

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 385  
HOUSE BILL 177

1 AN ACT TO ESTABLISH "HERITAGE SQUARE" AND TO CREATE THE HERITAGE  
2 SQUARE COMMISSION.

3  
4 The General Assembly of North Carolina do enact:

5  
6 **Section 1.** Chapter 129 of the General Statutes is hereby amended by the addition  
7 thereto of a new Article, which shall be designated "Article 4", and shall read as follows:

8 "Article 4.

9 "Heritage Square.

10 "**§ 129-18. Heritage Square established.** As a means of preserving, fostering, and  
11 transmitting to present and future generations the historical, literary, artistic, and scientific  
12 heritage of the people of North Carolina, there is hereby established a center, to be designated  
13 'Heritage Square', wherein may ultimately be provided suitable buildings for the North Carolina  
14 State Library, the State Department of Archives and History, the North Carolina Museum of  
15 Art, and the State Museum of Natural History of the Department of Agriculture.

16 "**§ 129-19. Heritage Square Commission created; membership.** There is hereby created  
17 'The Heritage Square Commission', which shall consist of nine persons appointed by the  
18 Governor. At least two members shall be persons who have served in the General Assembly.  
19 All members shall be appointed on July 1, 1961, or as soon thereafter as is practicable. Of the  
20 initial appointments to the Commission, four shall be for the terms of four years and five shall  
21 be for terms of six years; thereafter all regular appointments shall be for terms of six years. The  
22 Governor shall appoint to fill for the unexpired term any vacancy occurring in the membership  
23 of the Commission. The Chairman of the Commission shall be designated by the Governor  
24 from among the Commission membership.

25 "**§ 129-20. General powers and duties of the Commission.** The Heritage Square  
26 Commission shall have the following powers and duties:

27 "(1) To select and acquire in the name of the State of suitable site for Heritage  
28 Square, after consultation with the agency responsible for the development  
29 of a long-range capital improvement program for State agencies in the City  
30 of Raleigh.

31 "(2) To prepare and adopt a general plan for the development of Heritage Square,  
32 including the location of the structures to be situated thereon.

33 "(3) To approve the plans for the buildings to be erected on Heritage Square.

34 "(4) To advise the Department of Administration with respect to the letting of  
35 contracts by that Department for the purchase of services, materials, utilities,  
36 and equipment required in connection with the design, construction, and  
37 equipping of the buildings to be erected on Heritage Square.

38 "(5) To call upon the Department of Administration, and to employ such  
39 architects and other persons as may be necessary, to advise and assist the  
40 Commission in the execution of its duties.

41 "(6) To accept upon such terms and conditions as the Commission deems proper  
42 and see to the proper application of gifts, grants, devises, and bequests of

1 money and property for the development of Heritage Square and its  
2 buildings.

3 "(7) To consult frequently with the administrative heads of the several State  
4 agencies for which buildings are ultimately to be erected on Heritage Square.

5 "(8) To submit a biennial report of its activities to the Governor and the General  
6 Assembly.

7 "**§ 129-21. Eminent domain.** Whenever the Heritage Square Commission finds it necessary to  
8 acquire land, rights of way, easements, or other interests in land in order to carry out the  
9 purposes of this Article, and the Commission is unable to purchase the same from the owners at  
10 an agreed price, or is unable to obtain a good and sufficient title thereto by purchase from the  
11 owners, then the Commission may exercise the right of eminent domain and acquire such lands,  
12 rights of way, easements, or other interests necessary for those purposes by condemnation in  
13 the manner prescribed in Article 9 of Chapter 136 of the General Statutes. The provisions of  
14 Article 9, Chapter 136, are hereby incorporated into this Article by reference with the following  
15 changes: the words 'Heritage Square Commission' are substituted for the words 'State Highway  
16 Commission' or 'Highway Commission' wherever they appear in that Article; the words  
17 'Chairman of the Heritage Square Commission' are substituted for the words 'Director of  
18 Highways, State Highway Commission' in G.S. 136-106(b) and 136-111; and title to all land,  
19 rights of way, easements, or other interests in land, taken under the provisions of this Article,  
20 shall vest in the State of North Carolina.

21 "**§ 129-22. Per diem and allowances.** The members of the Heritage Square Commission shall  
22 receive for their services the same per diem and allowances as are granted the members of State  
23 boards and commissions generally.

24 "**§ 129-23. Expenses.** All operating expenses of the Commission not provided for by  
25 legislative appropriation shall be paid from the Contingency and Emergency Fund, upon  
26 application in the manner prescribed in G.S. 143-12.

27 "**§ 129-24. Exemption.** The provisions of Article 1, Chapter 100, of the General Statutes shall  
28 not apply to plans prepared for Heritage Square or for the buildings to be erected thereon.

29 "**§ 129-25. Expiration.** The Heritage Square Commission shall expire upon certification by the  
30 Chairman of the Commission to the Governor that, in the opinion of the Commission, it has  
31 performed all the duties assigned to it by this Article."

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

33 **Sec. 3.** This Act shall take effect upon its ratification.

34 In the General Assembly read three times and ratified, this the 9th day of May,  
35 1961.