

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 215
HOUSE BILL 333

AN ACT TO AUTHORIZE THE DIVISION OF ARCHIVES AND HISTORY TO PRESERVE HISTORICALLY SIGNIFICANT INFORMATION IN ABANDONED CEMETERIES THAT IS IN DANGER OF LOSS, AS RECOMMENDED BY THE ABANDONED CEMETERIES STUDY COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 121-8 is amended by adding a new subsection (g) to read as follows:

"(g) Abandoned cemeteries. — The Department of Cultural Resources is authorized to take appropriate measures to record and permanently preserve information of significant historical genealogical or archaeological value when, in the opinion of the Department, any such information located within an abandoned cemetery is in imminent danger of loss or destruction because of the condition or circumstances of the cemetery. The Department may obtain access to any abandoned cemetery for the purpose of recording and preserving information of significant historical, genealogical or archaeological value pursuant to Chapter 15, Article 4A of the General Statutes: Provided, that prior to the requesting of the administrative warrant, the Department shall contact the affected landowners and request their consent for access to their lands for the purpose of gathering such information. If consent is not granted, the Department shall give reasonable notice of the time, place and before whom the administrative warrant will be requested so that the owner or owners may have an opportunity to be heard. Service of this notice may be in any manner prescribed by N.C.G.S. 1A-1 Rule 4(j). Any measures taken by the Department pursuant to this subsection shall be effected in such a manner as to cause as little inconvenience or disruption as possible to the owners of the land upon which the abandoned cemetery is located and of land necessary to obtain access to the cemetery."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1981.