 140-3(c)(1), line 3; and G.S. 140-3(c)(3).

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) The words "shall be the governing body of the North Carolina Museum of Art, and" shall be deleted from lines 1 and 2 of G.S. 140-2(d).
- (2) The words "under the supervision of the Board of Trustees" shall be deleted from line 1 of G.S. 140-3(c)(1).
- (3) The word "policies" shall be deleted from line 2 of G.S. 140-3(c)(1).

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 140-2(a); G.S. 140-2(b); G.S. 140-2(c); G.S. 140-2(d)(3); G.S. 140-2(d)(4); G.S. 140-2(d)(5); G.S. 140-2(d)(6); G.S. 140-2(d)(10); G.S. 140-3(a); G.S. 140-3(b); G.S. 140-3(c)(2).

**Sec. 39.** Art Museum Building Commission; creation, powers and duties. — There is hereby re-created the Art Museum Building Commission of the Department of Cultural Resources and the State Art Museum Building Commission shall have the following powers and duties:

- (1) With the approval of the Governor and Council of State and the North Carolina State Capital Planning Commission to determine the site for the building of the State Art Museum in accordance with directions, if any, from the General Assembly.
- (2) To employ architects to prepare plans for the State Art Museum Building, to assist and advise the architects in the preparation of those plans, and to approve on behalf of the State all plans for the State Art Museum Building.
- (3) To enter on behalf of the State into contracts for the construction of an art museum building and the employment of consultants and for the purchase of services, materials, furnishings, and equipment required in connection with the location, design, construction, furnishing, and equipping of said museum building.
- (4) To supervise generally the location, construction, furnishing, equipping, renovating and care of the State Art Museum Building.
- (5) To call upon the Department of Administration, the Attorney General, and any other State agency or officer for such assistance as the Commission may require in carrying out its duties.
- (6) To appoint such advisory committees, composed of persons not members of the Commission, as the Commission deems necessary.
- (7) To report to the General Assembly at each regular session concerning action taken by the Commission during the previous biennium in carrying out the provisions of this Article, and to make such special reports as may be requested by the General Assembly or the Governor.
- (8) To receive gifts of funds from foundations, corporations and individuals and to receive public funds to aid in defraying the cost of said building and surrounding facilities including landscaping.

**Sec. 40.** Art Museum Building Commission; members, selection, quorum, compensation. — The Art Museum Building Commission of the Department of Cultural Resources shall consist of 15 members with nine appointed by the Governor, three persons who have served in the State Senate to be appointed by the President of the Senate, and three persons who have served in the House of Representatives to be appointed by the Speaker of the House of Representatives. The initial members of the Commission shall be the members of the

existing Art Museum Building Commission who shall serve until the completion of the duties assigned to the Commission. Each vacancy occurring in the membership shall be filled by appointment of the officer authorized to make the initial appointment to the place vacated, and each appointee to fill a vacancy shall have the same qualifications prescribed by this Article for the appointee whom he succeeds.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provision of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources.

**Sec. 41.** Officers of the Art Museum Building Commission. — The Governor shall appoint one member of the Commission to serve as chairman.

**Sec. 42.** Regular and special meetings. — The Art Museum Building Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least eight members.

**Sec. 43.** Art Museum Building Commission; conforming changes. — The following section of the General Statutes of North Carolina is hereby repealed: G.S. 140-5.2.

**Sec. 44.** North Carolina Historical Commission; creation, powers, and duties. — There is hereby created the North Carolina Historical Commission of the Department of Cultural Resources to give advice and assistance to the Secretary of Cultural Resources and to promulgate rules and regulations to be followed in the acquisition, disposition, preservation, and use of records, artifacts, real and personal property, and other materials and properties of historical, archaeological, architectural, or other cultural value, and in the extension of State aid to other agencies, counties, municipalities, organizations, and individuals in the interest of historic preservation.

- (a) The Historical Commission shall have the following powers and duties:
- (1) to advise the Secretary of Cultural Resources on the scholarly editing, writing, and publication of historical materials to be issued under the name of the Department;
  - (2) to evaluate and approve proposed nominations of historic, archaeological, architectural, or cultural properties for entry on the National Register of Historic Places;
  - (3) to evaluate and approve the State plan for historic preservation as provided for in G.S. Chapter 121;
  - (4) to evaluate and approve historic, archaeological, architectural, or cultural properties proposed to be acquired and administered by the State;
  - (5) to evaluate and prepare a report on its findings and recommendations concerning any property not owned by the State for which State aid or appropriations are requested, and to submit its findings and recommendations in accordance with G.S. Chapter 121;
  - (6) to serve as an advisory and coordinative mechanism in and by which State undertakings of every kind that are potentially harmful to the cause of historic preservation within the State may be discussed, and where possible, resolved, particularly by evaluating and making recommendations concerning any State undertaking which may affect a property that has been

entered on the National Register of Historic Places as provided for in Chapter 121 of the General Statutes of North Carolina;

- (7) to exercise any other powers granted to the Commission by provisions of Chapter 121 of the General Statutes of North Carolina; and
- (8) to give its professional advice and assistance to the Secretary of Cultural Resources on any matter which the Secretary may refer to it in the performance of the Department's duties and responsibilities provided for in Chapter 121 of the General Statutes of North Carolina.

(b) The Historical Commission shall have the power and duty to establish standards and provide rules and regulations as follows:

- (1) for the acquisition and use of historical materials suitable for acceptance in the North Carolina State Archives or the North Carolina Museum of History;
- (2) for the disposition of public records under provisions of Chapter 121 of the General Statutes of North Carolina; and
- (3) for the certification of records in the North Carolina State Archives as provided in Chapter 121 of the General Statutes of North Carolina;
- (4) for the use by the public of historic, architectural, archaeological, or cultural properties as provided in Chapter 121 of the General Statutes of North Carolina;
- (5) for the acquisition of historic, archaeological, architectural, or cultural properties by the State;
- (6) for the extension of State aid or appropriations to counties, municipalities, organizations, or individuals for the purpose of historic preservation or restoration; and
- (7) for qualification for grants-in-aid or other assistance from the federal government for historic preservation or restoration as provided in Chapter 121 of the General Statutes of North Carolina. This section shall be construed liberally in order that the State and its citizens may benefit from such grants-in-aid.

(c) The Commission shall adopt rules and regulations consistent with the provisions of this section. All current rules and regulations heretofore adopted by the Executive Board of the State Department of Archives and History, the Historic Sites Advisory Committee, the North Carolina Advisory Council on Historical Preservation, the Executive Mansion Fine Arts Commission, and the Memorials Commission shall remain in full force and effect unless and until repealed or superseded by action of the Historical Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Cultural Resources.

**Sec. 45.** Historical Commission; members, selection, quorum, compensation. — The Historical Commission of the Department of Cultural Resources shall consist of seven members appointed by the Governor.

The initial members of the Commission shall be the members of the Executive Board of the Department of Archives and History who shall serve for a period equal to the remainder of their current terms on the Executive Board of the Department of Archives and History, two of whose appointments expire March 31, 1973, two of whose appointments expire March 31, 1975, and three of whose appointments expire on March 31, 1977. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. Of the members, at least four shall have had professional training or experience in the fields of archives, history, historic preservation, or museums administration including at least two current faculty members of graduate history departments at North Carolina colleges or universities. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance according to the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Cultural Resources.

**Sec. 46.** Officers of the Historical Commission. — The Historical Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 47.** Regular and special meetings. — The Historical Commission shall meet at least twice per year and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least four members.

**Sec. 48.** Historical Commission; conforming changes. — (a)(1) Whenever the words "Department of Archives and History" or "Department" when referring to the Department of Archives and History are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Cultural Resources" or "Department" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(2) Whenever the words "Director of the Department of Archives and History" or "Director" when referring to the Director of the Department of Archives and History are used or appear in any law of this State, the same shall be deleted and the words "Secretary of Cultural Resources" or "Secretary" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(3) Whenever the words "Memorials Commission" or "said Memorials Commission" or "Commission" when referring to the Memorials Commission are used or appear in any statute or law of this State, the same shall be deleted and the words "the Art Commission or the North Carolina Historical Commission as appropriate" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(4) Whenever the words "Historic Sites Advisory Committee" or "Advisory Committee" or "Committee" when referring to the Historic Sites Advisory Committee are used or appear in any statute or law of this State, the same shall be deleted and the words "North Carolina Historical Commission", or "Commission" as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

(1) G.S. 121-1 through G.S. 121-13.2 of the General Statutes of North Carolina are hereby revised and rewritten to read as follows:

"Article I.

"General Provisions.

"§ 121-1. **Short title.** — This act shall be known as the North Carolina Archives and History Act.

"§ 121-2. **Definitions.** — For the purposes of this act:

- (1) 'Department' shall mean the Department of Cultural Resources of the State of North Carolina.
- (2) 'Secretary' shall mean the Secretary of Cultural Resources.
- (3) 'Commission' shall mean the North Carolina Historical Commission.
- (4) 'Agency' shall mean any State, county, or municipal office, department, division, board, commission or separate unit of government created or established by constitution or law.
- (5) 'Public record' or 'Public records' shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
- (6) 'North Carolina State Archives' shall mean an establishment or establishments administered by the Department of Cultural Resources as the State's official repository for the preservation of those public records or other documentary materials that have been determined by the Department in accordance with rules, regulations, and standards of the Historical Commission to have sufficient historical or other value to warrant their continued preservation and have been accepted by the Department for preservation in its custody.
- (7) 'Records Center' or 'Records Centers' shall mean an establishment or establishments administered by the Department of Cultural Resources primarily for the economical housing, processing, servicing, microfilming, or security of public records that must be retained for varying periods of time but which need not be retained in an agency's office equipment and space.
- (8) 'North Carolina Museum of History' shall mean an establishment or establishments administered by the Department of Cultural Resources as the official State museum of history for the collection, preservation, and exhibition of artifacts and other materials that have been determined by the Department or by the Commission to have sufficient historical or other cultural value to warrant retention as evidence of the history and culture of the State and its subdivisions.
- (9) 'State Historic Site' or 'State Historic Sites' shall mean a property or properties acquired by the State and administered by the Department of Cultural Resources because of its or their historical, archaeological, architectural, or cultural value in depicting the heritage of the State.
- (10) 'Historic property' or 'Historic properties' shall mean any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology, or culture of this State, its communities, or the nation.
- (11) 'Historic preservation' shall mean any activity reasonably related to the identification, research, conservation, protection, and restoration, maintenance, or operation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology, or culture of this State, its communities, or the nation.

**"§ 121-3. Name.** — The archival and historical agency of the State of North Carolina shall be the Department of Cultural Resources.

**"§ 121-4. Powers and duties of the Department of Cultural Resources.** — The Department of Cultural Resources shall have the following powers and duties:

- (1) To accept gifts, bequests, devises, and endowments for purposes which fall within the general legal powers and duties of the Department. Unless otherwise specified by the donor or legator, the Department may either expend both the principal and interest of any gift or bequests or may invest such funds in whole or in part, by and with the consent of the State Treasurer.
- (2) To conduct a records management program, including the operation of a Records Center or Centers and a centralized microfilming program, for the benefit of all State agencies, and to give advice and assistance to public officials and agencies in matters pertaining to the economical and efficient maintenance and preservation of public records.
- (3) To preserve and administer, in the North Carolina State Archives, such public records as may be accepted into its custody, and to collect, preserve, and administer private and unofficial historical records and other documentary materials relating to the history of North Carolina and the territory included therein from the earliest times. The Department shall carefully protect and preserve such materials, file them according to approved archival practices, and permit them, at reasonable times and under the supervision of the Department, to be inspected, examined, or copied: Provided, that any materials placed in the keeping of the Department under special terms or conditions restricting their use shall be made accessible only in accordance with such terms or conditions.
- (4) To have materials on the history of North Carolina properly edited, published as other State printing, and distributed under the direction of the Department. The Department may charge a reasonable price for such publications and devote the revenue arising from such sales to the work of the Department.
- (5) With the cooperation of the Department of Public Education, to develop, conduct, and assist in the coordination of a program for the better and more adequate teaching of State and local history in the public schools and the institutions of the community college system of North Carolina, including, as appropriate the preparation and publication of suitable histories of all counties and of other appropriate materials, the distribution of such materials to the public schools and community college system for a reasonable charge, and the coordination of this program throughout the State.
- (6) To maintain and administer the North Carolina Museum of History, to collect and preserve therein important historical and cultural materials, and according to approved museum practices to classify, accession, house, and when feasible exhibit such materials and make them available for study.
- (7) To select suitable sites on property owned by the State of North Carolina, or any subdivision of the State, for the erection of historical markers calling attention to nearby historic sites and prepare appropriate inscriptions to be placed on such markers. The Department shall have all markers manufactured, and when completed, each marker shall be delivered to the Department of Transportation and Highway Safety for payment and erection under the provisions of G.S. 136-42.2 and G.S. 136-42.3. The Secretary is authorized to appoint a highway historical marker advisory committee to approve all proposed highway historical markers and to establish criteria for carrying out this responsibility.
- (8) In accordance with Section 121-9 of this Chapter, to acquire real and personal properties that have statewide historical, architectural,

- archaeological, or other cultural significance, by gift, purchase, devise, or bequest; to preserve and administer such properties; and, when necessary, to charge reasonable admission fees to such properties. In the acquisition of such property, the Department shall also have the authority to acquire nearby or adjacent property adjacent to properties having statewide significance deemed necessary for the proper use, administration, and protection of historic, architectural, archaeological, or cultural properties, or for the protection of the environment thereof.
- (9) To administer and enforce reasonable rules adopted and promulgated by the Historical Commission for the regulation of the use by the public of such historical, architectural, archaeological, or cultural properties under its charge, which regulations, after having been posted in conspicuous places on and adjacent to such State properties and having been filed according to law, shall have the force and effect of law and any violation of such regulations shall constitute a misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment not to exceed thirty days.
  - (10) To coordinate the objectives of the State-created historical and commemorative commissions with the other policies, objectives, and programs of the Department of Cultural Resources.
  - (11) To organize and administer a junior historian program, in cooperation with the Department of Public Education, the public schools, and other agencies or organizations that may be concerned therein.
  - (12) With the approval of the Historical Commission, to dispose of any accessioned records, artifacts, and furnishings in the custody of the Department that are determined to have no further use or value for official or administrative purposes or for research and reference purposes.
  - (13) To promote and encourage throughout the State knowledge and appreciation of North Carolina history and heritage by encouraging the people of the State to engage in the preservation and care of archives, historical manuscripts, museum items, and other historical materials: the writing and publication of State and local histories of high standard; the display and interpretation of historical materials; the marking and preservation of historic, architectural, or archaeological structures and sites of great importance; the teaching of North Carolina and local history in the schools and colleges; the appropriate observance of events of importance to the State's history; the publicizing of the State's history through media of public information; and other activities in historical and allied fields.

**"§ 121-5. Public records and archives.** — (a) State Archival Agency Designated. The Department of Cultural Resources shall be the official archival agency of the State of North Carolina with authority as provided throughout this Chapter and Chapter 132 of the General Statutes of North Carolina in relation to the public records of the State, counties, municipalities, and other subdivisions of government.

(b) Destruction of Records Regulated. No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a misdemeanor and upon conviction fined at the discretion of the court.

When the custodian of any official State records certifies to the Department of Cultural Resources that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or

value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the agency having custody of them. A record of such certification and authorization shall be entered in the minutes of the governing body granting the authority.

The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine.

(c) Assistance to Public Officers. The Department of Cultural Resources shall have the right to examine into the condition of public records and shall, subject to the availability of staff and funds, give advice and assistance to public officials and agencies in regard to preserving or disposing of the public records in their custody. When requested by the Department of Cultural Resources, public officials shall assist the Department in the preparation of an inclusive inventory of records in their custody, to which inventory shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the Department of Cultural Resources, establishing a time period for the retention or disposal of each series of records. So long as such approved schedule remains in effect, destruction or disposal of records in accordance with its provisions shall be deemed to have met the requirements of G.S. 121-5(b).

The Department of Cultural Resources is hereby authorized and directed to conduct a program of inventorying, repairing, and microfilming in the counties for security purposes those official records of the several counties which the Department determines have permanent value, and of providing safe storage for microfilm copies of such records. Subject to the availability of funds, such program shall be extended to the records of permanent value of the cities, municipalities, and other subdivisions of government.

(d) Preservation of Permanently Valuable Records. Public records certified by the Department of Cultural Resources as being of permanent value shall be preserved in the custody of the agency in which the records are normally kept or of the North Carolina State Archives. Any State, county, municipal, or other public official is hereby authorized and empowered to turn over to the Department of Cultural Resources any State, county, municipal, or other public records no longer in current official use, and the Department of Cultural Resources is authorized in its discretion to accept such records, and having done so shall provide for their administration and preservation in the North Carolina State Archives. When such records have been thus surrendered, photocopies, microfilms, typescripts, or other copies of them shall be made and certified under seal of the Department, upon application of any person, which certification shall have the same force and effect as if made by the official or agency by which the records were transferred to the Department of Cultural Resources; and the Department may charge reasonable fees for such copies.

**"§ 121-6. Historical publications.** — (a) General Provisions. It shall be the duty of the Department of Cultural Resources to promote and encourage the writing of North Carolina history and to collect, edit, publish, print, and distribute books, pamphlets, papers, manuscripts, documents, maps, and other materials relating to North Carolina archives and history. The Department of Cultural Resources may establish a reasonable charge for such publications and

devote the revenue arising therefrom to such additional publication of materials relating to North Carolina archives and history as may be undertaken by the Department of Cultural Resources. Except for reports, bulletins, and other publications issued for free distribution, professional materials including books and journals published by the Department of Cultural Resources are hereby expressly excluded from provisions of G.S. 147-50.

(b) **Editing and Publishing of Official Messages and Other Papers of Governor.** During the term of office of each Governor of this State, a copy of all official messages delivered to the General Assembly, addresses, speeches, statements, news releases, proclamations, executive orders, weekly calendars, articles, transcripts of news conferences, lists of appointments, and other official releases and papers of the Governor shall be kept in the Governor's office for delivery to the Department of Cultural Resources at the end of each quarter during the Governor's administration. These papers shall be compiled and a selection made therefrom by a skilled and competent editor. The editor shall edit, according to acceptable scholarly standards, the selected materials which shall be published in a documentary volume as soon as practicable after the conclusion of the term of office of each Governor. If, for any reason, a Governor serves less than a full term, a documentary volume shall be edited and published for such portion of a term as he shall have served. If a Governor serves more than one term, a documentary volume shall be edited and published for each term served. Funds for editorial assistance, printing, binding, and distribution shall be paid from the Contingency and Emergency Fund. The number of copies of each volume to be printed shall be determined by the Department of Cultural Resources in consultation with the Governor whose papers are being published.

**"§ 121-7. Historical museums.** — The Department of Cultural Resources shall maintain and administer the North Carolina Museum of History for the collection, preservation, study, and exhibition of authentic artifacts and other historical materials relating to the history and heritage of North Carolina. The Department, with the approval of the Historical Commission, may acquire, either by purchase, gift, or loan such artifacts and materials, and, having acquired them, shall according to accepted museum practices classify, accession, preserve, and where feasible exhibit such materials and make them available for study. Within available funds, one or more branch museums of history may be established and administered by the Department. The Department of Cultural Resources, subject to the availability of staff and funds, may give technical and professional assistance to nonstate historical museum projects sponsored by governmental agencies and nonprofit organizations.

Insofar as practicable, the North Carolina Museum of History shall accession and maintain records showing provenance, value, location, and other pertinent information on such furniture, furnishings, decorative items, and other objects as have historical or cultural importance and which are owned by or to be acquired by the State for use in the State Capitol and the Executive Mansion, and, upon request of the Department of Administration, any other State-owned building. When any such item or object has been entered in the accession records of the Museum of History, the custodian of such item or object shall, upon its removal from the premises upon which it was located or when it is otherwise disposed of, submit to the Museum of History sufficient details concerning its removal or disposition to permit an adequate entry in the accession records to the end that its location or disposition, and authority for such change, shall be shown therein.

**"§ 121-8. Historic preservation program.** — (a) **Historic Preservation Agency Designated.** The historic preservation agency of the State of North Carolina shall be the Department of Cultural Resources.

(b) **Surveys of Historic Properties.** The a continuing statewide survey to identify, document, and record properties having historical, architectural, archaeological, or other cultural significance to the State, its communities, and the nation. Upon approval of the North Carolina Historical Commission, the Secretary or his designee as the State's liaison officer for

historic preservation, may nominate appropriate properties for entry in the National Register of Historic Places as established by the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. Section 470. The Department of Cultural Resources shall maintain a permanent file containing research reports, descriptions, photographs, and other appropriate documentation relating to properties deemed worthy of inclusion in the statewide survey.

(c) Statewide Historic Preservation Plan. The Department of Cultural Resources shall prepare and revise as needed a State plan for historic preservation, which plan, when approved by the North Carolina Historical Commission, shall constitute official State policy for the preservation, or the encouragement of the preservation, of important historic, architectural, archaeological, and other cultural properties in North Carolina.

(d) Cooperation with Federal Government. The Department of Cultural Resources and/or the Department of Administration may enter into and carry out contracts with the federal government or any agency thereof under which said government or agency grants financial or other assistance to the Department of Cultural Resources to further the purposes of this Chapter. Either of the Departments may agree to and comply with any reasonable conditions not inconsistent with State law which are imposed on such grants. Such grants or other assistance may be accepted from the federal government or an agency thereof and expended whether or not pursuant to a contract.

(e) Cooperation with Local Governments. The Department shall, within the limits of staff and available funds, cooperate with and assist counties, cities, municipalities, and other subdivisions of government, and, where appropriate, private individuals and organizations, in promoting historic preservation to the end that important properties which are not owned by the State may be preserved or encouraged to be preserved. Such cooperation and assistance may include but not be limited to reviewing historic preservation plans, evaluating historic properties, and providing technical, financial and professional assistance. The Department may further enter into and carry out contracts with local governments or their agencies and with any private party to further the purposes of this Article.

(f) Continuing Programs. The Department of Cultural Resources shall develop a continuing program of historical, architectural, archaeological, and cultural research and development to include surveys, excavation, salvage, preservation, scientific recording, interpretation, and publication of the State's historical, architectural, archaeological, and cultural resources. A reasonable charge may be made for publications resulting therefrom and the income from such sales may be devoted to the work of the Department.

**"§ 121-9. Historic properties.** — (a) Administration of Properties Acquired by State. Historic or archaeological properties acquired by the State for administration by the State of North Carolina shall be under the control and administration of the Department of Cultural Resources. Upon approval of the North Carolina Historical Commission and the Secretary of Cultural Resources, the Department of Cultural Resources may, in its discretion, make a contract with any county or municipality within the State or with any nonprofit corporation or organization for the administration of any portion of such property.

(b) Acquisition of Historic Properties. For the purpose of protecting or preserving any property of historical, architectural, archaeological, or other cultural importance to the people of North Carolina, and subject to the provisions of Subchapter II of Chapter 146 of the General Statutes, the Department may, with the approval of the North Carolina Historical Commission, acquire, preserve, restore, hold, maintain, operate, and dispose of such properties, together with such adjacent lands as may be necessary for their protection, preservation, maintenance, and operation. Such property may be real or personal in nature, and in the case of real property, the acquisition may include the fee or any lesser interest therein. Property may be acquired by gift, grant, bequest, devise, lease, purchase, or condemnation pursuant to the provisions of Article 2 of Chapter 40 of the North Carolina General Statutes, or otherwise. Property may be acquired

by the Department, using such funds as may be appropriated for the purpose or moneys available to it from any other source.

(c) **Interests Which May be Acquired.** In the case of real property, the interest acquired shall be limited to that estate, interest, or term deemed by the Department to be reasonably necessary for the continued protection or preservation of the property. The Department may acquire the fee simple title, but where it finds that a lesser interest, including any development right, negative or affirmative easement in gross or appurtenant, covenant, lease, or other contractual right of or to any real property to be the most practical and economical method of protecting and preserving historic property, the lesser interest may be acquired.

(d) **Conveyance of Property for Preservation Purposes.** In appropriate cases, the Department may acquire or dispose of the fee or lesser interest to any such property for the specific purpose of conveying or leasing the property back to its original owner or of conveying or leasing it to such other person, firm, association, corporation, or other organization under such covenants, deed restrictions, lease, or other contractual arrangements as will limit the future use of the property in such a way as to insure its preservation. Where such action is taken, the property may be conveyed or leased by private sale. In all cases where property is conveyed, it shall be subjected by covenant or otherwise to such rights of access, public visitation, and other conditions or restrictions of operation, maintenance, restoration, and repair as the Department may prescribe, or to such conditions as may be agreed upon between the Department and the grantee or lessee to accomplish the purposes of this section.

(e) **Use of Property so Acquired.** Any historic property acquired, whether in fee or otherwise, may be used, maintained, improved, restored, or operated by the Department for any public purpose within its powers and not inconsistent with the purpose of the continued preservation of the property. The property shall not be subject to condemnation by the State of North Carolina or any of its agencies or political subdivisions at any time, unless such method of acquisition is first approved by the Governor and Council of State.

(f) **Emergency Acquisition Where Funds Not Immediately Available.** If funds or contributions for the acquisition of needed historic property are not available, the Governor and Council of State may, upon the recommendation of the Secretary of Cultural Resources and approval of the North Carolina Historical Commission, allocate from the Contingency and Emergency Fund an amount sufficient to acquire an option on the property or properties, which option shall continue until ninety days after the adjournment sine die of the next General Assembly. Upon recommendation of the Secretary and approval of the Historical Commission, the Governor and Council of State may allocate funds from the Contingency and Emergency Fund for the immediate acquisition, preservation, restoration, or operation of historically, archaeologically, architecturally, or culturally important properties. All funds hereinafter appropriated to purchase, restore, maintain, develop, or operate historic or archaeological or other important property shall be administered subject to the provisions of Article 1 of Chapter 143 of the General Statutes unless the statute making the appropriation shall in specific and express terms provide otherwise.

(g) **Power to Acquire Property by Condemnation.** In the event that a property which has been found by the Department of Cultural Resources to be important for public ownership or assistance is in danger of being sold, used, or neglected to such an extent that its historical or cultural importance will be destroyed or seriously impaired, or that the property is otherwise in danger of destruction or serious impairment, the Department of Cultural Resources, after receiving the approval of the North Carolina Historical Commission and of the Governor and Council of State, may acquire the historic property or any interest therein by condemnation under the provision of Article 2 of Chapter 40 of the General Statutes of North Carolina. The Department of Cultural Resources, upon finding that destruction or serious impairment of the value of the property is imminent, shall file with the Governor and Council of State a report on the importance of the property and the desirability of ownership of the property, or the

ownership of an interest therein, by the State of North Carolina. Upon giving their approval, the Governor and Council of State shall cause to have filed such approval with the clerk of the superior court in the county or counties where the property is situated. Until the approval is filed, the power of condemnation may not be exercised. All condemnation proceedings shall be instituted and prosecuted in the name of the State of North Carolina.

(h) Preservation and Custodial Care of State Capitol. The rotunda, corridors, and stairways of the first floor of the State Capitol and all portions of the second, third, and loft floors of the said building shall be placed in the custody of the Department of Cultural Resources; and the Department shall, subject to the availability of funds for the purpose, care for and administer these areas for the edification of present and future generations. The aforesaid areas shall be preserved as historic shrines and shall be maintained insofar as practicable as they shall appear following the restoration of the Capitol. The Department of Cultural Resources is authorized to deny the use of the legislative chambers for meetings in order that they, with their historic furnishings, may be better preserved for posterity; provided, however, that the General Assembly may hold therein such sessions as it may by resolution deem proper.

The Department of Cultural Resources is hereby entrusted with the responsibilities herein specified as being the agency with the experience best qualified to preserve and administer historic properties in a suitable manner. However, for the purposes of carrying out the provisions of this section, it is hereby directed that such cooperation and assistance shall be made available to the said Department of Cultural Resources and such labor supplied, as may be feasible, by the Department of Administration.

The offices and working areas of the first floor as well as all washrooms and the exterior of the Capitol shall remain under the jurisdiction of the Department of Administration: Provided, however, that the Department of Administration shall seek the advice of the Department of Cultural Resources in matters relating to any alteration, renovation, and furnishing of said offices and areas.

**"§ 121-10. Security of Historic Properties.** — (a) Designated Employees Commissioned Special Peace Officers by Governor. Upon application by the Secretary of Cultural Resources, the Governor is hereby authorized and empowered to commission as special peace officers such employees of the Department of Cultural Resources as the Secretary may designate for the purpose of enforcing the laws, rules, and regulations enacted or adopted for the protection, preservation and government of State historic or archaeological properties under the control or supervision of the Department of Cultural Resources. Such employees shall receive no additional compensation for performing the duties of special peace officers under this section.

(b) Powers of Arrest. Any employee of the Department of Cultural Resources commissioned as a special peace officer shall have the right to arrest with warrant any person violating any law, rule, or regulation on or relating to the State historic or archaeological properties under the control or supervision of the Department of Cultural Resources, and shall have power to pursue and arrest without warrant any person violating in his presence any law, rule, or regulation on or relating to said historic and archaeological properties under the control or supervision of the Department of Cultural Resources.

(c) Bond Required. Each employee of the Department of Cultural Resources commissioned as a special peace officer under this section shall give a bond with a good surety, payable to the State of North Carolina in a sum not less than one thousand dollars (\$1,000), conditioned upon the faithful discharge of his duty as such peace officer. The bond shall be duly approved by and filed in the office of the Commissioner of Insurance, and copies of the same, certified by the Commissioner of Insurance, shall be received in evidence in all actions and proceedings in this State.

(d) Oaths Required. Before any employee of the Department of Cultural Resources commissioned as a special peace officer shall exercise any power of arrest under this Article, he shall take the oaths required of public officers before an officer authorized to administer oaths.

**"§ 121-11. Procedures where assistance extended to cities, counties, and other agencies or individuals.** — In consideration of the public purpose thereby achieved, the Department of Cultural Resources may assist any county, city, or other political subdivision, corporation or organization, or private individual in the acquisition, maintenance, preservation, restoration, or development of historic or archaeological property by providing a portion of the cost therefor: Provided, that no acquisition, maintenance, preservation, restoration, or development of any property, nor any assistance therefor may be made by the State of North Carolina and no contribution for these purposes may be made from State funds until (1) the property or properties shall have been approved for these purposes by the Department of Cultural Resources according to criteria adopted by the North Carolina Historical Commission, (2) the report and recommendations of the Commission have been received and considered by the Department of Cultural Resources, and (3) the Department has found that there is a feasible and practical method of providing funds for the acquisition, restoration, preservation, maintenance, and operation of such property. In all cases where assistance is extended to nonstate owners of property, whether from State funds or otherwise, it shall be a condition of assistance that (1) the property assisted shall, upon its acquisition or restoration, be made accessible to the public at such times and upon such terms as the Department of Cultural Resources shall by rule prescribe; (2) that the plans for preservation, restoration, and development be reviewed and approved by the Department of Cultural Resources; (3) that the expenditure of such funds be supervised by the Department of Cultural Resources; and (4) that such expenditures be accounted to the Department in a manner and at such times as are satisfactory to it.

**"§ 121-12. North Carolina Historical Commission.** — (a) Protection of Properties on National Register. It shall be the duty of the Historical Commission, meeting at such times and according to such procedures as it shall by rule prescribe, to provide an advisory and coordinative mechanism in and by which State undertakings of every kind that are potentially harmful to the cause of historic preservation within the State may be discussed, and where possible, resolved, giving due consideration to the competing public interests that may be involved. To this end, the head of any State agency having direct or indirect jurisdiction over a proposed State or State-assisted undertaking, or the head of any State department, board, commission, or independent agency having authority to build, construct, operate, license, authorize, assist, or approve any State or State-assisted undertaking, shall, prior to the approval of any State funds for the undertaking, or prior to any approval, license, or authorization, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470.

Where, in the judgment of the Commission, an undertaking will have an effect upon any listed district, site, building, structure, area, or object, the head of the appropriate State agency shall afford the Commission a reasonable opportunity to comment with regard to such undertaking.

The Historical Commission shall act with reasonable diligence to insure that all State departments, boards, commissions, or agencies potentially affected by the provisions of this section be kept currently informed with respect to the name, location, and other significant particulars of any district, site, building, structure, or object listed or placed upon the National Register of Historic Places. Each affected State department or agency shall furnish, either upon its own initiative or at the request of the Historical Commission such information as may reasonably be required by the Commission for the proper implementation of this section.

(b) Criteria for State Historic Properties. The Commission shall prepare and adopt criteria for the evaluation of State Historic Sites and all other real and personal property which

it may consider to be of such historic, architectural, archaeological, or cultural importance as would justify the acquisition and ownership thereof by the State of North Carolina, or for the extension of any assistance or aid thereto by the State, acting by itself or in connection with any county, city, corporation, organization, or individual. The Commission shall cooperate to the fullest practical extent with any local historical organization and with any city or county historic district properties commission.

(c) Criteria for State Aid. The Commission shall also prepare and adopt criteria for the evaluation of all properties of historic or archaeological importance owned by, under option to, or being considered for acquisition by a county, city, historic properties commission, or other organization or individual for which State aid or assistance is requested. The Commission shall investigate, evaluate, and prepare a written report on all historic or archaeological property for which State aid or appropriations are proposed. This report, which shall be filed as a matter of record in the custody of the Department of Cultural Resources, shall set forth the following opinions or recommendations of the Commission:

- (1) whether the property is historically authentic;
- (2) whether it is of such educational, historical, or cultural significance as to be essential to the development of a balanced State program of historic and archaeological sites and properties;
- (3) the estimated total cost of the project under consideration and the apportionment of said cost among State and nonstate sources;
- (4) whether practical plans have been or can be developed for the funding of the nonstate portion of the costs;
- (5) whether practical plans have been developed for the continued staffing, maintenance and operation of the property without State assistance; and
- (6) such further comments and recommendations that the Commission may make.

(d) Commission to Furnish Recommendations to Legislative Committees. The Commission through the Department of Cultural Resources shall furnish as soon as practicable to the chairman of each legislative committee to which is referred any bill seeking as appropriation of State funds for the purpose of acquiring, preserving, restoring, or operating, or otherwise assisting, any property having historic, archaeological, architectural, or other cultural value or significance, at least five copies of a report on the findings and recommendations of the Commission relating to such property.

**"§ 121-13. Acquisition of portrait of Governor during term of office.** — During the term of office of each Governor of this State and at least six months prior to its expiration, the Secretary of the Department of Cultural Resources is directed to select a skilled artist to paint a portrait of such Governor, and have the same suitably framed. Upon the painting and acquisition of such portrait, the same shall be placed in some appropriate building to be designated by the Department of Cultural Resources and which is located in the City of Raleigh.

The cost of the painting and acquisition of said portrait, including the cost of the frame and other necessary expenses incident thereto, shall be paid from the Contingency and Emergency Fund."

- (2) The words "acting through the Advisory Council on Historic Preservation" are hereby deleted from lines 1 and 2 of G.S. 157A-5(2).
  - (3) The words "State Historical Commission" are hereby deleted and the words "Department of Cultural Resources" are inserted in lieu thereof on line 2 of G.S. 66-58(c)(2); line 4 of G.S. 70-1; line 4 of G.S. 70-2; line 5 of G.S. 70-3; and line 5 of G.S. 70-4.
- (c) The following section is hereby repealed: G.S. 100-1.

**Sec. 49.** Public Librarian Certification Commission; creation, powers and duties. — There is hereby created the Public Librarian Certification Commission of the Department of Cultural Resources with the power and duty to adopt rules and regulations to be followed in the certification of public librarians.

The Commission shall adopt such rules and regulations consistent with the provisions of this Chapter. All rules and regulations consistent with the provisions of this Chapter heretofore adopted by the Library Certification Board shall remain in full force and effect unless and until repealed or superseded by action of the Public Librarian Certification Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Cultural Resources.

**Sec. 50.** Public Librarian Certification Commission; members, selection, quorum, compensation. — The Public Librarian Certification Commission of the Department of Cultural Resources shall consist of five members as follows: (1) the Chairman of the North Carolina Association of Library Trustees, (2) the Chairman of the Public Libraries section of the North Carolina Library Association, (3) an individual named by the Governor upon the nomination of the North Carolina Library Association, (4) the dean of a State or regionally accredited graduate school of librarianship in North Carolina appointed by the Governor and (5) one member at large appointed by the Governor.

The members shall serve four-year terms or while holding the appropriate chairmanships. Any appointment to fill a vacancy created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem, and necessary travel expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of the Department through the regular staff of the Department.

**Sec. 51.** Officers of the Public Librarian Certification Commission. — The Public Librarian Certification Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 52.** Regular and special meetings. — The Public Librarian Certification Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the Chairman or upon the written request of at least three members.

**Sec. 53.** Public Librarian Certification Commission; conforming changes. — (a) Whenever the words "Library Certification Board" or "Board" when referring to the Library Certification Board are used or appear in any statute or law of this State, the same shall be deleted and the words "Public Librarian Certification Commission" or "Commission" as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendment to the General Statutes of North Carolina is hereby made: G.S. 125-9 shall be rewritten to read:

"§ 125-9. **Librarian Certification.** — The Secretary of Cultural Resources shall issue librarian certificates to public librarians under such reasonable rules and regulations as the Public Librarian Certification Commission may adopt. A complete record of the transaction of

the Department in the issuance of librarian certificates shall be kept at all times in the office of the North Carolina State Library."

**Sec. 54.** Tryon Palace Commission; creation, powers, and duties. — There is hereby created the Tryon Palace Commission of the Department of Cultural Resources with the power and duty to adopt, amend and rescind rules and regulations concerning the restoration and maintenance of the Tryon Palace complex, and such other powers and duties as provided in Article 2 of Chapter 121 of the General Statutes of North Carolina.

**Sec. 55.** Tryon Palace Commission; members, selection, quorum, compensation. — The Tryon Palace Commission of the Department of Cultural Resources shall consist of twenty-five members appointed by the Governor and in addition to the members who are appointed by the Governor, the Attorney General, the Secretary of Natural and Economic Resources or his designee, the Mayor of the City of New Bern, and the Chairman of the Board of Commissioners of Craven County shall serve as ex officio members of said Commission. The provisions of the Executive Organization Act of 1973 pertaining to the residence of members of commissions shall not apply to the Tryon Palace Commission.

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

The members of the Commission shall serve without pay and without expense allowance.

**Sec. 56.** Tryon Palace; conforming changes. — (a) The following section of the General Statutes of North Carolina is hereby repealed: G.S. 121-19.

**Sec. 57.** USS North Carolina Battleship Commission; creation, powers, and duties. — There is hereby created the USS North Carolina Battleship Commission of the Department of Cultural Resources with the power and duty to adopt, amend, and rescind rules and regulations under and not inconsistent with the laws of this State necessary in carrying out the provisions and purposes of this Article.

(a) The USS North Carolina Battleship Commission is authorized and empowered to adopt such rules and regulations not inconsistent with the management responsibilities of the Secretary of the Department provided by Chapter 143A of the General Statutes and Laws of this State and this act that may be necessary and desirable for the operation and maintenance of the USS North Carolina as a permanent memorial and exhibit as provided in Article 39 of Chapter 143 of the General Statutes of North Carolina.

(b) The USS North Carolina Battleship Commission shall have the power and duty to establish standards and adopt rules and regulations:

- (1) establishing and providing for a proper charge for admission to the ship; and
- (2) for the maintenance and operation of the ship as a permanent memorial and exhibit.

(c) The Commission shall adopt rules and regulations consistent with the provisions of this Chapter and Article 39 of Chapter 143 of the General Statutes of North Carolina.

**Sec. 58.** USS North Carolina Battleship Commission; members, selection, quorum, compensation — The USS North Carolina Battleship Commission of the Department of Cultural Resources shall consist of not more than fifteen members including the Secretary of Natural and Economic Resources who shall serve as an ex officio member. The initial members of the Commission shall be the appointed members of the current Battleship Commission who shall serve for a period equal to the remainder of their current terms on the Battleship Commission. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of two years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. The provisions of the Executive Organization Act of 1973 pertaining to

the residence of members of commissions shall not apply to the USS North Carolina Battleship Commission.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

**Sec. 59.** USS North Carolina Battleship Commission; conforming changes. — (a) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 143-363, G.S. 143-364, and G.S. 143-365.

**Sec. 60.** Sir Walter Raleigh Commission; creation, powers, and duties- There is hereby created the Sir Walter Raleigh Commission of the Department of Cultural Resources.

(a) The Sir Walter Raleigh Commission shall have the following powers and duties:

- (1) to solicit, collect, and turn over to the Secretary of Cultural Resources voluntary donations from the people of North Carolina, including the school children of the State, for the purpose of acquiring, executing and erecting in the City of Raleigh a memorial to Sir Walter Raleigh;
- (2) to determine the form and characteristics of such memorial and to advise and assist the Secretary of Cultural Resources in the selection of an appropriate person or persons to execute said memorial;
- (3) to advise the Secretary on the expenditure of such funds as may not be required for the acquisition, execution, and erection of said memorial to the end that such funds may be used in a manner appropriate to the memorializing of Sir Walter Raleigh, including publications and observances; and
- (4) to advise the Superintendent of Public Instruction on the designation of a Sir Walter Raleigh Day in the public schools of the State and on the appropriate observances thereof.

(b) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for historical memorial purposes which may be made available for the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(c) The Commission shall adopt rules and regulations consistent with the provisions of this Chapter. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the Sir Walter Raleigh Memorial Commission shall remain in full force and effect unless and until repealed or superseded by action of the Sir Walter Raleigh Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Cultural Resources.

**Sec. 61.** Sir Walter Raleigh Commission; members, selection, quorum, compensation. — The Sir Walter Raleigh Commission of the Department of Cultural Resources shall consist of twenty-one members appointed by the Governor.

Of the initial members of the Commission seven shall be appointed for a six-year term, seven appointed for a four-year term and seven appointed for a two-year term. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The provisions

of the Executive Organization Act of 1973 pertaining to the residence of members of commissions shall not apply to the Sir Walter Raleigh Commission.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive neither pay, per diem, nor necessary travel and subsistence expenses.

A majority of the Commission shall constitute a quorum for the transaction of business.

**Sec. 62.** Officers of the Sir Walter Raleigh Commission. — The Sir Walter Raleigh Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 63.** Regular and special meetings. — The Sir Walter Raleigh Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the Chairman or upon the written request of at least eleven members.

**Sec. 64.** Sir Walter Raleigh Commission; conforming changes. — The following sections of the General Statutes of North Carolina are hereby repealed: Chapter 1267 of the 1953 Session Laws; and Resolution 26 of the 1947 Session Laws.

**Sec. 65.** Executive Mansion Fine Arts Committee; creation, powers, and duties. — There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

(a) to advise the Secretary of Cultural Resources on the preservation and maintenance of the Executive Mansion located at 200 North Blount Street, Raleigh, North Carolina;

(b) to encourage gifts and objects of art, furniture and articles of historical value for furnishing the Executive Mansion, and advise the Secretary of Cultural Resources on major changes in the furnishings of the Mansion;

(c) to make recommendations to the Secretary of Cultural Resources concerning major renovations necessary to preserve and maintain the structure;

(d) to aid the Secretary of Cultural Resources in keeping a complete list of all gifts and articles received together with their history and value;

(e) no gifts or articles shall be accepted for the Executive Mansion without the approval of the Art Commission or the Historical Commission; and

(f) the Committee shall advise the Secretary of Cultural Resources upon any matter the Secretary may refer to it.

**Sec. 66.** The Executive Mansion Fine Arts Committee; members, selection, quorum, compensation. — The Executive Mansion Fine Arts Committee shall consist of sixteen members appointed by the Governor. The initial members of the Committee shall be the appointed members of the present Executive Mansion Fine Arts Commission who shall serve for a period equal to the remainder of their current terms on the Executive Mansion Fine Arts Commission, four of whose appointments expire June 30, 1973, four of whose appointments expire June 30, 1974, four of whose appointments expire June 30, 1975, and four of whose appointments expire June 30, 1976. At the end of the respective terms of office of the initial members, the appointments of their successors shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Committee to serve as chairman at his pleasure.

Members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Committee shall constitute a quorum for the transaction of business.

All clerical and other services required by the Committee shall be supplied by the Secretary of Cultural Resources.

**Sec. 67.** Executive Mansion Fine Arts Committee; conforming changes. — (a) Whenever the words "Executive Mansion Fine Arts Commission" or the word "Commission," when referring to the Executive Mansion Fine Arts Commission, are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Cultural Resources" or "Department," as appropriate shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:

- (1) The words "and to request the assistance of the State Department of Archives and History for this purpose" shall be deleted from lines 2 and 3 of G.S. 143-410(4).
- (2) The word "Commission" is hereby deleted and the words "Executive Mansion Fine Arts Committee" are inserted in lieu thereof on line 1 of G.S. 143-410(5).
- (3) The last three sentences, beginning line 11 and ending line 18, of G.S. 143-411 shall be deleted.

(c) The following sections of the General Statutes are hereby repealed: G.S. 143-409; G.S. 143-412; G.S. 143-413; G.S. 143-414.

**Sec. 68.** American Revolution Bicentennial Committee; creation, powers, and duties. — There is hereby created the North Carolina American Revolution Bicentennial Committee. The North Carolina American Revolution Bicentennial Committee shall have the following functions and duties:

(a) to advise the Secretary of Cultural Resources concerning plans and programs for the observance of the bicentennial of the American Revolution and to advise the Secretary on the conduct of such programs or series of observations; and

(b) to advise the Secretary of the Department upon any matter the Secretary may refer to it.

**Sec. 69.** American Revolution Bicentennial Committee; members, selection, quorum, compensation. — The American Revolution Bicentennial Committee of the Department of Cultural Resources shall consist of twenty-five members, twenty-two of whom shall be appointed by the Governor and the following three ex officio members:

the Secretary of Natural and Economic Resources or designee, the Superintendent of Public Instruction or designee, and the State Regent of the DAR. Of the twenty-two members appointed by the Governor, nine shall be members of North Carolina college and university history faculties. The initial members of the American Revolution Bicentennial Committee shall include the members of the American Revolution Bicentennial Commission for the balance of their existing terms, two of whose appointments expire March 21, 1973, two of whose appointments expire March 21, 1974, two of whose appointments expire March 21, 1975, two of whose appointments expire March 21, 1976, and two of whose appointments expire March 21, 1977. To maintain the staggered terms the Governor shall appoint three of the

additional members for five-year terms, three for four-year terms, two for three-year terms, two for two-year terms, and two for one-year terms. At the end of the respective terms of office of the initial members of the Committee, their successors shall be appointed for terms of five years and until their successors are appointed and qualified. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Committee to serve as chairman at his pleasure.

The members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Committee shall constitute a quorum for the transaction of business.

The Secretary of Cultural Resources is hereby authorized to request contingency and emergency funds for the administration of the American Revolution Bicentennial Committee, for the period between the date of ratification of the Executive Organization Act of 1973 and ratification of the next general appropriations bill for the Department.

All clerical and other services required by the Committee shall be supplied by the Secretary of Cultural Resources.

**Sec. 70.** North Carolina American Revolution Bicentennial Committee; conforming changes. — Article 45 of Chapter 143 of the General Statutes of North Carolina, Sections 143-396 through 143-399, is hereby repealed.

**Sec. 71.** North Carolina Awards Committee; creation, powers, and duties. — There is hereby created the North Carolina Awards Committee with the duty to advise the Secretary of Cultural Resources on the formulation and administration of the program governing North Carolina awards and on the selection of a committee in each award area to choose the recipients.

(a) The Committee shall advise the Secretary of the Department upon any matter the Secretary may refer to it.

**Sec. 72.** North Carolina Awards Committee; members, selection, quorum, compensation. — The North Carolina Awards Committee shall consist of five members appointed by the Governor to serve at the Governor's pleasure.

The Governor shall designate a member of the Committee as chairman to serve in such capacity at the pleasure of the Governor.

Members of the Committee shall serve without compensation or travel or per diem.

A majority of the Committee shall constitute a quorum for the transaction of business.

The Secretary of Cultural Resources is hereby authorized to request contingency and emergency funds for the administration of the North Carolina Awards Committee, for the period between the date of ratification of this act and ratification of the next general appropriations bill for the Department.

All clerical and other services required by the Committee shall be supplied by the Secretary of Cultural Resources.

**Sec. 73.** North Carolina Awards Committee; conforming changes. — G.S. 140A-4 is hereby repealed.

(1) The words "North Carolina Awards Commission" are hereby deleted and the words "North Carolina Awards Committee" are inserted in lieu thereof on line 2 of G.S. 140A-5.

(2) G.S. 140A-4 is hereby repealed.

**Sec. 74.** America's Four Hundredth Anniversary Committee; creation, powers, and duties. — There is hereby created the America's Four Hundredth Anniversary Committee of the Department of Cultural Resources. The Committee shall have the following functions and duties:

- (1) to advise the Secretary of the Department on the planning, conducting, and directing appropriate observances of, and of providing necessary physical facilities and other requirements for, the commemoration of the landing of Sir Walter Raleigh's colony on Roanoke Island; and
- (2) to advise the Secretary of the Department upon any matter the Secretary might refer to it.

**Sec. 75.** America's Four Hundredth Anniversary Committee; members, selection, quorum, compensation. — The America's Four Hundredth Anniversary Committee shall consist of fourteen members as follows: ten members at large appointed by the Governor and four ex officio members as follows: the Mayor of the Town of Manteo, the Secretary of Natural and Economic Resources, the Chairman of the Roanoke Island Historical Association, and the Chairman of the Dare County Board of Commissioners, or their designees. Of the initial members of the America's Four Hundredth Anniversary Committee appointed by the Governor five shall be appointed for terms expiring June 30, 1975, and five for terms expiring June 30, 1977. At the end of their respective terms of office, the appointments shall be for a term of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Committee to serve as chairman at his pleasure.

Members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Committee shall constitute a quorum for the transaction of business.

**Sec. 76.** America's Four Hundredth Anniversary Committee; conforming changes. — Resolution 43 of the 1955 General Assembly is hereby repealed.

**Sec. 77.** North Carolina Arts Council; creation, powers, and duties. — There is hereby created the North Carolina Arts Council with the following duties and functions:

- (1) to advise the Secretary of Cultural Resources on the study, collection, maintenance and dissemination of factual data and pertinent information relative to the arts;
- (2) to advise the Secretary concerning assistance to local organizations and the community at large in the area of the arts;
- (3) to advise the Secretary on the exchange of information, promotion of programs and stimulation of joint endeavor between public and nonpublic organizations;
- (4) to identify research needs in the arts area and to encourage such research;
- (5) to advise the Secretary in regard to bringing the highest obtainable quality in the arts to the State and promoting the maximum opportunity for the people to experience and enjoy those arts; and
- (6) to advise the Secretary of the Department upon any matter the Secretary may refer to it;

**Sec. 78.** The North Carolina Arts Council; members, selection, quorum, compensation, — The North Carolina Arts Council shall consist of twenty-four (24) members

appointed by the Governor. The initial members of the Council shall be the appointed members of the present Arts Council who shall serve for a period equal to the remainder of their current terms on the Arts Council, eight of whose terms expire June 30, 1973, eight of whose terms expire June 30, 1974, and eight of whose terms expire June 30, 1975. At the end of the respective terms of office of the initial members, the appointments of their successors shall be for terms of three years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Council as chairman to serve at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the Secretary of Cultural Resources.

**Sec. 79.** North Carolina Arts Council; conforming changes. — (a) Whenever the words "North Carolina Arts Council" or "Council," when referring to the North Carolina Arts Council, are used or appear in any statute or law of this State, the same shall be deleted and the words, "Department of Cultural Resources" or "Department," as appropriate shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) The first and third sentences of paragraph 1 of G.S. 143-403 shall be deleted.
- (2) The second paragraph of G.S. 143-403 shall be deleted.
- (3) The words ".through its executive director, staff and members" shall be deleted from lines 1 and 2 of G.S. 143-406.
- (4) G.S. 143-407 shall be rewritten to read as follows: "In addition to the appropriations out of the General Fund of the State, the department may accept gifts, bequests, devises, matching funds, or other considerations for use in promoting the arts."

(c) The following sections are hereby repealed: G.S. 143-404, G.S. 143-405, G.S. 143-408.

**Sec. 80.** North Carolina Art Society, Incorporated. — The North Carolina Art Society, Incorporated, shall continue to be under the patronage of the State as provided in Article 3 of Chapter 140 of the General Statutes of North Carolina. The governing body of the North Carolina Art Society, Incorporated, shall be a Board of Directors consisting of sixteen members, of whom the Governor of this State, the Superintendent of Public Instruction, the Treasurer of the State of North Carolina, and the Chairman of the Art Committee of the North Carolina Federation of the Woman's Club shall be ex officio members, and four others shall be named by the Governor of the State. The remaining eight Directors shall be chosen by members of the North Carolina Art Society, Incorporated, in such manner and for such terms as that body shall determine. The four Directors named by the Governor shall serve for terms of four years each.

**Sec. 81.** North Carolina Art Society, Incorporated; conforming changes. — The following section of the General Statutes of North Carolina shall be repealed: G.S. 140-11.

**Sec. 82.** The State Library Committee; creation, powers, and duties. — There is hereby created the State Library Committee of the Department of Cultural Resources. The State Library Committee shall have the following functions and duties:

- (1) to advise the Secretary of the Department on matters relating to the operation and services of the State Library;
- (2) to suggest programs to the Secretary of the Department to aid in the development of libraries statewide; and
- (3) to advise the Secretary of Cultural Resources upon any matter the Secretary might refer to it.

**Sec. 83.** The State Library Committee; members, selection, quorum, compensation. — The State Library Committee shall consist of seven members and shall be composed as follows: Six members appointed by the Governor, and the duly elected and installed President of the North Carolina Library Association.

The initial members of the Committee shall be the current President of the North Carolina Library Association and the appointed members of the Library Board of Trustees who shall serve for a period equal to the remainder of their current terms on the Library Board of Trustees, two of whose appointments expire July 1, 1973; two of whose appointments expire July 1, 1975; and two of whose appointments expire July 1, 1977. At the end of the respective terms of office of the initial members, the appointments of all appointed members shall be for terms of six years and until their successors are appointed and qualify except in the case of the President of the North Carolina Library Association who shall be replaced biennially by his successor in office. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Committee to serve as chairman at his pleasure.

Members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Committee shall constitute a quorum for the transaction of business.

All clerical and other services required by the Committee shall be supplied by the Secretary of Cultural Resources.

**Sec. 84.** State Library Committee; conforming changes. — (a)(1) Whenever the words "North Carolina State Library," "State Library," or "Library," when referring to the North Carolina State Library are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Cultural Resources" shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references, the words "State Library" or "Library," when referring to the State Library, shall be retained: G.S. 125-2(4), lines 10, 15, and 16; G.S. 125-2(5), lines 3, 4, 8, and 11; G.S. 125-6, line 5; and G.S. 125-11, line 2.

- (2) Whenever the words "Board of Trustees of the North Carolina State Library," "Board of Trustees," "Board," "Library Board of Trustees," when referring to the Board of Trustees of the North Carolina State Library are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Cultural Resources" or "Department." as appropriate shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) The second sentence of G.S. 125-2(4) shall be rewritten to read as follows:  
"The scope of the Library's collections shall be determined by the Secretary

of Cultural Resources upon consideration of the recommendation of the State Library Committee; and in making these decisions, the Secretary shall take into account the book collections of public libraries and college and university libraries throughout the State and the availability of such collections to the general public."

- (2) The words "and approved by the Board of Trustees" shall be deleted from line 12 of G.S. 125-2(4).
- (3) The words ", with the approval of the board," shall be deleted from line 13 of G.S. 125-2(4).
- (4) The word "Board" shall be deleted from line 2 of G.S. 125-7(c).
- (5) The first sentence of G.S. 125-10 shall be deleted.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 125-3, G.S. 125-4, G.S. 125-7(f), G.S. 140-2(a), G.S. 140-2(b), and G.S. 140-2(c).

**Sec. 85.** Roanoke Island Historical Association; creation, powers, and duties. — There is hereby re-created the Roanoke Island Historical Association with the powers and duties delineated in Article 19 of Chapter 143 of the General Statutes of North Carolina.

**Sec. 86.** The Roanoke Island Historical Association; status. — The Roanoke Island Historical Association is hereby declared not to be a State agency within the meaning of the Executive Organization Act of 1973 and shall be exempt from all provisions of the Executive Organization Act of 1973 except Sections 85 through 87.

**Sec. 87.** Roanoke Island Historical Association; conforming changes. — The following amendments to the General Statutes of North Carolina are hereby made:

- (1) G.S. 143-201 is amended by adding at the end thereto a sentence to read as follows: "The duly elected officers of the Association shall serve as an advisory committee to the Secretary of Cultural Resources concerning matters relating to 'The Lost Colony' historical drama."
- (2) The word "Association" shall be deleted and the words "Secretary of Cultural Resources" shall be inserted in lieu thereof on line 7 of G.S. 143-204.

**Sec. 88.** North Carolina Symphony Society, Inc. — The North Carolina Symphony Society, Incorporated, shall continue to be under the patronage of the State as provided in Article 2 of Chapter 140 of the General Statutes of North Carolina. The governing body of the North Carolina Symphony Society, Incorporated, shall be a Board of Trustees consisting of not less than sixteen members of which the Governor of the State and the Superintendent of Public Instruction shall be ex officio members and four other members shall be named by the Governor. The remaining trustees shall be chosen by members of the North Carolina Symphony Society, Incorporated, in such manner and for such terms as that body shall determine. The initial members named by the Governor shall be appointed from members of the existing Board of Trustees of the North Carolina State Symphony Society, Incorporated, for the balance of their existing terms. Subsequent appointments shall be made for terms of four years each.

**Sec. 89.** North Carolina Symphony Society; conforming changes. — G.S. 140-6 is hereby repealed.

**Sec. 90.** Edenton Historical Commission; creation, powers, and duties. — There is hereby re-created the Edenton Historical Commission. The Edenton Historical Commission shall have the following powers:

- (1) to acquire and dispose of title to or interests in historic properties in the Town of Edenton and County of Chowan and to repair, restore, or otherwise improve such properties, and to maintain them:

- (2) to cooperate with, assist, and advise the Secretary of Cultural Resources upon any matters pertaining to the administration of any State-owned historic property or properties in Edenton which the Secretary of the Department may refer to it; and
- (3) to carry out other programs reasonably related to these purposes.

**Sec. 91.** The Edenton Historical Commission; status. — The Edenton Historical Commission is hereby declared not to be a State agency within the meaning of the Executive Organization Act of 1973 and shall be exempt from all provisions of the Executive Organization Act of 1973 except Sections 90 through 94.

**Sec. 92.** Edenton Historical Commission; reports. — The Edenton Historical Commission shall submit an annual report of its activities, holdings, and finances, including an audit of its accounts by a certified public accountant, to the Secretary of Cultural Resources. In the event such annual report is not received by the Secretary, or if such report does not indicate the need for the continuation of the Commission, the Secretary of Cultural Resources is authorized to recommend to the next General Assembly the abolition of the Commission.

**Sec. 93.** Edenton Historical Commission; members, selection, quorum, compensation. — The Edenton Historical Commission shall consist of not fewer than twenty-five members appointed by the Governor plus, ex officio, the Mayor of the Town of Edenton, the Chairman of the Board of Commissioners of Chowan County, and the Secretary of Cultural Resources or designee.

The initial members of the Commission shall be the members of the present Edenton Historical Commission and shall serve at the pleasure of the Governor. Members of the Commission shall elect their own officers and members of the Commission shall serve without pay and without expense allowance from State funds. The Commission shall determine its requirements for a quorum.

**Sec. 94.** Edenton Historical Commission; conforming changes. — The following sections are hereby repealed: Chapter 1009 of the 1961 Session Laws.

**Sec. 95.** Historic Bath Commission; creation, powers, and duties. — There is hereby created the Historic Bath Commission. The Historic Bath Commission shall have the following powers:

- (1) to acquire and dispose of title to or interests in historic properties in and near the town of Bath in Beaufort County, and to repair, restore, or otherwise improve such properties, and to maintain them;
- (2) to offer such historic properties to the State of North Carolina, subject to the acceptance of such properties by the State;
- (3) to cooperate with, assist, and advise the Secretary of Cultural Resources upon any matter pertaining to the administration of Bath State Historic Site, which the Secretary of the Department may refer to it; and
- (4) to carry out other programs reasonably related to these purposes.

**Sec. 96.** Historic Bath Commission; status. — The Historic Bath Commission is hereby declared not to be a State agency within the meaning of the Executive Organization Act of 1973 and shall be exempt from all provisions of the Executive Organization Act of 1973 except Sections 95 through 99.

**Sec. 97.** Historic Bath Commission; reports. — The Historic Bath Commission shall submit an annual report of its activities, holdings, and finances, including an audit of its accounts by a certified public accountant, to the Secretary of Cultural Resources. In the event such annual report is not received by the Secretary, or if such report does not indicate the need for the continuation of the Commission, the Secretary of Cultural Resources is authorized to recommend the abolition of the Commission to the next General Assembly.

**Sec. 98.** Historic Bath Commission; members, selection, quorum, compensation. — The Historic Bath Commission shall consist of twenty-five members appointed by the

Governor plus, ex officio, the Mayor of the Town of Bath, the Chairman of the Board of Commissioners of Beaufort County, and the Secretary of Cultural Resources or designee. The initial members of the Commission shall be the members of the present Historic Bath Commission who shall serve for a period equal to the remainder of their current terms on the Historic Bath Commission. At the end of the respective terms of office of the initial members of the Commission, the appointments of their successors, with the exception of the ex officio members, shall be for terms of five years and until their successors are appointed and qualify. Any appointments to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Commission shall elect its own officers. Members of the Commission shall serve without pay and without expense allowance from State funds. The Commission shall determine its requirements for a quorum.

**Sec. 99.** Historic Bath Commission; conforming changes. — The following sections are hereby repealed: Chapter 353 of the Session Laws of 1965 and Chapter 1005 of the Session Laws of 1959.

**Sec. 100.** Historic Hillsborough Commission; creation, powers, and duties. — There is hereby re-created the Historic Hillsborough Commission. The Historic Hillsborough Commission shall have the following powers:

- (1) in cooperation with the Hillsborough Historical Society, the elected officials of Hillsborough and Orange County, and appropriate public agencies, to use every legal aid and method to preserve and restore the Town of Hillsborough, and its immediately adjacent area, as a living, functioning, educational, and historical exhibit of North Carolina's early life and times;
- (2) to acquire and to dispose of property, real and personal; to repair, restore, or otherwise improve such properties; to have prepared a history of the town and area; and to write, compile, publish, or sponsor such historical works as may pertain to the town and area; and
- (3) to carry on other programs reasonably related to these purposes.

**Sec. 101.** Historic Hillsborough Commission; status. — The Historic Hillsborough Commission is hereby declared not to be a State agency within the meaning of the Executive Organization Act of 1973 and shall be exempt from all provisions of the Executive Organization Act of 1973 except Sections 100 through 104.

**Sec. 102.** Historic Hillsborough Commission; reports. — The Historic Hillsborough Commission shall submit an annual report of its activities, holdings, and finances, including an audit of its accounts by a certified public accountant, to the Secretary of Cultural Resources. In the event such annual report is not received by the Secretary, or if such report does not indicate the need for the continuation of the Commission, the Secretary of Cultural Resources is authorized to recommend to the next General Assembly the abolition of the Commission.

**Sec. 103.** Historic Hillsborough Commission; members, selection, quorum, compensation. — The Historic Hillsborough Commission shall consist of not fewer than twenty-five members appointed by the Governor plus, ex officio, the Mayor of the Town of Hillsborough, the Chairman of the Board of Commissioners of Orange County, the Orange County Register of Deeds, the Orange County Clerk of Superior Court, and the Secretary of Cultural Resources or designee. The initial appointed members of the Commission shall be the members of the present Historic Hillsborough Commission who shall serve for a period equal to the remainder of their current terms on the Historic Hillsborough Commission. At the end of the respective terms of office of the present members, the appointments of members, excepting the ex officio members, shall be for terms of six years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Commission shall elect its own officers. Members of the Commission shall serve without pay

and without expense allowance from State funds. The Commission shall determine its requirements for a quorum.

**Sec. 104.** Historic Hillsborough Commission; conforming changes. — The following sections are hereby repealed: Chapter 196 of the 1963 Session Laws.

**Sec. 105.** Historic Murfreesboro Commission; creation, powers, and duties. — There is hereby re-created the Historic Murfreesboro Commission. The Historic Murfreesboro Commission shall have the following powers:

- (1) to acquire and dispose of title to or interests in historic properties in and near the Town of Murfreesboro, and to repair, restore, or otherwise improve and maintain such properties;
- (2) to conduct research and planning to carry out a program for the preservation of historic sites, buildings, or objects in and near the Town of Murfreesboro;
- (3) to carry out other programs reasonably related to these purposes.

**Sec. 106.** Historic Murfreesboro Commission; status. — The Historic Murfreesboro Commission is hereby declared not to be a State agency within the meaning of the Executive Organization Act of 1973 and shall be exempt from all provisions of the Executive Organization Act of 1973 except Sections 105 through 109.

**Sec. 107.** Historic Murfreesboro Commission; reports. — The Historic Murfreesboro Commission shall submit an annual report of its activities, holdings, and finances, including an audit of its accounts by a certified public accountant, to the Secretary of Cultural Resources. In the event such annual report is not received by the Secretary, or if such report does not indicate the need for the continuation of the Commission, the Secretary of Cultural Resources is authorized to recommend to the next General Assembly the abolition of the Commission.

**Sec. 108.** Historic Murfreesboro Commission; members, selection, quorum, compensation. — The Historic Murfreesboro Commission shall consist of thirty members appointed by the Governor plus, ex officio, the Mayor of the Town of Murfreesboro, the Chairman of the Board of Commissioners of the County of Hertford, the President of Chowan College, and the Secretary of Cultural Resources or designee. The initial appointed members of the Commission shall be the members of the present Historic Murfreesboro Commission who shall serve for a period equal to the remainder of their current terms on the Historic Murfreesboro Commission. At the end of the respective terms of office of the initial members of the Commission, the appointments of their successors, with the exception of ex officio members, shall be for terms of five years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Commission shall elect its own officers. Members of the Commission shall serve without pay and without expense allowance from State funds. The Commission shall determine its requirements for a quorum.

**Sec. 109.** Historic Murfreesboro Commission; conforming changes. — The following sections are hereby repealed: Chapter 18 of the 1967 Session Laws.

**Sec. 110.** John Motley Morehead Memorial Commission; creation; powers, and duties. — There is hereby re-created the John Motley Morehead Memorial Commission. The John Motley Morehead Memorial Commission shall have the following powers:

- (1) to acquire title to or interests in property, both real and personal, and to solicit, collect, and expend funds for the acquisition, restoration, maintenance, and operation of a memorial to John Motley Morehead in the City of Greensboro; and to carry on other activities, including research and publications, reasonably related to this purpose;

- (2) to convey, lease, mortgage, and otherwise dispose of real and personal property and interests therein, as well as to accept deeds, bills of sale, and other instruments conveying and investing title in it; and
- (3) to offer such memorial to the State of North Carolina, which memorial, if accepted by the Department of Cultural Resources and Council of State, may be administered as a State historic site subject to existing covenants and agreements.

**Sec. 111.** John Motley Morehead Memorial Commission; status. — The John Motley Morehead Memorial Commission is hereby declared not to be a State agency within the meaning of the Executive Organization Act of 1973 and shall be exempt from all provisions of the Executive Organization Act of 1973 except Sections 110 through 115.

**Sec. 112.** John Motley Morehead Memorial Commission; authorization for counties to assist. The special approval of the General Assembly is hereby given to all appropriations of surplus or non-ad valorem tax funds that should be made and paid over to said Commission by all counties and municipalities and the same are declared to be for a public purpose and the special approval of the General Assembly is given for such appropriations. Upon the request of the Commission hereby created, the governing body of Guilford County or of the City of Greensboro may, in its discretion, make appropriations from non-ad valorem tax revenues to the Commission.

**Sec. 113.** John Motley Morehead Memorial Commission; reports. — The John Motley Morehead Commission shall submit to the Secretary of Cultural Resources an annual report of its activities, holdings, and finances, including an audit of its accounts by a certified public accountant. In the event such annual report is not received by the Secretary, or if the report indicates that there is no further need for the Commission, the Secretary of Cultural Resources is authorized to recommend to the next General Assembly the abolition of the Commission.

**Sec. 114.** John Motley Morehead Memorial Commission; creation, members, selection; quorum, compensation. — The John Motley Morehead Memorial Commission shall consist of nineteen members as follows; Nine members appointed by the Governor; three members appointed by the Board of Commissioners of Guilford County; three members appointed by the City Council of Greensboro; and four ex officio members, as follows: The Secretary of Natural and Economic Resources or designee, the Superintendent of Public Instruction or designee, the State Treasurer or designee and the Secretary of Cultural Resources or designee. The initial members of the Commission shall be the members of the present John Motley Morehead Memorial Commission who shall serve for a period equal to the remainder of their current terms on the John Motley Morehead Memorial Commission. At the end of the respective terms of office of the initial members, the appointments of their successors, with the exception of the ex officio members, shall be for terms of six years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. The Commission shall elect its own officers. Members of the Commission shall serve without pay and without expense allowance from State funds. The Commission shall determine its requirements for a quorum.

**Sec. 115.** John Motley Morehead Memorial Commission; conforming changes. — The following sections are hereby repealed: Chapter 1308 of the 1959 Session Laws.

**Sec. 116.** Department of Cultural Resources; conforming changes. — (a) The following amendments to the General Statutes of North Carolina are hereby made:

- (1) Whenever the words "Tobacco Museum Board" or "Board" when referring to the Tobacco Museum Board, are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Cultural Resources" or "Department" as appropriate shall be inserted in lieu thereof.

(b) The following commissions are hereby abolished and statutory references to each are hereby repealed.

- (1) The Daniel Boone Memorial Commission as created by Chapter 496 of the 1909 Session Laws.
- (2) The Bennett Place Memorial Commission, as originally created by Chapter 77, 1923 Session Laws, and as amended by Chapter 648 of the 1955 Session Laws.
- (3) The Durham-Orange Historical Commission, as created by Chapter 45 of the 1927 Session Laws.
- (4) The Transylvania County Historical Commission, as created by Chapter 1110 of the 1949 Session Laws.
- (5) The Lenoir County Historical and Patriotic Commission as created by Chapter 757 of the 1949 Session Laws.
- (6) The Charles. B. Aycock Memorial Commission, as created by Chapter 1021 of the 1949 Session Laws.
- (7) The Pitt County Historical Commission as created by Chapter 824 of the 1957 Session Laws.
- (8) The Stonewall Jackson Memorial Fund, as created by Chapter 1371 of the 1957 Session Laws.
- (9) The Guilford County Bicentennial Commission, as created by Chapter 548 of the 1967 Session Laws.
- (10) The Raleigh Historic Sites Commission, as created by Chapter 1058 of the 1967 Session Laws.

(b) The following sections of the General Statutes of North Carolina are hereby repealed: Article 19A of Chapter 143, being G.S. 143-204.1, G.S. 143-204.2, G.S. 143-204.3, and G.S. 143-204.4; Article 19B of Chapter 143, being G.S. 143-204.5, G.S. 143-204.6, G.S. 143-204.7; Article 39A of Chapter 143, being G.S. 143-369.1, G.S. 143-369.2, G.S. 143-369.3, G.S. 143-429, G.S. 143-430; and Article 17 of Chapter 143A of the General Statutes of the State of North Carolina being G.S. 143A-191 through 143A-230.

#### DEPARTMENT OF HUMAN RESOURCES

**Sec. 117.** Department of Human Resources; creation. — There is hereby re-created and reconstituted a department to be known as the "Department of Human Resources," with the organization, duties, functions, and powers defined in the Executive Organization Act of 1973.

**Sec. 118.** Duties of the Department. — It shall be the duty of the Department to provide the necessary management, development of policy, and establishment and enforcement of standards for the provision of services in the fields of general and mental health and rehabilitation with the basic goal being to assist all citizens — as individuals, families, and communities — to achieve and maintain an adequate level of health, social and economic well-being, and dignity.

**Sec. 119.** Functions of the Department. — (a) The functions of the Department of Human Resources shall comprise, except as otherwise expressly provided by the Executive Organization Act of 1973 or by the Constitution of North Carolina, all executive functions of the State in relation to general and mental health and health rehabilitation and further including those prescribed powers, duties, and functions enumerated in Article 13 of Chapter 143A of the General Statutes of this State.

(b) All such functions, powers, duties, and obligations heretofore vested in any agency enumerated in Article 13 of Chapter 143A of the General Statutes are hereby transferred to and vested in the Department of Human Resources, except as otherwise provided by the Executive Organization Act of 1973. They shall include, by way of extension and not of limitation, the functions of: (1) the State Board of Health, (2) the Salt Marsh Mosquito Advisory Commission, (3) the Office of Chief Medical Examiner, (4) the State Department of Social Services, (5) the

State Board of Social Services, (6) the Advisory Committee for Medical Assistance, (7) the State Department of Mental Health, (8) the State Board of Mental Health, (9) the Medical Advisory Council to the State Board of Mental Health, (10) the Mental Health Council, (11) the Advisory Council on Alcoholism to the North Carolina Board of Mental Health, (12) the State Advisory Council to the North Carolina Medical Care Commission, (13) the North Carolina State Commission for the Blind, (14) the Blind Advisory Committee, Professional Advisory Committee, (15) the Vocational Rehabilitation Division, (16) the Eugenics Board of North Carolina, (17) the Governor Morehead School, (18) the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, (19) the North Carolina Orthopedic Hospital, (20) the North Carolina Cerebral Palsy Hospital, (21) the North Carolina Sanatoriums for the Treatment of Tuberculosis, (22) the Interstate Compact on Mental Health, (23) the Council on Mental Retardation and Developmental Disabilities, (24) the North Carolina Cancer Study Commission, (25) the Interstate Compact on Juveniles, (26) the North Carolina Board of Anatomy, (27) the Governor's Coordinating Council on Aging, (28) the Confederate Women's Home, (29) the Medical Care Commission, (30) the Governor's Committee on Employment of the Handicapped, and (31) the Human Resources Division.

**Sec. 120.** Head of the department. — The Secretary of Human Resources shall be the head of the department.

**Sec. 121.** Organization of the Department. — The Department of Human Resources shall be organized initially to include the Board of Human Resources, the Commission for Health Services, the Commission for Mental Health Services, the Eugenics Commission, the Commission for the Blind, the Professional Advisory Committee, the Blind Advisory Committee, the Social Services Commission, the Commission for Medical Facility Services and Licensure, the Council for Institutional Boards, the Council on Developmental Disabilities, the Governor's Coordinating Council on Aging, the Governor's Council on Employment of the Handicapped, the Governor's Advocacy Council on Children and Youth, the Mental Health Council, the Board of Directors of the North Carolina Sanatoriums for the Treatment of Tuberculosis, the Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina, the Board of Directors of the North Carolina Orthopedic Hospital, the Board of Directors of the Governor Morehead School, the Board of Directors of the North Carolina Schools for the Deaf, the Board of Directors for the Confederate Women's Home, the Division of Health Services, the Division of Mental Health Services, the Division of Social and Rehabilitative Services, the Division of Vocational Rehabilitation Services, the Division of Blind Services, the Division of Facility Services and Licensure, the Division of Institutional Services, and such other divisions as may be established under the provisions of this act.

**Sec. 122.** The Board of Human Resources. — The Board of Human Resources shall consider and advise the Secretary of Human Resources upon any matter that the Secretary may refer to it. The Board shall assist the Secretary of Human Resources in the development of major programs and recommend priorities for the programs within the Department.

The Board of Human Resources shall have such other responsibilities and shall perform such other duties as may be specifically given to it.

The Board of Human Resources shall consist of the following 15 members: the chairman of the Commission for Health Services, the chairman of the Commission for Mental Health Services, the chairman of the Social Services Commission, the chairman of the Commission for the Blind, the chairman of the Commission for Medical Facility Services and Licensure, the chairman of the Council for Institutional Boards, eight members-at-large appointed by the Governor to serve at his pleasure, and the Secretary of Human Resources who shall be a member and chairman ex officio.

The Board of Human Resources shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman.

Members of the Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Board shall constitute a quorum for the transaction of business.

All clerical and other services required by the Board shall be supplied by the Secretary of Human Resources.

**Sec. 123.** Commission for Health Services; creation, powers, and duties. — There is hereby created the State Commission for Health Services of the Department of Human Resources with the power and duty to adopt rules and regulations to be followed in the conduct of the public health program to protect and promote public health, with the power and duty to adopt, amend, and rescind rules and regulations under, and not inconsistent with, the laws of the State necessary to carry out the provisions and purposes of this Article.

(a) The Commission for Health Services has the following powers and duties:

- (1) to establish standards, adopt rules and regulations that may be necessary for the protection and promotion of the public health and the control of disease;
- (2) to approve rules and regulations for sanitary management adopted by the State Board of Cosmetic Art Examiners as provided by G.S. 88-23; and
- (3) to create metropolitan water districts as provided by G.S. 162A-33.

(b) The Commission for Health Services shall have the power and duty to establish standards and adopt rules and regulations:

- (1) for the operation of home health agencies as provided by law;
- (2) regulating sanitary conditions of establishments providing food and lodging as provided by Article 5 of Chapter 72 of the General Statutes of the State of North Carolina;
- (3) preparing design standards to be used as a guide in approving sewage treatment devices and holding tanks for marine toilets as provided by G.S. 75A-6(o);
- (4) relating the use, storage, transportation, and disposal of radiation, radiation machines, and radioactive materials as provided by Chapter 104C of the General Statutes of the State of North Carolina;
- (5) adopting minimum health and sanitation standards for day-care facilities as provided by Article 7 of Chapter 110 of the General Statutes of the State of North Carolina;
- (6) establishing specifications for sanitary privies for schools where water-carried sewerage facilities are unavailable as provided by G.S. 115-132;
- (7) governing the sanitation of local confinement facilities as provided by G.S. 153-53.4;
- (8) governing environmental impact statements and information required in applications to determine eligibility for water supply systems under the provision of the Clean Water Bond Bill;
- (9) governing the distribution of dead human bodies for the purpose of promoting the study of anatomy in the State of North Carolina as provided by Article 14 of Chapter 90 of the General Statutes of the State of North Carolina; and
- (10) for the operation of nursing homes as defined in G.S. 130-9(e).

(c) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for public health purposes which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(d) The Commission shall adopt rules and regulations consistent with the provisions of this Chapter. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the Board of Health shall remain in full force and effect unless and until repealed or superseded by action of the Commission for Health Services. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources. When directed by the Department of Human Resources, local health departments shall enforce Commission for Health Services' rules and regulations under the supervision of the Department of Human Resources.

**Sec. 124.** Commission for Health Services; members, selection, quorum, compensation. — The Commission for Health Services of the Department of Human Resources shall consist of eleven members, four of whom shall be elected by the North Carolina Medical Society and seven of whom shall be appointed by the Governor.

One of the members appointed by the Governor shall be a licensed pharmacist, one a dairyman, one a licensed veterinarian, one a licensed optometrist and one a licensed dentist. The initial members of the Commission shall be the members of the State Board of Health who shall serve for a period equal to the remainder of their current terms on the State Board of Health, three of whose appointments expire May 1, 1973, and two of whose appointments expire May 1, 1975. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The North Carolina Medical Society shall have the right to remove any member elected by it for misfeasance, malfeasance, or nonfeasance, and the Governor shall have the right to remove any member appointed by him for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973. Vacancies on said Commission among the membership elected by the North Carolina Medical Society shall be filled by the executive committee of the Medical Society until the next meeting of the Medical Society, when the Medical Society shall fill the vacancy for the unexpired term. Vacancies on said Commission among the membership appointed by the Governor shall be filled by the Governor for the unexpired term.

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

The members of the Commission shall receive per diem and necessary traveling and subsistence expenses in accordance with the provisions of G.S. 138-5.

**Sec. 125.** Officers of the Commission for Health Services. — The Commission for Health Services shall have a chairman and a vice-chairman.

The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 126.** Election meetings. — The meeting of the Commission for Health Services for the election of vice-chairman shall be at the first regular meeting after the joint session of the Commission for Health Services and the North Carolina Medical Society at the annual meeting of the North Carolina Medical Society each odd-numbered year.

**Sec. 127.** Regular and special meetings. — Each year there shall be four regular meetings of the Commission for Health Services, one of which shall be held during the annual meeting and conjointly with a general session of the North Carolina Medical Society at which time and place the annual report shall be submitted by the Secretary of Human Resources or his designee. The other three meetings shall be at such times and places as the chairman of the

Commission shall designate. Special meetings of the Commission may be called by the chairman, or by a majority of the members of the Commission.

**Sec. 128.** Conforming changes. — (a)(1) Whenever the words "State Board of Health" or "Board" when referring to the State Board of Health are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department." as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references, the words "State Board of Health" or "Board" shall be deleted and the words "Commission for Health Services" or "Commission." as appropriate, shall be inserted in lieu thereof: G.S. 20-9(4), lines 6, 7, 8, 9, 11, 13, 15; G.S. 20-139.1(b), lines 3, 4, and 8; G.S. 51-9, line 8; G.S. 51-11, line 1 of paragraph 2; G.S. 72-46, line 7 of paragraph 1 and line 3 of paragraph 2; 75A-6(o), line 5 of paragraph 2, line 4 of paragraph 3, and line 4 of paragraph 5; G.S. 88-23, line 9; G.S. 87-16, line 6; G.S. 87-96, line 2 of paragraph 2; G.S. 88-28(7), line 3; G.S. 88-28.1, line 5; G.S. 90-78, line 16; G.S. 90-87(14), line 2; G.S. 90-88(a), lines 1, 5, 7, 14, and 20; G.S. 90-88(b), line 1; G.S. 90-88(c), line 1; G.S. 90-88(d), lines 2, 6, 7, 9, 12, and 13; G.S. 90-88(e), line 1; G.S. 90-89, line 4; G.S. 90-90, line 4; G.S. 90-91, line 4; G.S. 90-91(i), line 1; G.S. 90-92, line 4; G.S. 90-92(b), line 1; G.S. 90-93, line 4; G.S. 90-94, line 4; G.S. 90-106(b), line 1; G.S. 90-113.2, lines 2 and 6; G.S. 90-203(b), line 30; G.S. 90-205, line 3; G.S. 90-207, line 11; G.S. 104C-4, paragraph 1, lines 1, 7, and 10; G.S. 104C-4, paragraph 3, line 1; G.S. 104C-4, paragraph 4, lines 1, 5, 7, 11, and 13; G.S. 104C-4, paragraph 5, lines 1 and 3; G.S. 104C-4, paragraph 9, lines 7 and 11; G.S. 104C-4, paragraph 10, line 1; G.S. 104C-4, paragraph 11, line 1; G.S. 104C-4, paragraph 12, lines 1, 3, and 5; G.S. 106-139(c), lines 2 and 8; G.S. 106-139(e), line 3; G.S. 106-364(3), line 4; G.S. 106-365, line 4; G.S. 106-383, line 5; G.S. 108-77(d), line 3; G.S. 110-91(1), paragraph 1, lines 3 and 5; G.S. 110-92, paragraph 2, line 5; G.S. 113-132(c), line 4; G.S. 115-132, paragraph 2, line 5; G.S. 130-9(b), line 4; G.S. 130-9(c), line 3; G.S. 130-9(d), line 1; G.S. 130-10, line 2; G.S. 130-11(1), line 3; G.S. 130-11(2), line 4; and G.S. 130-11(13), line 2; Chapter 909, 1971 Session Laws, all references; G.S. 130-14, line 2; G.S. 130-17(b), lines 4, 7, 8, and 9; G.S. 130-24, line 1; G.S. 130-26, lines 3 and 4; G.S. 130-31, line 4 of paragraph 2; G.S. 130-81, line 3; G.S. 130-82, line 5; G.S. 130-83, line 5; G.S. 130-84, line 2; G.S. 130-86, lines 3 and 6; G.S. 130-99, line 1; G.S. 130-109(3), line 2; G.S. 130-110, line 2; G.S. 130-112, line 7; G.S. 130-121, line 7; G.S. 130-123, line 2; G.S. 130-125, lines 1, 4, 6, 8, 13, and 15; G.S. 130-128(1), line 6; G.S. 130-128(8), line 3; G.S. 130-128(9)a., line 10; G.S. 130-128(10), lines 3 and 5; G.S. 130-128(11), line 1; G.S. 130-128(17)b., line 6; G.S. 130-133, lines 7 and 8; G.S. 130-148(a), lines 9, 11, 18, and 20; G.S. 130-148(a), last paragraph lines 14 and 15; G.S. 130-149, line 14 of paragraph 2; G.S. 130-150, line 12; G.S. 130-151, lines 10, 22, 23, and 24; G.S. 130-151.1, lines 7, 11 and 26, both references, and 29; G.S. 130-157, line 9; G.S. 130-159, lines 6 and 10; G.S. 130-160, line 5; G.S. 130-161, line 12; G.S. 130-161.1(b)(1), line 6; G.S. 130-161.1(b)(2), line 1; G.S. 130-161.1(b)(4), line 3; G.S. 130-161.1(b)(5), line 3; G.S. 130-161.1(c), line 2; G.S. 130-161.1(d), line 2; G.S. 130-163, lines 1 and 4; G.S. 130-165, line 5; G.S. 130-166.12, line 3; G.S. 130-167, line 2; G.S. 130-169.2, line 2; G.S. 130-169.3, line 2; G.S. 130-169.4, line 5; G.S. 130-170, line 4 of paragraph 1 and line 2 of paragraph 2; G.S. 130-170.1(b), line 1; G.S. 130-170.1(c), line 1, second reference of line 3, line 4, both references of lines 6 and 7; G.S. 130-172, line 2 of paragraph 1 and lines 2, 4, and 10 of paragraph 2; G.S. 130-173, line 4 of paragraph 1 and line 4 of paragraph 2; G.S. 130-175, line 3 of paragraph 2; G.S. 130-176, line 7 of paragraph 1, line 6 of paragraph 3 and line 3 of paragraph 5; G.S. 130-177, line 5 of paragraph 2, line 5 of paragraph 5, line 1 of paragraph 6, and line 4 of paragraph 7; G.S. 130-180, line 3; G.S. 130-181, lines 4, 8, and 10; G.S. 130-183, line 5; G.S. 130-184, line 3; G.S. 130-184.1, line 7; G.S. 130-187, line 4; G.S. 130-190, line 3; G.S. 130-201, line 2; G.S. 130-203, line 7; G.S. 130-209, line 4 of paragraph 1 and line 5 of paragraph 2; G.S. 130-211(b), lines 9, 16, and 19; G.S. 130-211(c), lines 4 and 11 both references, 15 and 30; G.S. 130-220,

lines 9 and 22 both references, and 24; G.S. 130-230(b), line 7; G.S. 130-232(a), line 1; G.S. 130-232(b), line 5; G.S. 130-233(b), line 1; G.S. 130-233(c), line 8; G.S. 130-246, line 2; G.S. 143-215.1(a), line 6 of paragraph 2; G.S. 143-347, line 2; G.S. 147-33.2(8)b., line 7; G.S. 153-53.3(b), line 6; G.S. 153-53.4(a), line 1; G.S. 153-53.4(b), lines 3 and 10; G.S. 153-166, lines 3 and 14; G.S. 156-69, line 2 of paragraph 2; G.S. 159-95, lines 4 and 7; G.S. 162A-33, all references; G.S. 162A-34(a), line 16; and G.S. 162A-35, lines 9, 23, 24, and 27.

- (2) Whenever the words "North Carolina Board of Anatomy" or "Board" when referring to the North Carolina Board of Anatomy are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, with the exception that the word "Board" in G.S. 90-215, line 4, shall be deleted and the words "Commission for Health Services" shall be inserted in lieu thereof.
  - (3) Whenever the words "Chairman of the Board of Anatomy" or "Chief Medical Examiner" or "State Health Director" are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Human Resources" or "Secretary", as appropriate, shall be inserted in lieu thereof.
  - (4) Whenever the words "Office of Vital Statistics" or "Central Office of Vital Statistics" or "Bureau of Vital Statistics" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" are hereby inserted in lieu thereof.
- (b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:
- (1) The words "and to issue permits" shall be deleted and the words "and the Department of Human Resources may issue permits" are hereby inserted in lieu thereof on line 7 of G.S. 20-139.1(b).
  - (2) The first sentence of G.S. 72-46 is hereby rewritten to read as follows: "For the better protection of the public health, the State Commission for Health Services is hereby authorized, empowered and directed to prepare rules and regulations governing the sanitation of any hotel, cafe, restaurant, tourist home, motel, summer camp, food or drink stand, sandwich manufacturing establishment, and all other establishments where food or drink is prepared, handled, and served for pay, or where lodging accommodations are provided. The Department of Human Resources is hereby authorized and empowered to enforce these rules and regulations."
  - (3) The words "by a majority of the members of the North Carolina Board of Anatomy" shall be deleted and the words "by the Secretary of Human Resources" shall be inserted in lieu thereof on line 4 of G.S. 90-214.
  - (4) The words "State of North Carolina in the Division of Dental Health of the State Board of Health and especially trained by said division" are hereby deleted and the words "Department of Human Resources and especially trained by said Department" are hereby inserted in lieu thereof on lines 4 and 5 of G.S. 90-233(a).
  - (5) The words "the Director of the Division of Sanitary Engineering. State Board of Health" are hereby deleted and the words "a sanitary engineer employed by the Department of Human Resources" are inserted in lieu thereof on line 6 of G.S. 90A-2.
  - (6) G.S. 104C-4 is hereby amended by inserting the words "or Department" after the words "Commission for Health Services" on line 2 of paragraph 11. and line 1 of paragraph 12, thereof.

- (7) G.S. 106-143 shall be rewritten to read as follows: "Nothing in this Article shall be construed as in any way amending, abridging, or otherwise affecting the validity of any law or ordinance relating to the Commission for Health Services or the Department of Human Resources or any local health department in their sanitary work in connection with public and private water supplies, sewerage, meat, milk, milk products, shellfish, finfish, or other foods, or food products, for the production, handling, or processing thereof; but this Article shall be construed to be in addition thereto."
- (8) The words "North Carolina State Board of Health" are hereby deleted and the words "Department of Human Resources and the Commission for Health Services" are inserted in lieu thereof on lines 5 and 6 of G.S. 113-415; line 2 of G.S. 130-1(e); and lines 4 and 5 of G.S. 130-19.
- (9) G.S. 130-3(c). (d), (e), (f), (g), (h), and (i) shall be redesignated G.S. 130-3(d), (e), (f), (g), (h), (i), and (j) respectively.
- (10) G.S. 130-3(b) shall be rewritten to read as follows: "'Commission' means 'Commission for Health Services'."
- (11) A new section designated G.S. 130-3(c) shall read as follows: "'Department' means 'Department of Human Resources'."
- (12) G.S. 130-3(i) shall be redesignated G.S. 130-3(j) and shall be rewritten to read as follows: "'Secretary' means the 'Secretary of Human Resources'."
- (13) The words "State Board of Health" shall be deleted and the words "Secretary of Human Resources" shall be inserted in lieu thereof on line 1 of G.S. 130-9(c).
- (14) G.S. 130-9(e)(1) shall be rewritten to read "The Commission for Health Services shall establish standards, adopt rules and regulations for the operation, inspection, and licensing of nursing homes as the same are hereinafter defined."
- (15) There is hereby created a new section to be designated G.S. 130-9(e)(1a) which shall read as follows: "The Department of Human Resources shall inspect and license nursing homes as the same are hereinafter defined utilizing the standards, rules and regulations provided for in G.S. 130-9(e)(1)."
- (16) The words "and be licensed by the State Board of Health" shall be deleted and the words "the Commission for Health Services and be licensed by the Department of Human Resources" shall be inserted in lieu thereof on lines 7 and 8 of G.S. 130-9(e)(5).
- (17) The words "and the license issued by the State Board of Health" shall be deleted and the words "the Commission for Health Services and the license issued by the Department of Human Resources" shall be inserted in lieu thereof on lines 10 and 11 of G.S. 130-9(e)(5).
- (18) Rewrite the last sentence of G.S. 130-9(e)(5) to read "the Commission for Health Services shall consult with the Commission for Social Services regarding the standards for the hoarding home area of the homes licensed by the Department of Human Resources as combination nursing homes and boarding homes for the aged and infirm."
- (19) The words "treasurer of the" shall be deleted from line 3 of G.S. 130-33.
- (20) The words "State Health Director" shall be deleted and the words "Chairman of the Commission for Health Services" shall be inserted in lieu thereof on line 12 of G.S. 130-148(a).

- (21) The words "State Health Director" shall be deleted and the words "Chairman of the Commission for Health Services" shall be inserted in lieu thereof on line 11 of G.S. 130-151.
- (22) The words "Health Director" shall be deleted and the words "Chairman of the Commission for Health Services" shall be inserted in lieu thereof on line 13 of G.S. 130-151.1.
- (23) The words "State Board of Health" shall be retained on line 3 of G.S. 130-152; line 2 of G.S. 130-152.1; line 1 of G.S. 130-152.2; line 3 of G.S. 130-153; line 5 of G.S. 130-154; and line 5 of G.S. 130-166.7.
- (24) The words "Board of Health" shall be deleted and the words "Commission for Health Services or Department of Human Resources" shall be inserted in lieu thereof on line 25 of G.S. 130-161.
- (25) G.S. 130-166.18 shall be rewritten to read as follows: "The Department of Human Resources is authorized and directed to engage in research, conduct investigations and surveys, make inspections, and establish a statewide solid waste disposal program. In establishing a program, the Department shall have authority to:
  - (1) develop a comprehensive program for implementation of safe and sanitary practices for disposal of solid waste throughout the State; and
  - (2) advise, consult, cooperate, and contract with other agencies and units of State and local governments, the federal government, and industries and individuals in the formulation and carrying out of a solid waste disposal program.The Commission shall have authority to provide standards for the establishment, location, operation, maintenance, use and discontinuance of solid waste disposal sites and facilities. Such standards shall be designed to accomplish the maintenance of safe and sanitary conditions in and around solid waste disposal sites and facilities, and shall be based on recognized public health practices and procedures, sanitary engineering research and studies, and current technological development in equipment and methods. Such standards shall not apply to the disposal of solid waste accumulated by an individual or individual family or household unit and disposed of on his own property."
- (26) G.S. 130-169.01 shall be rewritten to read as follows: "The Commission for Health Services is authorized to adopt regulations concerning the sanitary aspects of the harvesting, processing, and handling of shellfish and crustacea. The Department of Human Resources is authorized to enforce such regulations and may issue and revoke permits, regulate, prohibit, or restrict such activities relating to the sanitation of shellfish and crustacea as may be necessary, and in addition to exercise all other powers granted within this Chapter with regard to dealings with shellfish and crustacea."
- (27) G.S. 130-169.04 shall be rewritten to read as follows: "The Commission for Health Services is authorized to adopt regulations concerning the sanitary aspects of the harvesting, processing, and handling of scallops. The Department of Human Resources shall enforce such regulations and may issue and revoke permits, regulate, prohibit, or restrict such activities relating to the sanitation of scallops as may be necessary, and in addition to exercise all other powers granted within this Chapter with regard to dealings in scallops."

- (28) G.S. 130-169.06 shall be rewritten to read as follows: "Nothing in this Article is intended to deprive the Commission for Health Services or the Department of Human Resources of any authority as may elsewhere have been granted as to sanitation generally or as to control of harvesting, processing, and handling of other foods."
- (29) The words "with the State Board of Public Welfare" shall be deleted from line 14 of G.S. 130-181.
- (30) The words "Central Office of Vital Statistics of the State Board of Health" shall be deleted and the words "Department of Human Resources" shall be inserted in lieu thereof on lines 3 and 5 of G.S. 130-184.1.
- (31) The words "Division of Oral Hygiene of the North Carolina State Board of Health" shall be deleted and the words "Department of Human Resources in the area of oral hygiene" shall be inserted in lieu thereof on line 4 of G.S. 130-189.
- (32) The words "the Director of the Division of Oral Hygiene" shall be deleted and the words "an individual selected by the Secretary with responsibilities in the area of oral hygiene" shall be inserted in lieu thereof on lines 3 and 4 of G.S. 130-190.
- (33) G.S. 130-192 shall be rewritten to read as follows: "The responsibility for post-mortem medicolegal examinations as contained in Article 21 of Chapter 130 of the General Statutes of North Carolina shall be performed by a skilled pathologist eligible to be licensed as a doctor of medicine selected by the Secretary of Human Resources."
- (34) The words "under the supervision of the Chief Medical Examiner" shall be deleted from line 2 of G.S. 130-193.
- (35) The words "The State Board of Health shall provide the Chief Medical Examiner with such furniture, equipment, records and supplies as may be required in the conduct of this office." shall be deleted from lines 9, 10, and 11 of G.S. 130-193.
- (36) The words "for the Chief Medical Examiner and his staff" are hereby deleted from lines 14 and 15 of G.S. 130-193.
- (37) The words "by the Chief Medical Examiner" are hereby deleted from lines 5 and 6 of G.S. 130-196.
- (38) G.S. 130-204 shall be rewritten to read as follows: "Authorized representatives of the Commission for Health Services, any local board of health, or the Department of Human Resources shall have at all times the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this Chapter, or the rules and regulations adopted under the authority of this Chapter; and it shall be unlawful for any person to resist a proper entry by such authorized representatives of the Commission for Health Services, local board of health, or the Department of Human Resources upon any premises other than a private dwelling."
- (39) The words "State Health Director" shall be deleted and the words "Chairman of the Commission for Health Services" shall be inserted in lieu thereof on line 11 of G.S. 130-220.
- (40) The words "with the approval of the Advisory Committee on Ambulance Service," are hereby deleted from line 5 of G.S. 130-232(b).
- (41) The words "with the advice of the Committee" are hereby deleted from line 1 of G.S. 130-238(1).

- (42) The words "State Board of Health shall develop and" shall be deleted and the words "Commission for Health Services shall develop and the Department" shall be inserted in lieu thereof on line 7 of G.S. 153-53.3(b).
- (43) The words "State Board of Health shall also prepare a score sheet" shall be deleted and the words "Commission for Health Services shall also approve a score sheet prepared by the Department" shall be inserted in lieu thereof on line 1 of G.S. 153-53.4(b).

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 90-211; G.S. 130-4; G.S. 130-5; G.S. 130-6; G.S. 130-7; G.S. 130-8; G.S. 130-9(a); G.S. 130-12; G.S. 130-194; G.S. 130-195; G.S. 130-231; and G.S. 130-237.

**Sec. 129.** Commission for Mental Health Services; creation, powers, and duties. — There is hereby created the Commission for Mental Health Services of the Department of Human Resources with the power and duty to adopt rules and regulations to be followed in the conduct of the mental health program to protect and promote mental health with the power and duty to adopt, amend and rescind rules and regulations under and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article.

(a) The Commission for Mental Health Services is authorized and empowered to adopt such rules and regulations that may be necessary and desirable for the programs administered by the Department of Human Resources as provided in Chapter 122 of the General Statutes of North Carolina for the mentally retarded, mentally ill, and inebriate, not inconsistent with the management responsibilities of the Secretary of Human Resources provided by Chapter 143A of the General Statutes of North Carolina and the Executive Organization Act of 1973.

(b) The Commission for Mental Health Services shall have the power and duty to establish standards and adopt rules and regulations;

- (1) for the professional care of patients admitted to institutions established in accordance with Chapter 122, including the authority to establish rules and regulations not contrary to law governing the admission of persons to any State hospital or other institution under its jurisdiction which is now or may hereafter be established;
- (2) for establishing minimum standards for local community alcoholism programs as a condition for participation in State grants-in-aid authorized by G.S. 122-7.1(b);
- (3) for the establishment and operation of local mental health clinics provided by Article 2A of Chapter 122 of the General Statutes of the State of North Carolina;
- (4) for the establishment of area mental health programs provided by Article 2C of Chapter 122 of the General Statutes of North Carolina; and
- (5) for the inspection and licensing of private hospitals for the mentally disordered as provided by G.S. 122-72.

(c) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for mental health purposes which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(d) The Commission shall adopt rules and regulations consistent with the provisions of this Chapter. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the Board of Mental Health shall remain in full force and effect unless and until repealed or superseded by action of the Commission for Mental Health Services. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources.

**Sec. 130.** Commission for Mental Health Services; members, selection, quorum, compensation. — The Commission for Mental Health Services of the Department of Human Resources shall consist of fifteen members appointed by the Governor. In order that all sections of the State shall have representation on the Commission, the Governor shall name one member from each congressional district of the State and the remaining members at large. The initial members of the Commission shall be the members of the State Board of Mental Health who shall serve for a period equal to the remainder of their current terms on the State Board of Mental Health, five of whose appointments expire April 1, 1975; five of whose appointments expire April 1, 1977; and five of whose appointments expire April 1, 1979. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. At least two of the members shall be persons duly licensed to practice medicine in North Carolina.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provision of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources.

**Sec. 131.** Officers of the Commission for Mental Health Services. — The Commission for Mental Health Services shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 132.** Regular and special meetings. — The Commission for Mental Health Services shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least eight members.

**Sec. 133.** Conforming changes. — (a)(1) Whenever the words "State Department of Mental Health" and "State Board of Mental Health" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department." as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception, that in the following references the words "State Department of Mental Health" and "State Board of Mental Health" shall be deleted and the words "Commission for Mental Health Services" or "Commission," as appropriate, shall be inserted in lieu thereof: G.S. 122-1.2, line 4; G.S. 122-4, line 2; G.S. 122-7.2, line 7; G.S. 122-12, line 1; G.S. 122-16.1(a), line 11; G.S. 122-16.1(b), line 1; G.S. 122-16.1(d), line 1; G.S. 122-35.6, line 3 of paragraph 3; G.S. 122-35.18(1), line 2; G.S. 122-35.19, line 1; G.S. 122-35.21, line 7; G.S. 122-39, line 16; G.S. 122-69, lines 8 and 13; G.S. 122-63.1, line 5 of paragraph 2; G.S. 122-70, line 5; G.S. 122-72(c), line 13 and G.S. 122-72(d), line 6.

- (2) Whenever the words "Commissioner of Mental Health" or "Commissioner", when referring to the Commissioner of Mental Health, are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Human Resources" or "Secretary," as appropriate, shall be inserted in lieu thereof with the exception that the words "Commissioner of

Mental Health" on lines 6 and 14 of G.S. 122-35.26 shall be deleted and the words "Commission for Mental Health Services" shall be inserted in lieu thereof.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (3) The words "Hospitals Board of Control (Department of Mental Health) are hereby deleted and the words "Department of Human Resources" shall be inserted in lieu thereof on line 15 of G.S. 105-279(c).
- (4) G.S. 122-1 is amended in its entirety by rewriting it to read, "The Department of Human Resources is to have jurisdiction over all of the State's mental hospitals, all of the State's residential centers for the mentally retarded, and joint State and community sponsored mental health clinics. The Department is to have authority and responsibility over all phases of mental health in North Carolina to the extent provided in this chapter including that heretofore vested by law in the Department of Mental Health."
- (5) The word "policies" shall be deleted and the words "rules and regulations" shall be inserted in lieu thereof on line 4 of G.S. 122-1.2.
- (6) The words "the State Board of Health, and the State Commission for the Blind" are hereby deleted from lines 2 and 3 of G.S. 122-1.2(3).
- (7) The words "cooperate with the State Board of Public Welfare and the State Board of Health in their" are hereby deleted and the word "coordinate" is inserted in lieu thereof on line 1 of G.S. 122-1.2(4).
- (8) The first paragraph of G.S. 122-3 shall be rewritten to read "The Commission for Mental Health Services shall have the authority to establish rules and regulations not contrary to law governing the admission of persons to any state-owned mental hospital or to other institutions established in accordance with this Chapter. Clerks of superior court of the several counties of the State may make commitments to such institutions in the same manner now provided by law for the several State hospitals and training schools.
- (9) The words "The Department of Human Resources" shall be substituted for the word "It" on line 5 of G.S. 122-4.
- (10) The word "it" shall be deleted and the word "Commission" shall be inserted in lieu thereof on line 4 of G.S. 122-7.1(a).
- (11) The third sentence of G.S. 122-7.2 shall be rewritten to read as follows: "The Commission is authorized to establish rules and regulations for the admission, care, and treatment of such persons. However, the Department shall be authorized to determine costs and to set rates for the maintenance of these persons.
- (12) G.S. 122-13 shall be rewritten to read as follows: "The North Carolina State Commission for Mental Health Services is authorized to make such rules and regulations as in its discretion may seem best for the transfer of patients from one State hospital or institution under the control of the Department of Human Resources to another State hospital or institution under its control. The Department of Human Resources is further authorized and empowered to transfer from one State hospital to another for the mentally disordered any funds appropriated for permanent improvement or maintenance, in the discretion of the Secretary.
- (13) The words "operated by the State Department of Mental Health" shall be deleted and the words "established in accordance with this Chapter" shall be inserted in lieu thereof on line 5 of G.S. 122-16.1(a).

- (14) The word "division" is hereby deleted and the word "subdivision" is inserted in lieu thereof on line 7 of G.S. 122-35.13.
- (15) The words "subject to the supervision, direction and control of the State Board of Mental Health" shall be deleted and the words "Subject to the rules and regulations of the State Commission for Mental Health Services" shall be inserted in lieu thereof on lines 1 and 2 of G.S. 122-35.20(e).
- (16) The last sentence of G.S. 122-35.21 shall be rewritten to read as follows: "The area mental health director shall be the employee of the area mental health program, responsible to the area mental health board for carrying out the policies and programs of the area mental health board, and the rules and regulations of the Commission for Mental Health Services."
- (17) The words "standards set by the Commissioner of Mental Health" shall be deleted and the words "rules and regulations of the State Commission for Mental Health Services" shall be inserted in lieu thereof on line 4 of G.S. 122-35.26.
- (18) The word "standards" shall be deleted and the words "rules and regulations" shall be inserted in lieu thereof on line 13 of G.S. 122-35.26.
- (19) The words "by the Board of Mental Health" shall be deleted and the words "by the Department of Human Resources in accordance with rules and regulations promulgated by the Commission for Mental Health Services" are hereby inserted in lieu thereof on lines 2 and 3 of G.S. 122-63.1.
- (20) Delete the words "with the approval of the Council on Mental Retardation and Developmental Disabilities" from lines 2 and 3 of G.S. 122-71.4.
- (21) The words "with the approval of the Council on Mental Retardation and Developmental Disabilities" shall be deleted from lines 8 and 9 of G.S. 122-71.5.
- (22) There is hereby created a new section to be designated G.S. 122-71.6 which shall read as follows: "The Council on Developmental Disabilities created by the Executive Organization Act of 1973 shall advise the Secretary of Human Resources as to the appropriateness of the expenditures provided for in this Article."
- (23) The words "or from the State Board of Public Welfare in accordance with subsection (e) of this section" shall be deleted from lines 4 and 5 of G.S. 122-72(a).
- (24) The words "or from the State Board of Public Welfare in accordance with subsection (e) of this section" shall be deleted from G.S. 122-72(a), lines 9 and 10.
- (25) G.S. 122-72(b) is hereby amended by rewriting the last sentence thereof to read: "the Commission for Mental Health Services shall prescribe minimum standards for each type of establishment which must be met by the applicant before the license will be granted by the Department."
- (26) The word "may" shall be deleted and the word "shall" shall be inserted in lieu thereof on line 13 of G.S. 122-72(c).
- (27) G.S. 122-72(e) shall be rewritten to read, "The authority to adopt standards for inspection of licensing privately operated homes or other institutions (including religious facilities) for mentally ill persons, mentally retarded persons, and inebriates shall be the responsibility of the Commission for Mental Health Services."
- (28) The words "or Board of Public Welfare" shall be deleted from lines 4 and 5 of G.S. 122-74.

- (29) The words "the Board of Directors" shall be deleted and the words "the Commission for Mental Health Services" shall be inserted in lieu thereof on line 8 of G.S. 122-83.
- (30) The words "The Advisory Council shall study, evaluate, and make recommendations to the State Board of Mental Health in areas" are hereby deleted and the words "The Department of Human Resources shall study, evaluate, and coordinate" are inserted in lieu thereof on line 1 of G.S. 122-109.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 35-70; G.S. 35-71; G.S. 35-72; G.S. 122-1.1; G.S. 122-1.3; G.S. 122-1.4; G.S. 122-1.5; G.S. 122-1.6; G.S. 122-2; G.S. 122-2.1; G.S. 122-9; G.S. 122-11; G.S. 122-17; G.S. 122-25; G.S. 122-32; G.S. 122-108; G.S. 122-110; and G.S. 122-111.

**Sec. 133.1.** Eugenics Commission; creation, powers, and duties. — There is hereby created the Eugenics Commission of the Department of Human Resources with the power and duty to promulgate rules and regulations concerning the asexualization or sterilization of any feeble-minded or mentally diseased patient or inmate of any penal or charitable institution supported wholly or in part by the State of North Carolina or any subdivision thereof. The Commission shall also promulgate rules and regulations concerning the asexualization or sterilization of any mentally diseased or feeble-minded county resident, not an inmate of a public institution, upon the petition of the director of public welfare or other similar public official performing in whole or in part the functions of such director, or of the next of kin, or the legal guardian of such mentally defective person. The Commission shall make rules and regulations consistent with the provisions of this Chapter. Any rules and regulations heretofore adopted by the Eugenics Board shall remain in full force and effect unless and until repealed or superseded by action of the Eugenics Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources.

**Sec. 133.2.** The Eugenics Commission; members, selection, quorum, compensation — The Eugenics Commission of the Department of Human Resources shall consist of the following five members appointed by the Governor:

- (1) The Director of the Division of Social and Rehabilitative Services,
- (2) The Director of Health Services.
- (3) The chief medical officer of an institution for the feeble-minded or insane in the State of North Carolina,
- (4) The chief medical officer of the Department of Human Resources in the area of mental health services,
- (5) The Attorney General of the State of North Carolina.

Any one of those officials may for the purpose of a single hearing delegate his power to act as a member of said Board to an assistant: Provided, said delegation is made in writing, to be included as a part of the permanent record in said case. The said Commission shall from time to time elect a chairman from its own membership and adopt and from time to time modify rules governing the conduct of proceedings before it.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources.

**Sec. 133 -3.** Eugenics Commission; conforming changes. — (a)(1) Whenever the words 'Eugenics Board of North Carolina' or 'Eugenics Board' or 'Board' when referring to the Eugenics Board of North Carolina are used or appear in any statute or law of the State of North Carolina, the same is hereby deleted and the words 'Eugenics Commission,' or 'Commission' as appropriate are hereby inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

- (2) Whenever the words 'secretary of the Eugenics Board' or 'secretary of the board' or 'secretary' when referring to the secretary of the Eugenics Board are used or appear in any statute or law of the State of North Carolina, the same is hereby deleted and the words 'Secretary of Human Resources' or 'Secretary' as appropriate are hereby inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (b) The following sections are hereby repealed: G.S. 35-40, G.S. 35-41, and G.S. 35-42.
- Sec. 134.** Social Services Commission; creation, powers, and duties. — There is hereby created the Social Services Commission of the Department of Human Resources with the power and duty to adopt rules and regulations to be followed in the conduct of the State's social service programs with the power and duty to adopt, amend, and rescind rules and regulations under and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article.
- (a) The Social Services Commission is authorized and empowered to adopt such rules and regulations that may be necessary and desirable for the programs administered by the Department of Human Resources as provided in Chapter 108 of the General Statutes of the State of North Carolina.
- (b) The Social Services Commission shall have the power and duty to establish standards and adopt rules and regulations:
- (1) for the programs of public assistance established by federal legislation and by Article 2 of Chapter 108 of the General Statutes of the State of North Carolina;
  - (2) to achieve maximum cooperation with other agencies of the State and with agencies of other states and of the federal government in rendering services to strengthen and maintain family life and to help recipients of public assistance obtain self-support and self-care; and
  - (3) for the placement and supervision of dependent and delinquent children and payment of necessary costs of foster home care for needy and homeless children as provided by G.S. 108-66.
- (c) The Social Services Commission shall have the power and duty to establish and adopt standards:
- (1) for the inspection and licensing of maternity homes as provided by G.S. 108-76;
  - (2) for the inspection and licensing of all boarding homes, rest homes, and convalescent homes for aged or infirm persons as provided by G.S. 108-77;
  - (3) for the inspection and licensing of private child care institutions as provided by G.S. 108-78;
  - (4) for the inspection and operation of jails or local confinement facilities as provided by G.S. 153-51 and Part 2 of Article 3 of Chapter 108 of the General Statutes of the State of North Carolina;
  - (5) for the payment of the costs of necessary day care for minor children of needy families; and
  - (6) for the regulation and licensing of public solicitors as provided by Article 3 of Chapter 108 of the General Statutes of the State of North Carolina.
- (d) The Social Services Commission shall have the power and duty to authorize investigations of social problems, with authority to subpoena witnesses, administer oaths, and compel the production of necessary documents.
- (e) The Social Services Commission shall have the power and duty to ratify reciprocal agreements with agencies in other states that are responsible for the administration of public assistance and child welfare programs to provide assistance and service to the residents and nonresidents of the State.

(f) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for social services purposes which may be made available for the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(g) The Commission shall adopt rules and regulations consistent with the provisions of this Chapter. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the Board of Social Services shall remain in full force and effect unless and until repealed or superseded by action of the Social Services Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources.

**Sec. 135.** Social Services Commission; members, selection, quorum, compensation.

— The Social Services Commission of the Department of Human Resources shall consist of seven members appointed by the Governor. The initial members of the Commission shall be the members of the State Board of Social Services who shall serve for a period equal to the remainder of their current terms on the State Board of Social Services two of whose appointments expire April 1, 1975; two of whose appointments expire April 1, 1977; and three of whose appointments expire April 1, 1979. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of six years and until their successors are appointed and qualified. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources.

**Sec. 136.** Regular and special meetings. — The Social Services Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least four members.

**Sec. 137.** Officers of the Social Services Commission. — The Commission for Social Services shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 138.** Social Services Commission; conforming changes. — (a)(1) Whenever the words "State Board of Social Services" and "State Board" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references the words "State Board of Social Services" and "State Board" shall be deleted and the words "Social Services Commission" or "Commission," as appropriate, shall be inserted in lieu thereof: G.S. 14-320, lines 7 and 11; G.S. 108-7, line 3; G.S. 108-9(a), line 3; G.S. 108-9(b), line 2; G.S. 108-9(c), line 2; G.S. 108-11(a), line 2; G.S. 108-11(b), lines 3 and 7; G.S. 108-11(c)(1), lines 1; G.S. 108-15(5), line 2; G.S. 108-19(5), lines 1 and 2; G.S. 108-19(10), line 2; G.S. 108-23, line 3; G.S. 108-24(4), line 2; G.S. 108-25(2), line 3; G.S. 108-26(b), line 4; G.S. 108-27(a), line 5; G.S. 108-27(b), line 5; G.S. 108-28(1), line 1; G.S. 108-39(c), line 4; G.S.

108-39.1(g), line 3; G.S. 108-40, line 5; G.S. 108-42(c), line 4; G.S. 108-42(d), line 1; G.S. 108-43, line 2; G.S. 108-44(a), line 5; G.S. 108-44(b), line 2; G.S. 108-44(d), line 3; G.S. 108-44(e), line 10; G.S. 108-44(f), line 8; G.S. 108-45(a), line 9; G.S. 108-50, line 9; G.S. 108-54, line 15; G.S. 108-55, line 16; G.S. 108-56(a), line 3; G.S. 108-58, line 8; G.S. 108-59, line 2; G.S. 108-60, lines 2 and 10; G.S. 108-63(a), line 4; G.S. 108-63(b), line 3; G.S. 108-63(c), line 5; G.S. 108-65, lines 3 and 6; G.S. 108-66(a), line 5; G.S. 108-69(c), line 1; G.S. 108-69(e), line 3; G.S. 108-76(a) line 3; G.S. 108-77(a), line 3; G.S. 108-78(a), line 3; G.S. 108-79, line 4; G.S. 110-24, line 9 of paragraph 2; G.S. 110-51, line 1; G.S. 110-119(4), line 2; G.S. 110-122, line 7; G.S. 148-33.1(f), last paragraph, line 2; G.S. 153-9(38), line 2; G.S. 153-9(58)e., line 4; G.S. 153-51, line 1; G.S. 153-52(a), line 12; and G.S. 153-166, line 13.

- (2) Whenever the words "Commissioner for Social Services" or "Commissioner", when referring to the Commissioner for Social Services, or "Director of Public Assistance" appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Human Resources" or "Secretary," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in G.S. 108-70, lines 3, 4, and 6 the word "Commissioner" shall be deleted and the words "Social Services Commission" shall be inserted in lieu thereof.
- (3) Whenever the words "North Carolina State Department of Social Services" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (4) Whenever the words "State Board for Vocational Education" or "Department for Vocational Rehabilitation" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" inserted in lieu thereof.
- (5) Whenever the words "Director of the Division of Vocational Rehabilitation of the State Department of Public Instruction" or "Director of Vocational Rehabilitation" are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Human Resources" are hereby inserted in lieu thereof.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina is hereby made:

- (1) The words "by the Department of Human Resources" are hereby inserted between the words "boarding home or institution inspected" and the words "and licensed by" on line 10 of G.S. 14-320.
- (2) The word "Policies" shall be deleted and the words "rules and regulations" shall be inserted in lieu thereof on line 3 of G.S. 108-23.
- (3) The words "the State Board directs," are hereby deleted and the word "appropriate" is hereby inserted in lieu thereof on line 5 of G.S. 108-52.
- (4) The words "State Board of Public Welfare" are hereby deleted and the words "Social Services Commission or the Secretary of Human Resources or an employee thereof acting for the Department in an official capacity in the placing or adoption of juvenile delinquents or dependents" are inserted in lieu thereof on line 3 of G.S. 110-55.
- (5) The words "The State Board of Health, the Department of Mental Health" are hereby deleted from line 11 of G.S. 153-52(a).

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 108-1, G.S. 108-2, G.S. 108-3, G.S. 108-4, G.S. 108-5, G.S. 108-6, G.S. 108-61.1, and G.S. 148-9.

**Sec. 139.** Commission for the Blind; creation, powers, and duties. — There is hereby re-created the Commission for the Blind of the Department of Human Resources with the power and duty to adopt rules and regulations to be followed in the conduct of the State's rehabilitative programs for the blind with the power and duty to adopt, amend and rescind rules and regulations under and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article.

(a) The Commission for the Blind is authorized and empowered to adopt such rules and regulations that may be necessary and desirable for the programs administered by the Department of Human Resources as provided in Chapter 111 of the General Statutes of North Carolina.

(b) The Commission for the Blind shall have the power and duty to establish standards and adopt rules and regulations for aid to the needy blind as contained in Chapter 111 of the General Statutes of North Carolina.

(c) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for rehabilitative purposes for the blind which may be made available for the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(d) The Commission for the Blind shall adopt rules and regulations consistent with the provisions of this Chapter. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the North Carolina State Commission for the Blind shall remain in full force and effect unless and until repealed or superseded by action of the re-created Commission for the Blind. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources.

**Sec. 140.** Commission for the Blind; members, selection, quorum, compensation. — The Commission for the Blind of the Department of Human Resources shall consist of eleven members appointed by the Governor. The initial members of the Commission shall include the members of the existing Commission for the Blind who shall serve for a period equal to the remainder of their current terms on the existing Commission for the Blind, three of whose appointments expire July 2, 1974, three of whose appointments expire July 2, 1975, and three of whose appointments expire July 2, 1977. Four of the successor appointees must meet the following qualifications: two individuals must be licensed physicians whose practice is limited to ophthalmology appointed by the Governor from recommendations submitted by the North Carolina Medical Society and two must be optometrists appointed by the Governor from recommendations submitted by the North Carolina Optometric Society. Thereafter, these two classes of individuals must have continuous representation on the Commission. Of the initial appointments, in addition to the members of the existing Commission for the Blind, two members appointed by the Governor must be visually handicapped to the extent of being legally blind. To achieve staggered terms of the members who must be visually handicapped, one appointment shall be for a term of six years, one shall be for a term of four years. Thereafter, at least two individuals who are visually handicapped to the extent of being legally blind must have continuous representation on the Commission for the Blind. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources.

**Sec. 141.** Regular and special meetings. — The Commission for the Blind shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least five members.

**Sec. 142.** Officers of the Commission for the Blind. — The Commission for the Blind shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 143.** Commission for the Blind; conforming changes. — (a) Whenever the words "North Carolina State Commission for the Blind" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references the words "North Carolina State Commission for the Blind" shall be deleted and the words "Commission for the Blind" shall be inserted in lieu thereof: G.S. 111-6, line 20; G.S. 111-6.1, line 1 of paragraph 2; G.S. 111-12.6, line 12; G.S. 111-13, line 5; G.S. 111-14, line 23; G.S. 111-16, lines 2 and 4 of paragraph 3 and lines 2, 4, and 7 of paragraph 4; G.S. 111-17, line 4; G.S. 111-19, line 6; G.S. 111-28, line 1 of paragraph 2; and G.S. 111-29(1), line 11.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) The words "State Commission for the Blind" are hereby deleted and the words "Department of Human Resources as Blind enterprises" are inserted in lieu thereof on line 1 of G.S. 66-58(c)(4).
- (2) The word "board" is hereby deleted and the word "Department" is inserted in lieu thereof on line 14 of G.S. 111-6.
- (3) G.S. 111-6.1 is hereby amended by rewriting the second paragraph thereof to read: "The Commission shall make all rules and regulations necessary for this purpose and the Department is hereby authorized to enter into any agreement or contract; to purchase or lease property, both real and personal, accept grants and gifts of whatever nature, and to do all other things necessary to carry out the intent and purposes of such a rehabilitation center."
- (4) G.S. 111-12.5 shall be rewritten to read, "Funds now held by the Bureau of Employment of the North Carolina State Commission for the Blind or its successor organization not exceeding one hundred thousand dollars (\$100,000) shall be retained by the Department of Human Resources as a reserve and operating capital fund to be expended by the Department of Human Resources for its lawful purposes and objectives in accordance with this Chapter."
- (5) Rewrite the last two paragraphs of G.S. 111-16 beginning line 34 which shall read, "In all cases where an appeal shall have been taken by the applicant, the Commission for the Blind shall carefully examine such award

or decision, as the case may be, and shall in their discretion, approve, increase, allow or disallow any award so made. Immediately thereafter they shall notify the board of county commissioners and the applicant of such action; and if the award made by the board of county commissioners is changed, notice thereof shall be given by mail to the applicant and the board of county commissioners, giving the extent and manner in which any award has been changed.

If, in the absence of any appeal by the applicant, the North Carolina Department of Human Resources shall make any determination increasing or decreasing the award allowing or disallowing the same, not inconsistent with the rules and regulations promulgated by the Commission for the Blind, the applicant or board of county commissioners shall have the right, within ten days from notice thereof, to have such order reviewed by the Commission for the Blind. The procedure in such cases shall be as provided in the section on appeals to the Commission by the applicant."

- (6) The words "executive director of the North Carolina State Commission for the Blind" are hereby deleted and the words "Secretary of Human Resources" are inserted in lieu thereof on line 9 of G.S. 111-18.
- (7) The words "Bureau of Employment for the Blind Division" are hereby deleted from G.S. 111-27.1, line 16.
- (8) The words "State Commission for the Blind, Bureau of Employment for the Blind Division" are hereby deleted and the words "Department of Human Resources" are inserted in lieu thereof on line 13 of G.S. 126-5(b) and lines 2, 6, and 9 of G.S. 135-16.1.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 111-1, G.S. 111-2, G.S. 111-3, G.S. 111-9, G.S. 111-10, G.S. 111-12, G.S. 111-12.4, and G.S. 111-34.

**Sec. 144.** Professional Advisory Committee; creation, powers, and duties. — There is hereby re-created the Professional Advisory Committee of the Department of Human Resources. The Professional Advisory Committee shall advise the Commission for the Blind on matters concerning or pertaining to the procurement, utilization, and rendering of professional services to the beneficiaries of the Commission's aid and services.

**Sec. 145.** Professional Advisory Committee; members, selection, quorum, compensation. — The Professional Advisory Committee of the Department of Human Resources shall consist of six members appointed by the Governor, three of whom shall be licensed physicians whose practice is limited to ophthalmology nominated by the North Carolina Medical Society, and three optometrists nominated by the North Carolina State Optometric Society.

The initial members of the Committee shall be the members of the Professional Advisory Committee who shall serve for a period equal to the remainder of their current terms on the Professional Advisory Committee, two of which expire July 2, 1973, two of which expire July 2, 1974, and two of which expire July 2, 1975. At the end of the respective terms of office of the initial members of the Committee, the appointment of their successors shall be for terms of three years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Committee to serve as chairman at his pleasure.

Members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Committee shall constitute a quorum for the transaction of business.

All clerical and other services required by the Committee shall be supplied by the Secretary of Human Resources.

**Sec. 146.** Blind Advisory Committee; creation, powers, and duties. — There is hereby re-created the Blind Advisory Committee of the Department of Human Resources. The Blind Advisory Committee shall advise the Commission for the Blind on the needs of the citizens of the State who are visually handicapped to the extent of being legally blind.

**Sec. 147.** Blind Advisory Committee; members, selection, quorum, compensation. — The Blind Advisory Committee of the Department of Human Resources shall consist of six members appointed by the Governor, all of whom shall be visually handicapped to the extent of being legally blind.

The initial members of the Committee shall be the members of the Blind Advisory Committee who shall serve for a period equal to the remainder of their current terms on the Blind Advisory Committee, two of which expire July 2, 1973, two of which expire July 2, 1974, and two of which expire July 2, 1975. At the end of the respective terms of office of the initial members of the Committee, the appointment of their successors shall be for terms of three years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Committee to serve as chairman at his pleasure.

Members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Committee shall constitute a quorum for the transaction of business.

All clerical and other services required by the Committee shall be supplied by the Secretary of Human Resources.

**Sec. 148.** Commission for Medical Facility Services and Licensure; creation, powers and duties. — There is hereby created the Commission for Medical Facility Services and Licensure of the Department of Human Resources with the power and duty to promulgate rules and regulations to be followed in the construction and maintenance of public and private hospitals, medical centers, and related facilities with the power and duty to adopt, amend and rescind rules and regulations under and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article.

(a) The Commission for Medical Facility Services and Licensure has the duty to adopt statewide plans for the construction and maintenance of hospitals, medical centers, and related facilities, or such other as may be found desirable and necessary in order to meet the requirements and receive the benefits of any federal legislation with regard thereto.

(b) The Commission is authorized to adopt such rules and regulations as may be necessary to carry out the intent and purposes of Article 13 of Chapter 131 of the General Statutes of North Carolina.

(c) The Commission may adopt such reasonable and necessary standards with reference thereto as may be proper to cooperate fully with the Surgeon General or other agencies or departments of the United States and the use of funds provided by the federal government as

contained and referenced in Article 13 of Chapter 131 of the General Statutes of North Carolina.

(d) The Commission shall have the power and duty to approve projects in the amounts of grants-in-aid from funds supplied by the federal and state governments for the planning and construction of hospitals and other related medical facilities according to the provisions of Article 13 of Chapter 131 of the General Statutes of North Carolina.

(e) The Commission shall have the power and duty to adopt rules and regulations with regard to the awarding of loans and scholarships to students in accordance with the provisions of Article 13 of Chapter 131 of the General Statutes of North Carolina.

(f) The Commission has the duty to adopt rules and regulations and standards with respect to the different types of hospitals to be licensed under the provisions of Article 13A of Chapter 131 of the General Statutes of North Carolina.

(g) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for medical facility services and licensure which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(h) The Commission shall adopt such rules and regulations, consistent with the provisions of this Chapter. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the North Carolina Medical Care Commission shall remain in full force and effect unless and until repealed or superseded by action of the Commission for Medical Facility Services and Licensure. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources.

**Sec. 149.** Commission for Medical Facility Services and Licensure; members, selection, quorum, compensation. — The Commission for Medical Facility Services and Licensure of the Department of Human Resources shall consist of seventeen members appointed by the Governor. Three of the members appointed by the Governor shall be nominated by the North Carolina Medical Society, one member shall be nominated by the North Carolina Nurses Association, one member shall be nominated by the North Carolina Pharmaceutical Association, one member nominated by the Duke Foundation and one member nominated by the North Carolina Hospital Association. The remaining ten members of the Commission for Medical Facility Services and Licensure shall be appointed by the Governor and selected so as to fairly represent agriculture, industry, labor, and other interest groups in North Carolina. One such member appointed by the Governor shall be a dentist licensed to practice in North Carolina. The initial members of the Commission shall be eighteen members of the North Carolina Medical Care Commission who shall serve for a period equal to the remainder of their current terms on the North Carolina Medical Care Commission, six of whose appointments expire June 30, 1973, four of whose appointments expire June 30, 1974, four of whose appointments expire June 30, 1975, and four of whose appointments expire June 30, 1976. To achieve the required seventeen members the Governor shall appoint three members to the Commission upon the expiration of four members initial terms on June 30, 1973. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

Vacancies on said Commission among the membership nominated by a society, association, or foundation as herein above provided shall be filled by the Executive Committee or other authorized agent of said society, association or foundation until the next meeting of the

society, association or foundation at which time the society, association or foundation shall nominate a member to fill the vacancy for the unexpired term.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources.

**Sec. 150.** Regular and special meetings. — The Commission for Medical Facility Services and Licensure shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least nine members.

**Sec. 151.** Officers of the Commission for Medical Facility Services and Licensure. — The Commission for Medical Facility Services and Licensure shall have a chairman and vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 152.** Conforming changes. — (a) Whenever the words "North Carolina Medical Care Commission" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references the words "North Carolina Medical Care Commission" and "Commission," when referring to the North Carolina Medical Care Commission, shall be deleted and the words "Commission For Medical Facility Services and Licensure" or "Commission," as appropriate, shall be inserted in lieu thereof: G.S. 131-120(b), line 20; G.S. 131-120(e), lines 1, 9, and 11; G.S. 131-121, lines 10, 15, and 21; G.S. 131-124, line 7; G.S. 131-121.1(1), line 1; G.S. 131-126.5, lines 4 and 11; G.S. 131-126.6, lines 6, 8, and 13 of paragraph 2, and line 2 of paragraph 3; G.S. 131-126.9, lines 5 and 7; G.S. 131-126.14, all references on lines 2, 6, 7, 9, 11, 13, and 14, G.S. 131-126.25(a), line 10; G.S. 131-126.25(b), lines 7 and 9 of paragraph 1, lines 4 and 5 of paragraph 2; G.S. 131-126.31, line 4 of paragraph 1 and line 1 of paragraph 2; and G.S. 131-126.32, lines 2 and 13 of paragraph 1, line 2 of paragraph 2, line 1 of paragraph 3, and line 1 of paragraph 4.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) The first sentence of G.S. 131-120(b) shall be rewritten to read, "The Department of Human Resources is hereby authorized and empowered to act as the agency of the State of North Carolina for the purpose of setting up and administering any statewide plan in accordance with standards adopted by the Commission for Medical Facility Services and Licensure for the construction and maintenance of hospitals, public health centers and related facilities and to receive and administer any funds which may be provided by the General Assembly of North Carolina and by the Congress of the United States for such purpose."
- (2) The words "with the advice of the State Advisory Council hereinafter provided," shall be deleted from lines 6 and 7 of G.S. 131-120(b).
- (3) The words ": Provided, that hospitals now in the course of construction and approved by the North Carolina Medical Care Commission and the appropriate federal authority shall be entitled to receive financial assistance on the same basis as any hospital of the same classification and type that may be hereafter constructed and approved by the North Carolina Medical

Care Commission and the appropriate federal authority" shall be deleted from lines 17 to 22 of G.S. 131-120(e).

- (4) The words "as it may promulgate" shall be deleted and the words "as the Commission for Medical Facility Services and Licensure may adopt" shall be inserted in lieu thereof on line 6 of G.S. 131-121.
- (5) The words "with the advice of the Hospital Advisory Council" shall be deleted from line 2 of paragraph 3 of G.S. 131-126.6.
- (6) G.S. 131-126.7 shall be rewritten to read as follows: "The Commission shall adopt, amend and promulgate and the Department shall so enforce such rules, regulations and standards with respect to the different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the Article.
- (7) The word "Commission" shall be deleted and the words "Commission for Medical Facility Services and Licensure and the Department of Human Resources" shall be inserted in lieu thereof on line 1 of G.S. 131-126.12.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 131-117; G.S. 131-118; G.S. 131-126.10; G.S. 131-126.11; G.S. 131-126.13; and G.S. 131-126.17.

**Sec. 153.** The Council for Institutional Boards; creation, powers and duties. — There is hereby created the Council for Institutional Boards of the Department of Human Resources. The Council for Institutional Boards shall have the following functions and duties:

- (1) to investigate the development of uniform policies relating to the operation and management of all of the institutions represented on the Council and make recommendations to the Secretary of Human Resources concerning the implementation of those policies;
- (2) to provide a clearinghouse function to facilitate inter-institutional communication for the purpose of exchanging information that might be helpful to other council member institutions;
- (3) to provide representation for the institutions on the Board of Human Resources; and
- (4) to consider and advise the Secretary of Human Resources upon any matter the Secretary may refer to it.

**Sec. 154.** The Council for Institutional Boards; members, selection, quorum, compensation. — The Council for Institutional Boards of the Department of Human Resources shall consist of the chairmen respectively of the following bodies: (1) The Board of Directors of the North Carolina Sanatoriums for the Treatment of Tuberculosis; (2) the Board of Directors of the North Carolina Orthopedic Hospital; (3) the Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina; (4) the Board of Directors of the Governor Morehead School; (5) the Board of Directors of the North Carolina Schools for the Deaf; (6) and the Board of Directors of the Confederate Women's Home. Members shall serve on the Council for the same terms they serve as chairmen of their respective institutional boards.

A majority of the members of the Council shall constitute a quorum for the transaction of business.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

**Sec. 155.** Officers of the Council for Institutional Boards. — The Council for Institutional Boards shall elect from its membership a chairman and such other officers as it deems necessary. The chairman shall serve for a period of one year unless his term as chairman of one of the representative institutional boards is terminated sooner, in which case, the Council shall elect a successor. The chairman may succeed himself at the pleasure of the Council.

**Sec. 156.** Regular and special meetings. — The Council for Institutional Boards shall meet at least semi-annually and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least a majority of the members.

All clerical and other services required by the Council shall be supplied by the Secretary of Human Resources.

**Sec. 157.** Boards of Directors of Institutions; creation, powers and duties. — (a) There are hereby created the following Boards of Directors of Institutions: (1) the Board of Directors of the North Carolina Sanatoriums for the Treatment of Tuberculosis; (2) the Board of Directors of the North Carolina Orthopedic Hospital; (3) the Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina; (4) the Board of Directors of the Governor Morehead School; (5) the Board of Directors of the North Carolina Schools for the Deaf; and (6) the Board of Directors of the Confederate Women's Home with the power and duty to adopt rules and regulations to be followed in the conduct of their respective institutions.

(b) Each Board of Directors hereinabove created is authorized and empowered to establish standards and adopt rules and regulations:

- (1) for the professional care of persons admitted to institutions established in accordance with the General Statutes under their authority, including the authority to establish rules and regulations not contrary to law governing the admission of persons to any state institution under its jurisdiction which is now or may hereafter be established; and
- (2) to make the institutions under their control as nearly self-supporting as shall be consistent with the purposes of their creation.

(c) The Board of Directors of each institution is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid to such an institution which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

**Sec. 158.** Boards of Directors of Institutions; members, selection, quorum, compensation. — The Board of Directors of the North Carolina Sanatoriums for the Treatment of Tuberculosis of the Department of Human Resources shall consist of twelve members appointed by the Governor for terms of six years. The Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina of the Department of Human Resources shall consist of nine members appointed by the Governor for terms of six years. The Board of Directors of the North Carolina Orthopedic Hospital of the Department of Human Resources shall consist of nine members appointed by the Governor for terms of six years. The Board of Directors of the Governor Morehead School of the Department of Human Resources shall consist of eleven members appointed by the Governor for terms of six years. The Board of Directors of the North Carolina Schools for the Deaf of the Department of Human Resources shall consist of eleven members appointed by the Governor for terms of four years. The Board of Directors of the Confederate Women's Home of the Department of Human Resources shall consist of seven members appointed by the Governor for terms of two years. The initial members of each of the aforementioned Boards of Directors shall be the members of the previously existing Board of Directors for each institution. The members of the various Boards of Directors shall serve for a period equal to the remainder of their current terms on their respective Boards, which are as follows: The Board of Directors of Tuberculosis Sanatoriums, four of whose appointments expire April 29, 1973, four of whose appointments expire April 29, 1975, and four of whose appointments expire April 29, 1977; the Board of Directors of the North Carolina Orthopedic Hospital two of whose appointments expire April 4, 1973, four of whose appointments expire April 4, 1975, and three of whose appointments

expire April 4, 1977; The Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina three of whose appointments expire July 10, 1973, three of whose appointments expire July 10, 1975, and three of whose appointments expire July 10, 1977; the Board of Directors of the Governor Morehead School four of whose appointments expire May 1, 1973, three of whose appointments expire May 1, 1975, and four of whose appointments expire May 1, 1977; the Board of Directors of the North Carolina Schools for the Deaf all of whose appointments expire July 17, 1973; and the Board of Directors of the Confederate Women's Home all of whose appointments expire June 30, 1973. At the end of the respective terms of office of the initial members of each Board, their successors shall be appointed for terms as hereinabove delineated and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Board of Directors created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of a Board of Directors from office for misfeasance, malfeasance or nonfeasance according to the provisions of Section 13 of the Executive Organization Act of 1973.

The members of each Board of Directors shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of a Board of Directors shall constitute a quorum for the transaction of business.

All clerical and other services required by a Board of Directors shall be supplied by the Secretary of Human Resources.

**Sec. 159.** Regular and special meetings. — Each Board of Directors hereinabove created shall meet at least once in each quarter and may hold special meetings at any time and place at the call of the chairman or upon the written request of at least a majority of its members.

**Sec. 160.** Officers of the Board of Directors. — Each Board of Directors shall have a chairman and a vice-chairman. The chairman of each Board of Directors shall be designated by the Governor from among the members of the Board of Directors to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of each Board and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 161.** Conforming changes. Board of Directors of Tuberculosis Sanatoriums. — (a)(1) Whenever the words "Bureau of Tuberculosis" or "Bureau," when referring to the Bureau of Tuberculosis, are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

- (2) Whenever the words "Board of Directors of the North Carolina Sanatorium for the Treatment of Tuberculosis," "Board of Directors of the Western North Carolina Sanatorium for the Treatment of Tuberculosis," "Board of Directors of the Eastern North Carolina Sanatorium," "Board of Directors," or "Board" or "Directors" when referring to any state-supported sanatorium for the treatment of tuberculosis are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references the words "Board of Directors of the North Carolina Sanatorium for the Treatment of Tuberculosis," "Board of Directors of the Western North Carolina Sanatorium for the Treatment of Tuberculosis," "Board of Directors of the Eastern North Carolina Sanatorium," or "Board of Directors" or "Board" or "Directors" when referring to any state-supported sanatorium for the

treatment of tuberculosis shall be deleted and the words "Board of Directors of Tuberculosis Sanatoriums" or "Board of Directors" or "Board," as appropriate, shall be inserted in lieu thereof: G.S. 131-54, lines 1 and 8; G.S. 131-85, line 5.

(b) In addition to the foregoing, the following amendment shall be made to the General Statutes of North Carolina: The words "directors shall equip, operate and maintain a bureau for tuberculosis, located in their office in Raleigh, to which bureau the reports of cases of tuberculosis, as hereinafter provided, shall be made; and the" shall be deleted beginning on line 1 of G.S. 131-55.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 131-52; G.S. 131-53; G.S. 131-59; G.S. 131-62; G.S. 131-63; G.S. 131-64; G.S. 131-65; G.S. 131-66; G.S. 131-67; G.S. 131-68; G.S. 131-69; G.S. 131-70; G.S. 131-71; G.S. 131-75; G.S. 131-78; G.S. 131-79; G S. 131-82.

**Sec. 162.** Conforming changes; Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina. — (a) Whenever the words "Board of Directors of the North Carolina Cerebral Palsy Hospital," "Directors of the Cerebral Palsy Hospital," "Board of Directors," or "Board" when referring to the Board of Directors of the North Carolina Cerebral Palsy Hospital are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973. With the exception, that in the following references the words "Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina" or "Board of Directors" or "Board" when referring to the Lenox Baker Cerebral Palsy and Crippled Children's Hospital shall be retained and shall refer to the "Board of Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North Carolina" re-created by the Executive Organization Act of 1973: G.S. 131-131, line 9; G.S. 131-133, lines 6 and 8; G.S. 131-134, line 1.

(b) In addition to the foregoing, the following change shall be made; The words "and the Board of Directors" shall be inserted in line 5 of G.S. 131-131 between the words "thereof;" and the words "may make such rules and regulations."

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 131-128; G.S. 131-130; G.S. 131-136.

**Sec. 163.** Conforming changes; Board of Directors of the North Carolina Orthopedic Hospital. — (a) Whenever the words "Board of Trustees of the North Carolina Orthopedic Hospital" or "Board of Trustees," or "Trustees of the North Carolina Orthopedic Hospital" when referring to the North Carolina Orthopedic Hospital are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) The following section of the General Statutes of North Carolina is hereby amended:

- (1) G.S. 131-3 shall be rewritten to read as follows: "There is hereby created and established in the North Carolina Orthopedic Hospital at Gastonia a school for patients which shall be operated for a period of twelve months in each year, or such period during each year as the Department of Human Resources may deem advisable, under the direction and supervision of the County Board of Education of Gaston County.

A principal and the necessary number of teachers in said school shall be selected by the Department upon the recommendation of the County Superintendent of Public Instruction of Gaston County, which teachers shall hold certificates according to standards prescribed by the State Board of Education for teachers in the public schools of the State."

(c) The following section of the General Statutes of North Carolina is hereby repealed: G.S. 131-1.

**Sec. 164.** Conforming changes; Board of Directors of the Governor Morehead School. — (a) Whenever the words "Board of Directors of the Governor Morehead School" or "Board of Directors" or "Board," when referring to the Board of Directors of the Governor Morehead School are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 115-322; G.S. 115-323; G.S. 115-324; G.S. 115-329; G.S. 115-331; G.S. 115-332; G.S. 115-333.

**Sec. 165.** Conforming changes; Board of Directors of the North Carolina Schools for the Deaf. — (a) Whenever the words "Board of Directors of the North Carolina Schools for the Deaf" or "Board of Directors" or "Board." when referring to the Board of Directors for the North Carolina Schools for the Deaf are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:

- (1) The first sentence of G.S. 115-340 shall be rewritten to read "The Department of Human Resources shall according to such reasonable regulations as the Board of Directors may prescribe, on application, receive into the School for the purposes of education all deaf children resident of the State not of confirmed immoral character, not imbecile or unsound of mind or incapacitated by physical infirmity for useful instruction, who are between the ages of six and twenty-one years; provided, that the Department of Human Resources may admit students under the age of six years when in its judgment, such admission will be in the best interests of the applicant and the facilities of the School permit such admission."
- (2) G.S. 115-342 shall be rewritten to read as follows: "The Department is authorized to make such agreements with the governing authority of any municipality, or of any county, as may be mutually agreed upon, to promote convenience and economy for joint water supply, lighted areas, use of sewage facilities, or any other utilities or facilities that may be necessary and as may be agreed upon."
- (3) The third sentence of G.S. 115-340, beginning on line 10, shall be rewritten to read as follows: "The Department may fix charges and the Board of Directors may prescribe rules whereby nonresident deaf children may be admitted, but in no event shall the admission of nonresidents in anyway prevent the attendance of any eligible deaf child, resident of North Carolina."

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 115-337; G.S. 115-338; and G.S. 115-339.

**Sec. 166.** Conforming changes; Board of Directors of the Confederate Women's Home. — (a) Whenever the words "Board of Directors of the Confederate Women's Home" or "Board of Directors" or "Board," when referring to the Board of Directors of the Confederate Women's Home are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department," as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 112-2; G.S. 112-4; G.S. 112-6.

**Sec. 167.** Council on Developmental Disabilities; creation, powers, and duties. — There is hereby created the Council on Developmental Disabilities of the Department of Human Resources. The Council on Developmental Disabilities shall have the following functions and duties:

- (1) to provide advice to the Secretary of Human Resources as will facilitate the implementation of the State plan and the fulfillment of the requirements of Public Law 91-517, the Developmental Disabilities and Facilities Construction Amendment of 1970;
- (2) to study ways and means of promoting public understanding of developmental disabilities; to consider the need for new State programs and laws in the field of developmental disabilities; and to make recommendations to and advise the Secretary of Human Resources on the matters relating to developmental disabilities;
- (3) to advise in the preparation of a plan describing the quality, extent and scope of services being provided, or to be provided, to persons with developmental disabilities in North Carolina;
- (4) to examine the programs of all State agencies which provide services for persons with developmental disabilities and to make recommendations to the Secretary of Human Resources for coordination of programs to prevent duplication and overlapping of such services; and
- (5) the Council shall advise the Secretary of Human Resources upon any matter the Secretary may refer to it.

**Sec. 168.** Definitions. — The following definitions apply to this Chapter:

- (1) The term "developmental disabilities," as it is used in this Article, means such disabilities as are attributable to mental retardation, cerebral palsy, epilepsy, physically disabled, or other neurological conditions of individuals which are found to be closely related to mental retardation or which require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.
- (2) The term "services for persons with developmental disabilities," as it is used in this Article, means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such a disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

**Sec. 169.** Council on Developmental Disabilities; members, selection, quorum, compensation. — The Council on Developmental Disabilities of the Department of Human Resources shall consist of twenty-one members appointed by the Governor. The composition of the Council shall be as follows:

(a) seven members from the General Assembly and State government agencies as follows: two persons who are members of the Senate, two persons who are members of the House of Representatives, one representative of the Department of Public Education, one

representative of the Department of Social Rehabilitation and Control, and one representative of the Department of Administration;

(b) eight members designated as consumers of services or representatives of consumers of services for the developmentally handicapped, of which at least three members shall be designated as representatives of advocate organizations as follows: one member from the North Carolina Association for Retarded Children, one member from the United Cerebral Palsy of North Carolina, and one member from the North Carolina Chapter of the Epilepsy Foundation of America; and

(c) six members at large, who by their interests and efforts have helped provide or may help provide improved services for those who are developmentally disabled, three of whom shall initially be appointed for a term of two years.

The initial members of the Council shall include the appointed members of the Council on Mental Retardation and Developmental Disabilities who shall serve for a period equal to the remainder of their current terms on the Council on Mental Retardation and Developmental Disabilities four of whose terms expire June 30, 1973, four of whose terms expire June 30, 1974, two of whose terms expire June 30, 1975, and three of whose terms expire June 30, 1976. At the end of the respective terms of office of the initial members of the Council, the appointments of all members, with the exception of those from the General Assembly and State agencies shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate one member of the Council to serve as chairman at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the Secretary of Human Resources.

**Sec. 170.** Conforming changes. — (a) Whenever the words "Council on Developmental Disabilities" or the words "Council on Mental Retardation and Developmental Disabilities" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department", as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

(b) The following sections of the General Statutes of North Carolina are hereby repealed: Article 12 of Chapter 35 being G.S. 35-73, G.S. 35-74, G.S. 35-74.1, G.S. 35-75, G.S. 35-76, G.S. 35-77.

**Sec. 171.** Governor's Coordinating Council on Aging; creation, powers, and duties. — There is hereby created the Governor's Coordinating Council on Aging of the Department of Human Resources. The Governor's Coordinating Council on Aging shall have the following functions and duties:

- (1) to advise in the maintenance of a continuing review of existing programs for the aging in the State of North Carolina, and periodically make recommendations to the Secretary of Human Resources for transmittal to the Governor and the General Assembly for improvements in and additions to such programs:
- (2) to advise in the study, collection, maintenance, publication and other dissemination of factual data and pertinent information relative to all aspects

- of aging. These include the societal, economic, education, recreation and health needs and opportunities of the aging;
- (3) to stimulate, inform, educate and assist local organizations, the community at large, and older people themselves about aging, about needs, resources and opportunities for the aging, and about the part they can play in improving conditions for the aging;
  - (4) to serve as the agency through which various public and nonpublic organizations concerned with the aged can exchange information, coordinate programs, and be helped to engage in joint endeavors;
  - (5) to provide advice and information to North Carolina State government departments and agencies and to nongovernmental organizations which may be considering the inauguration of services, programs, or facilities for the aging, or which can be stimulated to take such action;
  - (6) to encourage and assist governmental and private agencies to coordinate their efforts on behalf of the aging in order that such efforts be effective and that duplication and wasted effort be prevented or eliminated;
  - (7) to promote employment opportunities as well as proper and adequate recreation use of leisure for older people, including opportunities for uncompensated but satisfying volunteer work;
  - (8) to identify research needs, encourage research, and assist in obtaining funds for research and demonstration projects;
  - (9) to establish or help to establish demonstration programs of services to the aging; and
  - (10) to advise the Secretary of Human Resources upon any matter the Secretary may refer to it.

**Sec. 172.** Governor's Coordinating Council on Aging; members, selection, quorum, compensation. — The Governor's Coordinating Council on Aging of the Department of Human Resources shall consist of twenty-one members appointed by the Governor. The composition of the Council shall be as follows: seven members from State government agencies as follows: one representative of the Department of Administration; one representative of the Department of Cultural Resources; the Chairman of the Employment Security Commission; the Executive Secretary of the Teachers' and State Employees' Retirement System; the Commissioner of Labor; one representative of the Department of Public Education; and one representative of the Department of Natural and Economic Resources; the Director of the School of Public Health of the University of North Carolina; the Director of Agricultural Extension Service of North Carolina State University; one representative of the collective body of the Medical Society of North Carolina; and eleven members-at-large, all of whom shall be over the age of sixty-five, four of whom shall derive their chief source of income from Social Security payments.

The initial members of the Council shall be appointed to include the appointed members of the Governor's Coordinating Council on Aging who shall serve for a period equal to the remainder of their current terms on the Governor's Coordinating Council on the Aging, two of whose appointments expire June 30, 1973, one of whose appointment expires June 30, 1974, two of whose appointments expire June 30, 1975, and two of whose appointments expire June 30, 1976. At the end of the respective terms of office of the initial members of the Council, their successors, and the at-large members shall be appointed for terms of four years and until their successors are appointed and qualify. Thereafter, the appointments of their successors, with the exception of those from State agencies, shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate one member of the Council as chairman to serve in such capacity at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the Secretary of Human Resources.

**Sec. 173.** Conforming changes. — The following sections of the General Statutes of North Carolina are hereby repealed: Article 29B, Chapter 143 being G.S. 143-283.11, G.S. 143-283.12, G.S. 143-283.13, G.S. 143-283.14, G.S. 143-283.15, G.S. 143-283.16, G.S. 143-283.17, G.S. 143-283.18, G.S. 143-283.19, G.S. 143-283.20, G.S. 143-283.21, G.S. 143-283.22, and G.S. 143-283.23.

**Sec. 174.** Mental Health Council; creation, powers, and duties. — There is hereby created the Mental Health Council of the Department of Human Resources. The Mental Health Council shall have the following functions and duties: (1) to consider ways and means to promote mental health in North Carolina and to study needs for new legislation pertaining to mental health of the citizens of the State; and (2) the Mental Health Council shall advise the Secretary of Human Resources upon any matter the Secretary may refer to it.

**Sec. 175.** Mental Health Council; members, selection, quorum, compensation. — The Mental Health Council of the Department of Human Resources shall consist of twenty-one members appointed by the Governor. The composition of the Council shall be as follows:

(a) nine members from the General Assembly and State government agencies as follows: two members of the Senate nominated by the President of the Senate, two members of the House of Representatives nominated by the Speaker of the House of Representatives, two representatives of the Department of Public Education, two representatives of the Department of Social Rehabilitation and Control, and one representative of the Department of Military and Veterans Affairs;

(b) three members designated by the respective associations to the Governor for appointment — one member representing the North Carolina Personnel and Guidance Association, one member representing the North Carolina Council on Mental Retardation and one member representing the North Carolina Council of Family Service Agencies; and

(c) nine members-at-large, who by their interest and efforts have helped provide or may help provide improved services for those who are mentally ill, mentally retarded, and inebriate.

The initial members of the Council shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate one member of the Council to serve as chairman at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the Secretary of the Department.

**Sec. 176.** Conforming changes. — The following sections of the General Statutes of North Carolina are hereby repealed: Article 14 of Chapter 122 being sections G.S. 122-105, G.S. 122-106 and G.S. 122-107.

**Sec. 177.** Governor's Council on the Employment of the Handicapped; creation, powers, and duties. — There is hereby created the Governor's Council on the Employment of the Handicapped of the Department of Human Resources. The Governor's Council on the Employment of the Handicapped shall have the following functions and duties:

- (1) to advise and assist the Department on the continuing program to promote the employment of the physically, mentally, emotionally, and otherwise handicapped citizens of North Carolina by creating statewide interest in the rehabilitation and employment of the handicapped, and by obtaining and maintaining cooperation with all public and private groups and individuals in this field;
- (2) to work in close cooperation with the President's Committee on the Employment of the Physically Handicapped to carry out more effectively the purpose of Article 29A of Chapter 143 of the General Statutes, and with State and federal agencies having responsibilities for employment and rehabilitation of the handicapped;
- (3) to promote and encourage the holding of appropriate ceremonies throughout the State during the "National Employ the Physically Handicapped Week" the purpose of which ceremony shall be to enlist public support for interest in the employment of the physically handicapped; and
- (4) the Council shall advise the Secretary of Human Resources upon any matter the Secretary may refer to it.

**Sec. 178.** The Governor's Council on Employment of the Handicapped; members, selection, quorum, compensation. — The Governor's Council on Employment of the Handicapped of the Department of Human Resources shall consist of twenty-one members appointed by the Governor. The composition of the Council shall be as follows: three members from State government agencies as follows: the Commissioner of Labor, the Commissioner of Insurance and the Chairman of the Employment Security Commission; and eighteen members to be appointed by the Governor.

The initial members of the Council shall include the appointed members of the Governor's Executive Committee on the Employment of the Handicapped who shall serve for a period equal to the remainder of their current terms on the Governor's Executive Committee, five of whose appointments expire June 30, 1973, five of whose appointments expire June 30, 1974, and five of whose appointments expire June 30, 1975. At the end of the respective terms of office of the initial members of the Council, the appointment of all members, with the exception of those from State agencies, shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate one member of the Council to serve as chairman at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the Secretary of Human Resources.

**Sec. 179.** Governor's Council on Employment of the Handicapped; conforming changes. — (a) Whenever the words "the Governor's Committee on Employment of the Handicapped" or "Governor's Committee" when referring to the Governor's Committee on the

Employment of the Handicapped are used or appear in any statute or law of this State, the same shall be deleted and the words "Governor's Council on Employment of the Handicapped" or "Governor's Council" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing the following amendments to the General Statutes of North Carolina are hereby made:

(1) G.S. 143-283.7 is amended by rewriting it to read:

"There is hereby created in the State treasury a special revolving fund to be known as 'Employment of the Handicapped Revolving Fund.' The fund shall consist of all monies received by the Department of Human Resources, or in behalf of the Department from the United States, any federal or State agency or institution, gifts, contributions, donations and requests, but not excluding any other source of revenue for the purpose of promoting the employment and rehabilitation of handicapped citizens of North Carolina. The Department of Human Resources may use said revolving fund to pay the salaries, and general expenses of the administrative office, personnel, materials, supplies, equipment, travel; provide awards, citations, scholarships, but not excluding other purposes for the promoting of the employment and rehabilitation of handicapped citizens. All expenditures from said fund shall be subject to the provisions of the Executive Budget Act.

Any monies remaining in said revolving fund at the end of any fiscal year or biennium shall not revert to the general fund or any other fund but shall continue to remain in said revolving fund to be expended for the purposes of this Article.

The Department of Human Resources shall accept, hold in trust, and authorize the use of any grant or devise of land, or any donation or bequests of money or other personal property made to the Department so long as the terms of the grant, donation, bequest or will are carried out. The Department of Human Resources may invest and reinvest any funds and money, lease, or sell any real or personal property, and invest the proceeds for the purpose of promoting the employment and rehabilitation of the handicapped unless prohibited by the terms of the grant, donation, bequest, gift, or will. If, due to circumstances, the requests of the person or persons making the grant, donation, bequest, gift, or will, cannot be carried out, the Department of Human Resources shall have the authority to use the remainder thereof for the purpose of this Article. Said funds shall be deposited in the revolving fund to carry out the provisions of this Article. Such gifts, donations, bequests, or grants shall be exempt for tax purposes. The Department shall report annually to the Governor all monies and properties received and expended by virtue of this section.

All funds and properties in the hands of the Governor's Executive Committee on the effective date of the Executive Organization Act of 1973 shall be transferred to the Department of Human Resources for use in furtherance of the purposes of this Article."

(b) The following sections are hereby repealed: G.S. 143-283.4, G.S. 143-283.5, G.S. 143-283.6, G.S. 143-283.9, and G.S. 143-283.10.

**Sec. 180.** The Governor's Advocacy Council on Children and Youth; creation, powers, and duties. — There is hereby created the Governor's Advocacy Council on Children and Youth of the Department of Human Resources. The Governor's Advocacy Council on Children and Youth shall have the following functions and duties:

- (1) to act as an advocate for youth within State and local governments;
- (2) to conduct a continuing review of existing programs of State government for children and youth;
- (3) to aid State and local agencies in the coordination of existing services and other duties specified in Section 110; and
- (4) to advise the Secretary of Human Resources any matter the Secretary may refer to it.

**Sec. 181.** The Governor's Advocacy Council on Children and Youth; members, selection, quorum, compensation. — The Governor's Advocacy Council on Children and Youth of the Department of Human Resources shall consist of seventeen members appointed by the Governor. The composition of the Council shall be as follows: two members of the Senate nominated by the President of the Senate; two members of the House of Representatives nominated by the Speaker of the House of Representatives; the State Superintendent of Public Instruction; a member nominated by the Secretary of the Department of Social Rehabilitation and Control from the area of juvenile correction; seven other adults appointed by the Governor; and four youths appointed by the Governor; of which two shall be male and two female.

In selecting the seven adult citizen members of the Commission, the Governor shall include persons who have an interest in and knowledge of children and youth, persons who work with children, and representatives of organizations concerned with problems on children and youth. In selecting the youth members, the Governor shall appoint two who are between the ages of sixteen and twenty-one years of age and two who are less than sixteen years of age at the time of their appointments.

The initial members of the Council shall be the appointed members of the Governor's Advocacy Commission for Children and Youth who shall serve for a period equal to the remainder of their current terms on the Governor's Advocacy Commission for Children and Youth. Of the adult members of the Governor's Advocacy Commission for Children and Youth, the terms of two members expire July 1, 1973; the terms of two members expire July 1, 1974; the term of one member expires July 1, 1975; and the term of two members expire July 1, 1976. Of the youth members the term of two members expires July 1, 1973 and the term of two members expire July 1, 1974. At the end of the respective terms of office of the initial members of the Council, the appointment of all members with the exception of those from State agencies, shall be for terms of two years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, death, dismissal, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Council to serve as chairman at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the Secretary of Human Resources.

**Sec. 182.** The Governor's Advocacy Council on Children and Youth; conforming changes. — (a) Whenever the words "Governor's Advocacy Commission on Children and Youth" or "Governor's Commission" or "Commission" when referring to the Governor's Advocacy Commission on Children and Youth are used or appear in any statute or law of this State, the same shall be deleted and the words "Governor's Advocacy Council on Children and Youth" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendment to the General Statutes of North Carolina is hereby made: The words "to the Governor and the General Assembly" shall be deleted and the words "to the Secretary of Human Resources for transmittal to the Governor" shall be inserted in lieu thereof on line 1 of G.S. 110-71(7).

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 110-67; G.S. 110-68; G.S. 110-69; G.S. 110-70; G.S. 110-71(1); G.S. 110-72.

**Sec. 183.** Department of Human Resources: miscellaneous conforming changes. —

(a) Whenever the words "Salt Marsh Mosquito Advisory Commission" or "Commission," when referring to the Salt Marsh Mosquito Advisory Commission are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Human Resources" or "Department" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) the word "Commission" is hereby deleted and the words "Department of Human Resources" are inserted in lieu thereof on lines 1 and 3 of G.S. 130-186.2.
- (2) the words "The Commission shall report annually to the Governor its findings and recommendations." are hereby deleted from line 6 of G.S. 130-186.2

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 130-186.1; G.S. 130-186.3; G.S. 143-346; Article 13 of Chapter 143A of the General Statutes of North Carolina being G.S. 143A-130 through G.S. 143A-162.

#### DEPARTMENT OF REVENUE

**Sec. 184.** Department of Revenue; creation. — There is hereby re-created and reestablished a department to be known as the "Department of Revenue" with the organization, duties, functions, and powers defined in the Executive Organization Act of 1973.

**Sec. 185.** Duties of the Department. — It shall be the duty of the Department to collect and account for the State's tax funds, to insure uniformity of administration of the tax laws and regulations, to conduct research on revenue matters, and to exercise general and specific supervision over the valuation and taxation of property throughout the State.

**Sec. 186.** Functions of the Department. — (a) The functions of the Department of Revenue shall comprise, except as otherwise expressly provided by the Executive Organization Act of 1973 or by the Constitution of North Carolina, all executive functions of the State in relation to revenue collection, tax research, tax settlement, and property tax supervision including those prescribed powers, duties and functions enumerated in Article 16 of Chapter 143A of the General Statutes of this State.

(b) All functions, powers, duties, and obligations heretofore vested in any agency enumerated in Article 16 of Chapter 143A of the General Statutes are hereby transferred to and vested in the Department of Revenue, except as otherwise provided by the Executive Organization Act of 1973. They shall include, by way of extension and not of limitation, the functions of: (1) the Commissioner and Department of Revenue, (2) the Department of Tax Research, and (3) the State Board of Assessment.

**Sec. 187.** Head of the Department. — The Secretary of Revenue shall be the head of the Department.

**Sec. 188.** Organization of the Department. — The Department of Revenue shall be organized initially to include the Property Tax Commission, the Division of Inheritance and Gift Tax, Division of Privilege License, Beverage and Cigarette Tax, Division of Corporate Income and Franchise Tax, Division of Individual Income Tax, Division of Sales and Use Tax, Division of Intangibles Tax, Division of Gasoline Tax, Division of Audit and Collection, Division of Accounts, Division of Planning and Processing, the Division of Tax Research, the Ad Valorem Tax Division, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973.

The Secretary of Revenue may create and appoint committees and councils to consult with and advise him and the subordinate officers of the Department on matters relating to the duties, responsibilities, or functions of the Department; and he may disband any such committee or council at his pleasure.

**Sec. 189.** Property Tax Commission; creation, powers, and duties. — There is hereby created the Property Tax Commission with the authority to hear and decide appeals concerning the appraisal of the property of public service companies (as defined in G.S. 105-333) and to act as a State board of equalization and review for the valuation and taxation of property in the State as provided for in G.S. 105-290. The Commission shall make rules and regulations consistent with the provisions of this Chapter. All rules and regulations heretofore adopted by the State Board of Assessment shall remain in full force and effect unless and until repealed or superseded by action of the Property Tax Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Revenue.

**Sec. 190.** Property Tax Commission; members, selection, quorum, compensation. — The Property Tax Commission of the Department of Revenue shall consist of five members with three appointed by the Governor and one each appointed by the Lieutenant Governor and the Speaker of the House. The initial members of the Commission shall be the appointed members of the State Board of Assessment who shall serve for a period equal to the remainder of their current term on the State Board of Assessment, one of whose term expires July 1, 1973, and three of whose terms expire July 1, 1975. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for staggered terms for four years and until their successors are appointed and qualify. To achieve the staggered terms, the Governor shall make two appointments on July 1, 1973, each for four years and one appointment on July 1, 1975, for four years. The Lieutenant Governor and the Speaker of the House shall make their respective appointments on July 1, 1975, for four years. Thereafter, the appointment of their successors shall be for terms of four years.

Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the right to remove any member for misfeasance, malfeasance or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

The majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Revenue.

**Sec. 191.** Officers of the Property Tax Commission. — The Property Tax Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 192.** Regular and special meetings. — The Property Tax Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least three members. At least 15 days' reasonable notice shall be given to each member with respect to each special meeting.

**Sec. 193.** Department of Revenue: conforming changes. — (a)(1) Whenever the words "North Carolina Commissioner of Revenue" or "State Commissioner of Revenue" or "Commissioner of Revenue" or "Commissioner" when referring to the Commissioner of Revenue are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Revenue" or "Secretary" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(2) Whenever the words "Department of Tax Research" or "Department" when referring to the Department of Tax Research are used or appear in any

statute or law of this State, the same shall be deleted and the words "Department of Revenue" or "Department" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

- (3) Whenever the words "Director of the Department of Tax Research" or "Director" when referring to the Director of the Department of Tax Research or "Chairman of the State Board of Assessment" or "Chairman of the Board" when referring to the chairman of the State Board of Assessment are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Revenue" or "Secretary" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (4) Whenever the words "State Board of Assessment" or "Board of Assessment" or "Board" when referring to the State Board of Assessment are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Revenue" or "Department" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references, the words "State Board of Assessment" or "Board of Assessment" or "Board" when referring to the State Board of Assessment shall be deleted and the words "Property Tax Commission" or "Commission" as appropriate shall be inserted in lieu thereof: G.S. 105-115(1), line 3; G.S. 105-289(a)(2)a.; G.S. 105-289(a)(2)b., line 3; G.S. 105-289(a)(3)a.; G.S. 105-289(a)(3)b., line 1; G.S. 105-290(a), line 3; G.S. 105-290(b), line 2; G.S. 105-290(b)(2), line 2; G.S. 105-290(b)(2)a., lines 6, 11, 17, 19, and 21; G.S. 105-290(b)(2)a.2., line 2; G.S. 105-290 (b)(2)b., line 1, both references, and lines 3, 6, and 10; G.S. 105-290(b)(3), lines 2 and 10; G.S. 105-290(c), line 2; G.S. 105-290(c)(1), line 6; G.S. 105-290(c)(2), lines 1, 4, 5, and 6; G.S. 105-290(c)(3), line 2; G.S. 105-290(c) (3)b., lines 3, 4, and 5; G.S. 105-291(d), line 1; G.S. 105-312(a)(4), line 7; G.S. 105-312(d), line 12; G.S. 105-317(c)(1), lines 6, 9, 12, and 13; G.S. 105-321(d), line 2; G.S. 105-322(g)(3)a., line 10; G.S. 105-324(b), lines 5, 9, and 10; G.S. 105-324(c), lines 4, 8, and 9; G.S. 105-325(a)(1), line 1; G.S. 105-325(c), line 3; G.S. 105-327, line 3; G.S. 105-328(b)(4), line 5; G.S. 105-342(b), lines 9 and 13; G.S. 105-342(c), lines 4, 12, 17, and 18, both references; G.S. 105-342(d), lines 1, 4, 6, and 9.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) G.S. 105-288 shall be rewritten to read as follows:

"(a) Duties of the Department of Revenue:

- (1) The Department shall exercise general and specific supervision over the valuation and taxation of property by counties and municipalities throughout the State.
- (2) The Department is responsible for appraising the property of public service companies as defined in G.S. 105-333.

(b) Duties of the Property Tax Commission:

- (1) The Commission is constituted as the State Board of Equalization and Review for the valuation and taxation of property in the State.
- (2) The Commission shall hear appeals from the appraisal and assessment of the property of public service companies as defined in G.S. 105-333.

(c) Each member of the Commission, the Secretary of Revenue, and the employees of the Department assigned duties and responsibilities enumerated in this Chapter shall take and subscribe the oath set up below and file it with the Secretary of State:

I, \_\_\_\_\_, do solemnly swear, or affirm, that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office and that I will not allow my actions in such office to be influenced by personal or political friendships or obligations, so help me, God.

\_\_\_\_\_  
Signature

(d)(1) All expenses of the Commission, and the Department of Revenue in performing the duties enumerated in this Article shall be paid from funds appropriated out of revenue derived from the tax on intangible personal property as provided by G.S. 105-213."

- (2) G.S. 105-289(d), (e), (f), (g), (h), (i), shall be redesignated G.S. 105-289(b), (c), (d), (e), (f), (g), respectively.
- (3) The word "its" shall be deleted and the words "the Commission's" shall be inserted in lieu thereof on line 1 of G.S. 105-289(a)(4).
- (4) G.S. 105-289(e) shall be rewritten to read as follows: "In accordance with regulations that may be adopted by it, the Department of Revenue shall make available to county tax supervisors, boards of equalization and review, and boards of county commissioners any information contained in any report to it or any other State department, or any other information that the Department may have in its possession that may assist the county authorities in securing a complete listing of property for taxation and in appraising taxable property."
- (5) G.S. 105-289(e)(2) shall be rewritten to read as follows: "Except as provided in this subsection (c), and except to the Governor and his authorized agent, and except to a solicitor or the authorized agent of a solicitor of a district in which such information would affect the listing or appraisal of property for taxation, neither the Department nor the Commission shall divulge or make public the reports made to it or to other State departments. (The provisions of this subsection shall not interfere with the publication of appraisals, assessments, or statistics by the Department or decisions made by the Commission, nor shall the provisions of this subsection prevent presentation of such information in any administrative or judicial proceeding involving appraisals, assessments, or decisions of the Commission.)"
- (6) The words "subsection (e)" shall be deleted and the words "subsection(c)" shall be inserted in lieu thereof on line 2 of G.S. 105-289(e).
- (7) The first sentence of G.S. 105-290(b)(2)a. shall be rewritten to read as follows: "Hearing by Commission Representatives. The Commission is empowered to authorize any member or members of the Commission or employee of the Department of Revenue to hear an appeal, to make examinations and investigations, to have made from stenographic notes a full and complete record of the evidence offered at the hearing, and to make recommended findings of fact and conclusions of law."
- (8) The first sentence of G.S. 105-290(d)(1) shall be rewritten to read as follows: "The Property Tax Commission, a member of the Commission, or any employee of the Department of Revenue authorized by the Commission, is authorized and empowered to subpoena witnesses and to subpoena documents upon a subpoena to be signed by the chairman of the

Commission directed to the witness or witnesses or to the person or persons having custody of the documents sought."

- (9) The first sentence of G.S. 105-290(d) is rewritten to read as follows: "Witnesses and Documents. Upon its own motion or upon the request of any party to an appeal, the Property Tax Commission, or any member of the Commission, or any employee of the Department of Revenue so authorized by the Commission shall examine witnesses under oath administered by any member of the Commission or any employee of the Department so authorized by the Commission, and examine the documents of any person if there is ground for believing that information contained in such documents is pertinent to the decision of any appeal pending before the Commission, regardless of whether such person is a party to the proceeding before the Commission."
- (10) The words "promote the purposes for which it is constituted" shall be deleted and the words "perform the duties or responsibilities of this Chapter" shall be inserted in lieu thereof on lines 2 and 3 of G.S. 105-291(b).
- (11) The words ", its members," shall be deleted from line 2 of G.S. 105-291(c), line 2 of G.S. 105-291(c)(1), and line 2 of G.S. 105-291(c)(2).
- (12) The words "State Board of Assessment" shall be deleted and the words "Secretary of Revenue" shall be inserted in lieu thereof on line 8 of G.S. 105-343 and the word "Board" shall be deleted and the word "secretary" shall be inserted in lieu thereof on line 9 of G.S. 105-343.

(e) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 105-289(b); G.S. 105-289(c); G.S. 105-292; G.S. 105-293; G.S. 105-450; G.S. 105-451; G.S. 105-452; G.S. 105-454; G.S. 105-457; and Article 16 of Chapter 143A of the General Statutes of North Carolina being sections G.S.143A-186 through G.S. 143A-190.

**Sec. 194.** This act shall become effective July 1, 1973.

In the General Assembly read three times and ratified, this the 14th day of May, 1973.