

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 55  
HOUSE BILL 59

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

3  
4 The General Assembly of North Carolina do enact:

5  
6 **Section 1.** G.S. 136-1 is hereby amended by rewriting said Section to read as  
7 follows:

8 **"Sec. 136-1. State Highway Commission created; chairman and members; compensation;**  
9 **entire State represented; formulation of general policies; rules and regulations.** There is  
10 hereby created a State Highway Commission, to be composed of a chairman and fourteen  
11 members appointed by the Governor. On July 1, 1965, the Governor shall appoint a chairman  
12 and fourteen members to serve four-year terms. One commissioner shall reside in each of the  
13 fourteen engineering divisions established by G.S. 136-14.1. The chairman or any member  
14 appointed pursuant to this Section may be removed from office by the Governor for cause. In  
15 case of death, resignation, or removal from office of the chairman or a member prior to the  
16 expiration of his term of office, his successor shall be appointed by the Governor to fill out the  
17 unexpired term.

18 "The chairman shall devote his entire time and attention to the work of the Commission,  
19 and shall be paid a salary fixed by the Governor, subject to the approval of the Advisory  
20 Budget Commission. The chairman shall be the chief executive officer of the Commission and  
21 the director of highways, and shall be vested with the authority of the Commission as may be  
22 delegated to him by the Commission when the Commission is not in session, and shall execute  
23 all orders, rules and regulations established by the Commission. The chairman, when the  
24 Commission is not in session, shall be the officer upon whom service of legal process for the  
25 State Highway Commission shall be made; additional process agents may be designated by the  
26 Commission.

27 "The members -of the Commission shall each receive, while engaged in the discharge of the  
28 duties of their office, such per diem, subsistence, and necessary travel expenses as are provided  
29 by law for members of State boards and commissions generally.

30 "It is the intent and purpose of this Section that the chairman and members of the  
31 Commission shall represent the entire State and not represent any particular area; provided,  
32 however, each commissioner shall be responsible for relations with the public generally and  
33 with individual citizens regarding highway matters in the division in which he resides.

34 In addition, the State Highway Commission shall, from time to time, provide that one or  
35 more of its members or representatives shall publicly hear any person or persons desiring to  
36 bring to their attention such highway matters as such person or persons may deem wise, in each  
37 of said geographic areas of the State.

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

1           **Sec. 2.** G.S. 136-2 is hereby amended by rewriting the first paragraph of said  
2 Section to read as follows:

3 "**Sec. 136-2. Headquarters; meetings; minutes.** The headquarters and main office of said  
4 Commission shall be located in Raleigh, and the Commission shall meet once in each sixty  
5 days at such regular meeting time as the Commission by rule may provide and at any place  
6 within the State as the Commission may provide, and may hold special meetings at any time or  
7 place within the State at the call of the chairman, or the Governor, or any three members of the  
8 Commission; provided, however, the Commission shall hold each year at least one meeting in a  
9 town or city East of Raleigh, one meeting in a town or city West of Raleigh but East of  
10 Hickory, and one meeting in a town or city West of Hickory, at which meetings the  
11 Commission shall, in addition to its other business, be available to the members of the public  
12 who wish to be heard regarding highway matters."

13           **Sec. 3.** G.S. 136-4 is hereby amended by rewriting said Section to read as follows:

14 "**Sec. 136-4. State Highway Administrator.** There shall be a State Highway Administrator,  
15 who shall be a career official and the administrative officer of the State Highway Commission.  
16 The State Highway Administrator shall be appointed by the chairman, subject to the approval  
17 of the State Highway Commission, and may be removed at any time by the chairman with the  
18 approval of the State Highway Commission. The State Highway Administrator shall be paid a  
19 salary fixed by the Governor subject to the approval of the Advisory Budget Commission.

20 "Except as hereinafter provided, the State Highway Administrator shall, in accordance with  
21 the State Personnel Act, and with the approval of the Chairman of the State Highway  
22 Commission, appoint all subordinate officers and employees of the State Highway  
23 Commission, and they shall perform duties and have responsibilities as the State Highway  
24 Administrator may assign them.

25 "The State Highway Administrator shall have such powers and perform such duties as the  
26 State Highway Commission shall prescribe."

27           **Sec. 4.** G.S. 136-4.1 is hereby amended by rewriting said Section to read as  
28 follows:

29 "**Sec. 136-4.1. Controller.** There shall be a Controller, who shall be a career official and the  
30 financial officer of the State Highway Commission. The Controller shall be appointed by the  
31 Chairman of the State Highway Commission, subject to the approval of the State Highway  
32 Commission, and may be removed at any time by the Chairman of the State Highway  
33 Commission with the approval of the State Highway Commission. The Controller shall be paid  
34 a salary fixed by the Governor, subject to the approval of the Advisory Budget Commission.

35 "The Controller shall, under the direction of the Chairman of the State Highway  
36 Commission, and in accordance with and subject to the requirements of the Executive Budget  
37 Act, develop formalized procedures, budgets, internal audits, systems, and reports covering all  
38 financial phases of highway activity.

39 "The Controller shall give a bond, to be fixed and approved by the Governor, conditioned  
40 upon the faithful discharge of the duties of his office, and upon proper accounting of all public  
41 funds coming into his possession or under his control. The premium on the bond shall be paid  
42 from the Highway Fund."

43           **Sec. 5.** G.S. 136-4.2, as it appears in the 1964 Replacement Volume 3B of the  
44 General Statutes, is hereby amended by striking out, in lines two, three, five and six of said  
45 Section the word "Director" and substituting in lieu thereof the words "State Highway  
46 Administrator".

47           **Sec. 6.** G.S. 136-4.3 is amended by rewriting said Section to read as follows:

48 "**Sec. 136-4.3. Secondary Roads Officer.** There shall be a Secondary Roads Officer, who  
49 shall be appointed by the Chairman of the State Highway Commission with the approval of the  
50 State Highway Commission, and he may be removed at any time by the Chairman of the State  
51 Highway Commission with the approval of the State Highway Commission. The Secondary

1 Roads Officer shall be paid a salary fixed by the Governor, subject to the approval of the  
2 Advisory Budget Commission.

3 The Secondary Roads Officer shall, in consultation with the commissioner assigned to the  
4 geographic area, prepare annual plans for each county providing for maintenance and  
5 construction of the secondary roads. In developing the plan, he shall follow the procedures set  
6 forth in G.S. 136-61."

7 **Sec. 7.** G.S. 136-13 is hereby amended by rewriting said Section to read as follows:

8 "**Sec. 136-13. Malfeasance of Commissioners, officers, contractors, suppliers and others.**

9 "(a) It shall be unlawful for any person, firm, or corporation to, directly or indirectly,  
10 corruptly give, offer, or promise anything of value to any member of the State Highway  
11 Commission, or any officer or employee of the State Highway Commission, or to promise any  
12 member of the State Highway Commission or any officer or employee of the State Highway  
13 Commission to give anything of value to any other person with intent:

- 14 (1) to influence any official act of any member of the State Highway  
15 Commission or any officer or employee of the State Highway Commission;  
16 or
- 17 (2) to influence such member of the State Highway Commission or any officer  
18 or employee of the State Highway Commission to commit or aid in  
19 committing, or collude in, or allow, any fraud, or to make opportunity for the  
20 commission of any fraud on the State Highway Commission or the State of  
21 North Carolina; or
- 22 (3) to induce a member of the State Highway Commission or any officer or  
23 employee of the State Highway Commission to do or omit to do any act in  
24 violation of his lawful duty.

25 "(b) It shall be unlawful for any member of the State Highway Commission, or any  
26 officer or employee of the State Highway Commission, directly or indirectly, to corruptly ask,  
27 demand, exact, solicit, accept, receive, or agree to receive anything of value for himself or any  
28 other person or entity in return for: (1) being influenced in his performance of any official act;  
29 or (2) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or  
30 to make opportunity for the commission of any fraud on the State Highway Commission of the  
31 State of North Carolina or (3) being induced to do or omit to do any act in violation of his  
32 official duty.

33 "(c) The violation of any of the provisions of this Section shall be cause for forfeiture of  
34 public office and shall be a felony punishable by a fine of not more than twenty thousand  
35 dollars (\$20,000.00), or three times the monetary equivalent of the thing of value, whichever is  
36 greater, or imprisonment of not more than ten years, or by both such fine and imprisonment."

37 **Sec. 8.** Chapter 136 of the General Statutes is hereby amended by adding a new  
38 Section following G.S. 136-13, to be designated as G.S. 136-13.1 and to read as follows:

39 "**Sec 136-13.1. Prohibiting Misuse of Public Office.** No member of the State Highway  
40 Commission, nor any official or employee of the State Highway Commission, shall be  
41 permitted to use his position to influence elections or the political action of any person."

42 **Sec. 9.** G.S. 136-14 is hereby amended by changing the period at the end of said  
43 Section to a comma, and adding the following:

44 "nor shall any member of the State Highway Commission, directly or indirectly, engage in  
45 any transaction involving the sale of or trading of real or personal property with the State  
46 Highway Commission, or profit in any manner by reason of his official action or his official  
47 position except to receive such salary, fees and allowances as by law provided Violation of this  
48 Section shall be a felony punishable by fine of not more than twenty thousand dollars  
49 (\$20,000.00), or three times the value of the transaction, or by both fine and imprisonment."

50 **Sec 10.** G.S. 136-14.1, as it appears in the 1964 Replacement Volume 3B of the  
51 General Statutes, is hereby amended, by striking out in line five the words "Director of

1 Highways" and in line seven the word "Director" and substituting in lieu thereof the words  
2 "State Highway Administrator".

3 **Sec. 11.** G.S. 136-29, as it appears in the 1964 Replacement Volume 3B of the  
4 General Statutes, is hereby amended by striking out the words "Director of the State Highway  
5 Commission" as they appear in whole or in part in lines five, six, nine, eleven, sixteen,  
6 seventeen, twenty-six and twenty-seven of said Section, and substituting in lieu thereof the  
7 words "State Highway Administrator", and by adding in line thirteen following the words "shall  
8 have" the phrase "with the approval of the State Highway Commission."

9 **Sec. 12.** G.S. 136-62, as it appears in the 1964 Replacement Volume 3B of the  
10 General Statutes, is hereby amended by striking in line three of said Section the words  
11 "Director of Highways" and substituting in lieu thereof the words "Chairman of the State  
12 Highway Commission".

13 **Sec. 13.** G.S. 136-63, as it appears in the 1964 Replacement Volume 3B of the  
14 General Statutes, is hereby amended by striking, in lines three and thirteen the words "Director  
15 of Highways" and substituting in lieu thereof the words "Chairman of the State Highway  
16 Commission" and by striking in lines five and eleven the word "Director" and substituting in  
17 lieu thereof the word "Chairman".

18 **Sec. 14.** G.S. 136-105, as it appears in the 1964 Replacement Volume 3B of the  
19 General Statutes, is hereby amended by striking from the title of said Section the words  
20 "Director of Highway Commission" and substituting in lieu thereof the words "State Highway  
21 Commission" and by striking at the end of said Section the words "Director of the Highway  
22 Commission" and substituting in lieu thereof the phrase "Chairman of the State Highway  
23 Commission, or such other process agents as may be designated by the Highway Commission".

24 **Sec. 15.** G.S. 136-106, as it appears in the 1964 Replacement Volume 3B of the  
25 General Statutes, is hereby amended by striking in lines twelve and thirteen of said Section the  
26 words "Director of Highways, State Highway Commission" and substituting in lieu thereof the  
27 phrase "Chairman of the State Highway Commission, or such other process agents as may be  
28 designated by the Highway Commission".

29 **Sec. 16.** G.S. 114-4.2, as it appears in the 1960 Replacement Volume 3A of the  
30 General Statutes, is hereby amended by striking in the title of said Section and in line four of  
31 the text of said Section the words "Director of Highways" and substituting in lieu thereof the  
32 words "Chairman of the State Highway Commission".

33 **Sec. 17.** All laws and clauses of laws in conflict with this Act are hereby repealed.

34 **Sec. 18.** This Act shall become effective July 1, 1965.

35 In the General Assembly read three times and ratified this the 9th day of March,  
36 1965.