

SEC. 5. The Commission is authorized to set the salary of a full time executive secretary, with the approval of the Director of the Budget.

Salary of executive secretary.

SEC. 6. The Executive Secretary of the Commission shall have the authority and power to subpoena witnesses and compel their attendance to testify and/or produce records at any hearing before the Commission, or any committee thereof, under the same provisions of the law as now applies to attendance of witnesses before Legislative Committees.

Powers of executive secretary.

SEC. 7. To cover the cost of an executive secretary, office personnel, travel expenses, supplies, communications, printing, and other costs incidental to the completion of the duties of the Commission as herein set out, there is hereby appropriated the sum of twenty-five thousand dollars (\$25,000.00) per year for the next biennium.

Appropriation of funds for work of Commission.

SEC. 8. All laws and clauses of laws inconsistent with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall be in effect immediately upon ratification.

Emergency declared.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 592 CHAPTER 725

AN ACT TO PROVIDE FOR THE ORDERLY GROWTH AND EXTENSION OF MUNICIPALITIES WITHIN THE STATE OF NORTH CAROLINA.

Preamble:

WHEREAS, the General Assembly of North Carolina devotes a large portion of its time in consideration of a multitude of local bills seeking the extension of the corporate limits of cities and towns; and

Experience of General Assembly as to local bills extending corporate limits.

WHEREAS, it is the sentiment of this General Assembly that the intent and purposes of Section 29 of Article II and Section 4 of Article VIII of the Constitution of North Carolina will be more fully met by providing the procedure under statewide statutes through which the corporate limits of municipalities may be enlarged without resorting to the enactment of Private or Public-Local Acts: *Now, therefore,*

Statement of sentiment of 1947 General Assembly as to need for general statutory procedure for extending limits.

The General Assembly of North Carolina do enact:

Procedure for adoption of municipal ordinance extending corporate limits.

SECTION 1. After public notice has been given by publication once a week for four successive weeks in a newspaper in the county with a general circulation in the municipality, or if there be no such paper, by posting notice in five or more public places within the municipality, describing by metes and bounds the territory to be annexed, thus notifying the owner or owners of the property located in such territory, that a session of the municipal legislative body will meet for the purpose of considering the annexation of such territory to the municipality, the governing body of any municipality is authorized and empowered to adopt an ordinance extending its corporate limits by annexing thereto any contiguous tract or tracts of land not embraced within the corporate limits of some other municipality. Then from and after the date of the adoption of such ordinance, unless an election is required as herein provided, the territory and its citizens and property shall be subject to all the debts, laws, ordinances and regulations in force in said city or town and shall be entitled to the same privileges and benefits as other parts of said city or town. The newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the date of annexation.

Effect of adoption of extension ordinance, when no election required.

Provision for referendum on question of extension.

SEC. 2. If, at the meeting held for such purpose, a petition is filed and signed by at least fifteen per cent (15%) of the qualified voters resident in the area proposed to be annexed requesting a referendum on the question, the governing body shall, before passing said ordinance, annexing the territory, submit the question as to whether said territory shall be annexed to a vote of the qualified voters of the area proposed to be annexed, and the governing body may or may not cause the question to be submitted to the residents of the municipality voting separately. The governing body may, without receipt of a petition, call for a referendum on the question, *provided, however,* the governing body of the municipality shall be required to call for a referendum within the municipality if a petition is filed and signed by at least fifteen per cent (15%) of the qualified voters residing in the municipality, who actively participated in the last gubernatorial election.

Determination of extent of participation in referendum.

SEC. 3. Upon receipt of a sufficient petition, or if the board, on its own motion, determines that a referendum shall be held, the local governing body shall determine whether or not the election will be conducted solely in the area to be annexed or simultaneously with the qualified voters of the municipality, and shall order the board of elections of the county in which the municipality is located to call an election to determine whether or not the proposed territory shall be annexed to the

Call of election.

city or town. Within sixty (60) days after receiving such order from the governing body, the county board of elections shall proceed to hold an election on the question.

SEC. 4. That such election shall be called by a resolution or resolutions of said county board of elections which shall:

Action required by County Board of Elections, as to calling and conduct of election.

(a) Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;

(b) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed, and if ordered by the local governing body, the qualified voters of said city or town voting separately;

(c) Provide for a special registration of voters in the territory proposed to be annexed for said election;

(d) Designate the precincts and voting places for such election;

(e) Name the registrars and judges of such election;

(f) And make all other necessary provisions for the holding and conducting of such election, the canvassing of the returns and the declaration of the results of such election. Said resolution shall be published in one or more newspapers of the said county once a week for thirty (30) days prior to the opening of the registration books. All cost of holding such election shall be paid by the city or town. Except as herein provided, said election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

Publication of resolution as to election.

Costs of election.

SEC. 5. That at such election those qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension." If at such election a majority of the votes cast from the area proposed for annexation shall be "For Extension," and, in the event an election is held in the municipality, the majority of the votes cast in the municipality shall also be "For Extension," then from and after the date of the declaration of the result of such election the territory and its citizens and property shall be subject to all the debts, laws, ordinances, and regulations in force in said city or town and shall be entitled to the same privileges and benefits as other parts of said city or town. The newly elected territory shall be subject to city taxes levied for the fiscal year following the date of annexation.

Ballots.

Effect of majority vote for extension.

Map of annexed area, copy of ordinance, and election results, recorded in office of Register of Deeds.

SEC. 6. Whenever the limits of any municipal corporation are enlarged, in accordance with the provisions of this Act, it shall be the duty of the mayor of the city or town to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, and the official results of the election, if conducted, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the office of the Secretary of State.

Municipal governing bodies authorized to make surveys of proposed new areas.

SEC. 7. The governing bodies of the cities and towns are hereby authorized to make the surveys required to properly describe the territory proposed to be annexed.

Powers of municipalities as to annexation of areas having less than 25 eligible voter-residents.

SEC. 8. No city or town shall, by virtue of the authority granted in this Act, annex any territory in which there is less than twenty-five legal residents eligible to register and vote unless the owners of all the property proposed to be annexed sign a petition requesting the governing body to annex the territory.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed: *Provided*, that this Act shall not apply to any city or town for which a method of changing the corporate limits has been provided by Public-Local or Private Acts. *Provided further* that this Act shall not apply to any town or municipality in New Hanover County or Dare County.

Application of Act.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 624

CHAPTER 726

AN ACT TO AUTHORIZE AND ENABLE THE STATE BOARD OF AGRICULTURE TO CONSTRUCT AND FINANCE FACILITIES AND IMPROVEMENTS FOR THE STATE FAIR OUT OF FUNDS OTHER THAN FROM THE GENERAL REVENUES OF THE STATE.

Preamble:

Need for adequately equipped State Fair.

WHEREAS, the continual progress and growth of the State of North Carolina require an adequately equipped State Fair to reflect this progress and growth by educational exhibitions and presentations; and