STATE OF NORTH CAROLINA

Session Laws and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

AT THE

EXTRA SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

MONDAY, JULY 23, A.D. 1956

AND THE

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, FEBRUARY 6, A.D. 1957

PUBLISHED BY AUTHORITY
or approve plans in accordance with any other applicable provisions of law not in conflict with the provisions herein.”

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1957.

In the General Assembly read three times and ratified, this the 6th day of June, 1957.

H. B. 434

CHAPTER 1139

AN ACT TO EXEMPT CERTAIN AGRICULTURE PRODUCTS FROM AD VALOREM TAXES IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-297 is amended by adding at the end thereof the following:

“In Harnett County, peppers, beans, and all other vegetables are hereby exempted from ad valorem taxation for the year in which produced and the next succeeding year if said products are held by the producer or by any purchaser for curing or processing. It shall not be necessary for the owner or possessor of said produce to list the same for ad valorem taxation.”

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after January 1, 1957.

In the General Assembly read three times and ratified, this the 6th day of June, 1957.

H. B. 606

CHAPTER 1140

AN ACT TO EXEMPT AGRICULTURAL PRODUCTS STORED IN JOHNSTON COUNTY FROM AD VALOREM TAXATION FOR THE YEAR FOLLOWING THE YEAR IN WHICH GROWN.

The General Assembly of North Carolina do enact:

Section 1. All agricultural products stored in Johnston County in an unmanufactured state shall be exempt from taxation for the year following the year in which grown.

Sec. 2. This Act shall be applicable only to Johnston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect with respect to taxes to be listed as of January 1, 1958, and thereafter.

In the General Assembly read three times and ratified, this the 6th day of June, 1957.

H. B. 712

CHAPTER 1141

AN ACT AMENDING G. S. 7-51.1 RELATING TO RETIRED JUSTICES OF THE SUPREME COURT AND JUDGES OF THE SUPERIOR COURTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-51.1, as the same appears in Volume 1B of the General Statutes of North Carolina, is hereby amended by adding, between the word “Court” and the word “without” in line 3 thereof, the following words: “or the Superior Court and District Solicitor combined.”

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. 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 6th day of June, 1957.

H. B. 908

CHAPTER 1142

AN ACT REPEALING ARTICLES 2 THROUGH 9 OF CHAPTER 116 OF THE GENERAL STATUTES AND SUBSTITUTING A NEW ARTICLE 2 IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

Section 1. All provisions of Articles 2 through 9 of Chapter 116 of the General Statutes as contained in Volume 3A and the 1955 Cumulative Supplement thereto are hereby repealed and the following new Article 2 is substituted in lieu of said Articles 2 through 9:

“Article 2

Western Carolina College, East Carolina College, Appalachian State Teachers College, Pembroke State College, Agricultural and Technical College of North Carolina, North Carolina College of Durham, Elizabeth City State Teachers College, Fayetteville State Teachers College, Winston-Salem Teachers College.

“Section 116-45. The primary purpose of each institution hereinafter named shall be as follows:

“(a) The primary purpose of Western Carolina College, East Carolina College, and Appalachian State Teachers College shall be the preparation of young men and women as teachers, supervisors, and administrators for the public schools of North Carolina, including the preparation of such persons for the master's degree. Said institutions may also offer undergraduate instruction in the liberal arts and sciences, and such other programs as may be deemed necessary to meet the needs of its constituency and of the State and as shall be approved by the North Carolina Board of Higher Education, consistent with appropriations made therefor.

“(b) The primary purpose of Pembroke State College shall be the undergraduate education of the Lumbee Indians and other persons who may
be admitted under uniform regulations of the Board of Trustees. The educational program of the institution shall be subject to the approval of the North Carolina Board of Higher Education, consistent with the appropriations made therefor.

"(e) The primary purpose of North Carolina College at Durham shall be undergraduate instruction in the liberal arts and sciences, the training of teachers, supervisors, and administrators for the public schools of the State, and such graduate and professional instruction as shall be approved by the North Carolina Board of Higher Education, consistent with the appropriations made therefor.

"(d) The primary purpose of the Agricultural and Technical College of North Carolina shall be to teach the agricultural and technical arts and sciences and such branches of learning as relate thereto; the training of teachers, supervisors, and administrators for the public schools of the State, including the preparation of such teachers, supervisors, and administrators for the master's degree. Such other programs of a professional or occupational nature may be offered as shall be approved by the North Carolina Board of Higher Education, consistent with the appropriations made therefor.

"(e) The primary purpose of Elizabeth City State Teachers College, Fayetteville State Teachers College, and Winston-Salem Teachers College shall be the undergraduate preparation of young men and women for teaching in the public schools of the State. Such other programs may be offered as shall be approved by the North Carolina Board of Higher Education, consistent with the appropriations made therefor.

"Section 116-46. The following provisions shall be common to all the institutions hereinafter named:

"(a) 1. The Board of Trustees of the institution shall consist of twelve persons appointed for terms of eight years each, beginning July 1 of an odd-numbered year, the terms to be staggered so that three vacancies occur every two years.

"2. Members of the present Board of Trustees of each of said institutions shall serve out their respective terms and until the next succeeding July 1. At the expiration of their present terms, as thus extended, new appointments to the Board of Trustees of each of said institutions shall be made so as to provide a Board of Trustees of twelve members appointed for terms of eight years each, the terms to be staggered so that three vacancies shall occur every two years.

"3. In the case of the Agricultural and Technical College of North Carolina, which has at present more than twelve trustees, vacancies as they occur shall not be filled until the Board of Trustees shall be reduced to the required number of twelve members as herein provided.

"4. The Governor shall make all appointments to each of said Boards of Trustees, subject to the confirmation of the General Assembly in Joint Session assembled.

"(b) 1. Members of each board of trustees shall be subject to removal for cause by the Governor and Council of State.

2. Whenever a trustee shall fail to be present for two successive regular meetings of the board of trustees, without just cause as determined by the board, his position as trustee shall be deemed vacant, and said vacancy shall be filled as herein provided.

"(c) It shall be the duty of each of said boards of trustees to hold not less than two regular meetings a year as fixed by the trustees, at which the board shall consider recommendations of the president of the institution, and transact such other business as may properly come before it. The board of trustees may also hold special meetings from time to time upon the call of the chairman of the board.

"(d) At the first meeting after June 30 of each year, the board of trustees shall elect one of their own members as chairman and designate such committees of the board, and endow them with such powers, as may be deemed proper and wise for the management of the affairs of the institution. The Chairman shall appoint the committees so designated. A quorum of the board of trustees for the transaction of business shall consist of a majority of the members of the board. All actions of the board of trustees shall be taken by a majority vote, a quorum being present.

"(e) 1. The board of trustees of each of said institutions in hereby constituted a body corporate and an agency of the State of North Carolina, under the name and style of 'The Board of Trustees of ..........' (in which shall be inserted the name of the institution) and by that name may sue and be sued, make contracts, acquire real and personal property by gift, purchase, or devise, and exercise such other rights and privileges as are ordinarily exercised by corporations of like character and as are necessary for the proper administration of the affairs of said institution.

"2. The board of trustees of each of said institutions and its successors in office shall hold in trust for the State of North Carolina title to all property now held, or which shall be later acquired by said board.

"3. The board of trustees of each of said institutions shall be responsible for the management of all the affairs of the institution, subject to the applicable laws of the State of North Carolina, and shall have the duty to provide for the handling and expenditure of all moneys whatsoever belonging to, appropriated to, or in any way acquired by the institution; it shall provide for the erection of all buildings, the making of all needed improvements, the maintenance of the physical plant of said institution, and may do all things deemed useful and wise for the good of the institution. Institutions operating electric power plants and distribution systems as of the effective date of this Act are authorized to continue such operation and, after furnishing light and power to the institution, to sell any excess current to the people of the community at a rate or rates approved by the Utilities Commission. Any net profits derived from the operation of such power plants and distribution systems shall be paid into the endowment fund of the institution authorized under G. S. 116-46 (g) of this Act.

"4. It shall be the duty of each of said boards of trustees to elect a president of the institution and to fix his salary within the schedule provided by law, and to fix his tenure of office. Upon the recommendation of
the president, it shall be the duty of the board of trustees to elect other officers, teachers, and employees, to fix their duties, tenure of office, and within the schedule provided by law, their salaries. The board of trustees shall also establish bylaws for the management of the institution's affairs, and rules and regulations for the general management of the institution, and the discipline of the students.

6. The board of trustees of each of said institutions, upon the recommendation of the faculty, is hereby authorized and empowered to confer or cause to be conferred such degrees as are usually conferred by similar institutions, subject to the authority of the North Carolina Board of Higher Education to determine and approve the kinds of degrees to be conferred by the institution.

7. Each of said institutions now operating a campus laboratory or demonstration school may continue to do so under the now existing plan of operation, consistent with the appropriations made therefor.

(f) 1. It shall be the duty of the president of each of said institutions to attend all meetings of the board of trustees, to be responsible for the keeping of a full and complete record of such meetings, and to act as custodian of all records, deeds, contracts, and the like. It shall be the duty of the president to keep the board of trustees fully informed of the operations of the institution and its needs.

2. Whenever the term of office of any member of the board of trustees of such institutions is about to expire, or should a vacancy occur for any cause, the president, with the approval of the chairman of the board of trustees, shall immediately notify the Governor, to the end that he may make an appointment to fill such vacancy.

3. The president shall be the administrative and executive head of the institution, and shall not be a member of the board of trustees. He shall prepare annually for the board of trustees a detailed report of the operations of the institution for the preceding year and cause one copy thereof to be filed with the official records of the board of trustees and one copy to be filed with the North Carolina Board of Higher Education.

4. The president of the institution shall recommend courses of study, subject to the approval of the board of trustees, and further subject to the authority of the North Carolina Board of Higher Education to determine the major functions and activities of State supported institutions of higher education.

(g) 1. Each of said boards of trustees is hereby authorized to establish a permanent endowment fund.

2. Such board of trustees shall appoint an investment committee, to be known as 'The Board of Trustees of the Endowment Fund of the College, (in which shall be inserted the name of the institution) which Board of Trustees of the Endowment Fund is hereby created as an agency of the board of trustees of the college to do the specific things hereinafter enumerated. The Board of Trustees of the Endowment Fund shall consist of five members, including the chairman of the board of trustees, the president of the college, and three other persons, not necessarily members of the board of trustees of the college, to be chosen by the board of trustees of said college.

3. The chairman of the board of trustees of the college shall be the chairman of the Board of Trustees of the Endowment Fund.

4. The trustees of said endowment fund may receive gifts, donations, and bequests, in their discretion retain such in the form in which they are made, and may use the same as a permanent endowment fund. Said trustees may retain in such permanent endowment fund any other money or securities of any kind that may come to them from the board of trustees of the college or that may come to the Trustees of the Endowment Fund, excepting always the money received from State appropriations, and from tuition, fees, and the like, collected from students and used for the general operation of the college. The Trustees of the Endowment Fund shall have power to sell any property, real or personal, of the fund, at either public or private sale.

5. The Trustees of the Endowment Fund shall be responsible for the prudent investment of the fund, in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries.

6. The principal of said endowment fund shall be kept intact and any income therefrom may be expended. The Trustees of the Endowment Fund shall determine what is income and what is principal.

7. It is not the intent that the income from such endowment fund shall take the place of State appropriations or any part thereof but that it shall supplement the State appropriations to the end that the institution may improve and increase its functions, may enlarge its areas of service and may become more useful to a greater number of people. All expenditures of money from the endowment fund shall in all cases be approved by the board of trustees of the institution and expended under the board's direction. Funds from the endowment fund shall not be expended for a purpose which will impose a financial burden on the State of North Carolina without first securing the approval of the North Carolina Board of Higher Education and the Advisory Budget Commission.

8. The board of trustees of the institution shall establish standards for such scholarships as may be awarded from proceeds of said endowment fund and may change or alter such standards from time to time.

9. Nothing in this Section shall be construed to prevent the Trustees of the Endowment Fund from receiving gifts, donations and bequests and from using the same for such lawful purposes as the donor or donors designate, subject always to the approval of the board of trustees of the institution, and subject, further, to the approval of the North Carolina Board of Higher Education and the Advisory Budget Commission if the expenditure of funds would impose a financial burden on the State of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Nothing herein contained shall be taken as repealing or altering any Section of G. S. 116-154 through G. S. 116-167; and in the event of any conflict between the provisions of this Act and G. S. 116-154 through G. S. 116-167, inclusive, the latter shall control.
Sec. 3. 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 6th day of June, 1957.

S. B. 102    CHAPTER 1143
AN ACT TO AMEND G. S. 2-53 RELATING TO PAYMENT OF MONEY FOR INDIGENT CHILDREN AND PERSONS NON COMPOS MENTIS IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-53 is hereby amended by striking out the figures "$500.00" in line fifteen thereof and by substituting in lieu thereof the figures "$1,000.00".
Sec. 1½. G. S. 2-53 is further amended by striking out the words "five hundred" in line 1 and by inserting in lieu thereof the words "one thousand".
Sec. 2. This Act shall apply only to Cumberland County.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 7th day of June, 1957.

S. B. 503    CHAPTER 1144
AN ACT REWRITING SECTIONS 1 AND 2 OF CHAPTER 439, PUBLIC-LOCAL LAWS OF 1939, AS REWRITTEN BY CHAPTER 46, SESSION LAWS OF 1951, RELATING TO THE MAINTENANCE OF AND PERMANENT IMPROVEMENTS AT ASHEVILLE-BILTMORE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 439, Public-Local Laws of 1939, as rewritten by Section 1 of Chapter 46, Session Laws of 1951 be and the same is hereby again rewritten to read as follows:

"Section 1. That the governing body of the City of Asheville is hereby authorized and empowered to make appropriations during each fiscal year from any available non-tax revenues of the city for the purpose of aiding and assisting in the costs of operating Asheville-Biltmore College and for the purpose of making permanent improvements at said institution, the amount appropriated each year be in the sound discretion of the governing body of said city but not to exceed the amount available to said college from State appropriations for such purposes."
Sec. 2. That Section 2 of Chapter 439, Public-Local Laws of 1939, as rewritten by Section 2 of Chapter 46, Session Laws of 1951, be and the same is hereby again rewritten to read as follows:

"Sec. 2. That the Board of Commissioners of Buncombe County is hereby authorized and empowered to make appropriations during each fiscal year from any available non-tax revenues of the county for the purpose of aiding and assisting in the costs of operating Asheville-Biltmore College and for the purpose of making permanent improvements at said institution, the amount appropriated each year be in the sound discretion of the board of commissioners of said county but not to exceed the amount available to said college from State appropriations for such purposes."
Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 4. 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 7th day of June, 1957.

S. B. 1145    CHAPTER 1144
AN ACT PROVIDING FOR THE NOMINATION OF MEMBERS OF THE ANSON COUNTY BOARD OF EDUCATION BY DISTRICTS.
IN CASE THE WADEBORO AND MORVEN CITY ADMINISTRATIVE UNITS SHALL BE CONSOLIDATED WITH THE ANSON COUNTY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. In the event the Wadeboro and Morven City Administrative School Units shall be consolidated with the Anson County Administrative Unit, at the first primary election to be held in said county after said consolidation shall be completed, there shall be nominated for membership on the Anson County Board of Education seven persons by districts as follows: From District #1, consisting of Wadeboro Township, three nominees; from District #2, consisting of Lilesville Township, one nominee; from District #3, consisting of Morven and Gullidge Townships, one nominee; from District #4, consisting of Lanesboro and White Stone Townships, one nominee; and from District #5, consisting of Burnsville and Ansonport Townships, one nominee.
At the first primary election held under the provisions of this Act, one person from District #1 shall be nominated for a term of two years, one nominee for a term of four years and one nominee for a term of six years. At said primary election the nominees from Districts #2 and #4 shall each be nominated for terms of two years; and the nominees from Districts #3 and #5 shall each be nominated for terms of four years. The successor to each of the persons nominated at the first primary election held under the provisions of this Act shall be nominated for terms of six years.
The nominees for membership on the Anson County Board of Education shall each reside in the district he is chosen to represent and shall be nominated by the qualified voters of the county.
Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.