

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 232
HOUSE BILL 379

1 AN ACT TO AMEND CHAPTER 136 OF THE GENERAL STATUTES RELATING TO
2 THE ORGANIZATION OF THE STATE HIGHWAY COMMISSION.

3
4 The General Assembly of North Carolina do enact:
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6 **Section 1.** G.S. 136-1 is rewritten to read as follows:

7 "**G.S. 136-1. State Highway Commission created.** There is hereby created a State Highway
8 Commission, to be composed of a chairman and eighteen members appointed by the Governor
9 from different geographic areas of the State. On July 1, 1961, and every four years thereafter,
10 the Governor shall appoint a chairman and eighteen members to serve for four-year terms. The
11 chairman or any member appointed pursuant to this Section may be removed from office by the
12 Governor for cause. In case of death, resignation, or removal from office of the chairman or a
13 member prior to the expiration of his term of office, his successor shall be appointed by the
14 Governor to fill out the unexpired term.

15 "The chairman shall devote his entire time and attention to the work of the commission, and
16 shall be paid a salary fixed by the Governor, subject to the approval of the Advisory Budget
17 Commission. The chairman shall be the executive officer of the commission and shall execute
18 all orders, rules, and regulations established by the commission.

19 "The commissioners shall each receive while engaged in the discharge of the duties of their
20 office such per diem, subsistence, and necessary travel expenses as is provided by law for
21 members of State boards and commissions generally.

22 "It is the intent and purpose of this Section that the chairman and the commissioners shall
23 represent the entire State and not represent any particular area; provided, however, that the
24 Governor and the chairman shall, without regard to the boundaries of engineering divisions,
25 divide the State into geographic areas, and assign one or more commissioners to each area to be
26 responsible for relations with the public generally and with individual citizens regarding
27 highway matters. In addition the State Highway Commission shall from time to time provide
28 that one or more of its members or representatives shall publicly hear any person or persons
29 desiring to bring to their attention such highway matters as such person or persons may deem
30 wise, in each of said geographic areas of the State.

31 "The Commission shall formulate general policies and make such rules and regulations as it
32 may deem necessary, governing the construction, improvement and maintenance of the roads
33 and highways of the State, with due regard to farm-to-market roads and school bus routes. It is
34 the intent and purpose of this Section that there shall be maintained and developed a state-wide
35 system of roads and highways commensurate with the needs of the State as a whole and not to
36 sacrifice the general state-wide interest to the purely local desires of any particular area."

37 **Sec. 2.** G.S. 136-4 is amended by striking in line 2 the words "chief executive" and
38 substituting in lieu thereof the word "administrative"; by striking in lines 3, 4, 5, 6, and 7 the
39 sentence "The Director of Highways shall be appointed by the State Highway Commission,
40 subject to the approval of the Governor, on July 1, 1957, or as soon as practical thereafter, to
41 serve until July 1, 1962, and his successor shall be appointed by the State Highway
42 Commission, subject to the approval of the Governor, for a four-year term.", and inserting in
43 lieu thereof the sentence "On July 1, 1961, and every four years thereafter, the State Highway

1 Commission shall appoint, subject to the approval of the Governor, the Director of Highways to
2 serve for a four-year term."; and by inserting in line 15 after the comma following the words
3 "Personnel Act" and before the word "appoint" the following: "and with the approval of the
4 State Highway Commission,".

5 **Sec. 3.** G.S. 136-4.1 is amended by striking in lines 2, 3, 4, 5, 6, and 7 the sentence
6 "The Controller shall be appointed by the Director of Highways, subject to the approval of the
7 State Highway Commission and the Governor, on July 1, 1957, or as soon as practicable
8 thereafter, to serve until July 1, 1962, and his successor shall be appointed by the Director,
9 subject to the approval of the State Highway Commission and the Governor, for a four-year
10 term." and inserting in lieu thereof the sentence "On July 1, 1961, and every four years
11 thereafter, the State Highway Commission shall appoint, subject to the approval of the
12 Governor, the Controller to serve for a four-year term." G.S. 136-4.1 is further amended by
13 striking in lines 7, 8, 9, 10, 11, 12, and 13 the sentences "In case of death, resignation, or
14 removal from office of the Controller, his successor shall be appointed by the Director, subject
15 to the approval of the State Highway Commission and the Governor, to fill out the unexpired
16 term. The Controller may be removed from office by the Director, subject to the approval of the
17 State Highway Commission and the Governor, for cause. The Controller shall be paid a salary
18 fixed by the Director, subject to the approval of the Governor and the Advisory Budget
19 Commission." and inserting in lieu thereof the sentences "In case of death, resignation, or
20 removal from office of the Controller, his successor shall be appointed by the State Highway
21 Commission, subject to the approval of the Governor, to serve the unexpired term. Subject to
22 the approval of the Governor, the Controller may be removed from office by the State Highway
23 Commission for cause. The Controller shall be paid a salary fixed by the Governor, subject to
24 the approval of the Advisory Budget Commission."

25 **Sec. 4.** The following is added immediately following G.S. 136-4.2:

26 "**Sec. 136-4.3. Director of secondary roads.** There shall be a Director of Secondary Roads
27 who shall be appointed by the State Highway Commission, subject to the approval of the
28 Governor, and he may be removed at any time by the State Highway Commission with the
29 approval of the Governor. The Director of Secondary Roads shall be paid a salary fixed by the
30 Governor, subject to the approval of the Advisory Budget Commission.

31 "The Director of Secondary Roads shall, in consultation with the commissioner assigned to
32 the geographic area, prepare annual plans for each county providing for maintenance and
33 construction of the secondary roads. In developing the plan, he shall follow the procedures set
34 forth in Section 136-61."

35 **Sec. 5.** G.S. 136-61 is rewritten as follows:

36 "**Sec. 136-61. Plans for secondary roads.** The State Highway Commission shall establish
37 state-wide standards and criteria for additions to the secondary system and for maintenance and
38 construction of secondary roads. On the basis of these standards and criteria, the Commission
39 shall allocate funds appropriated for secondary road additions, maintenance, and construction
40 to each of the counties, in order that each county shall receive an equitable share of available
41 funds. The State Highway Commission shall establish policies for the preparation of annual
42 plans for maintenance and construction of the secondary roads in each county, which policies
43 shall include provision for consultation in the preparation process with county commissioners
44 and interested citizens, recommendations by county commissioners and interested citizens
45 concerning the plan, reports to persons making recommendations on the disposition of the
46 recommendations, final adoption of the plan, and filing of a copy of the plan with the Board of
47 County Commissioners."

48 **Sec. 6.** All laws and clauses of laws in conflict with this Act are hereby repealed.

49 **Sec. 7.** This Act shall be in full force and effect from and after its ratification.

50 In the General Assembly read three times and ratified, this the 14th day of April,
51 1961.