

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 1042  
SENATE BILL 1567

AN ACT TO MAKE CONFORMING AMENDMENTS TO CERTAIN LOCAL ACTS  
TO REFLECT CHAPTER 509, SESSION LAWS OF 1987, AS RECOMMENDED  
BY THE LEGISLATIVE RESEARCH COMMISSION.

The General Assembly of North Carolina enacts:

—WAKE COUNTY BUREAU OF IDENTIFICATION

**Section 1.** Chapter 535, Public-Local Laws of 1937, as amended by Section 1 of Chapter 505, Session Laws of 1975, is further amended by deleting "District Attorney for the Tenth Judicial District", and substituting "District Attorney for the Tenth Prosecutorial District".

—DURHAM CITY INVESTIGATIONS

**Sec. 2.** Section 50 of Chapter 671, Session Laws of 1975, reads as rewritten:

"Sec. 50. Investigations of City Affairs.—(1) The governing boards of the City and the County of Durham are hereby authorized jointly to establish from time to time in their discretion a special jury commission for the purpose hereinafter set out. If such jury commission is established, it shall be composed of five (5) members of the City Council, to be appointed by the Mayor, and three (3) members of the Board of Commissioners of Durham County, to be appointed by the chairman of such Board, all of whom shall serve ex officio as members of the special jury commission without additional compensation. It shall be the duty of the special jury commission, if established, to select from among all the qualified persons eligible for jury duty in Durham County the names of eighteen (18) persons, who shall constitute a special grand jury for the purposes set out in this section.

(2) If the special grand jury authorized under Section 1 of this section is drawn, it shall choose from among its members a chairman, who shall have authority to administer oaths. It shall be the duty of the special grand jury to inquire into, examine and investigate the conduct and activities of the police department of the City and of the law enforcement officers of Durham County, with particular reference to any evidence of criminality among such law enforcement officers or any evidence of collusion with criminal elements or acquiescence in criminal conduct, and shall also investigate any evidence of organized crime or racketeering in the County and City and any evidence of a connection between such organized crime and any officials or employees of the County or City. The special grand jury shall have the same power and authority with respect to summoning and examining witnesses under oath, returning bills of indictment, and carrying on investigations to the same extent and in the same manner as the regular grand jury of the County, and bills of indictment returned by it to the

Superior Court of Durham County shall have the same force and effect as bills of indictment returned by the regular grand jury of the County. The special grand jury shall make such report and recommendations to the governing bodies of the City and County of Durham as to it the facts revealed by its inquiries and investigations seem to justify.

(3) The special jury commission authorized by this section shall have power and authority to employ some duly qualified attorney to act as special prosecutor in connection with the work of the special grand jury and to employ such clerical assistance and purchase such supplies as may be needed by the special grand jury and the special prosecutor. The special prosecutor shall bear the same relation to the special grand jury as the district solicitor bears to the regular County grand jury, and it shall be the duty of the special prosecutor to assist the district solicitor in the prosecution of any cases in the Superior Court upon bills of indictment returned by the special grand jury. All cost, expenses of the special grand jury and of the special prosecutor and of clerical assistance and supplies shall be borne one-half by the City and one-half by the County of Durham. The City Council and the Board of County Commissioners of Durham County are hereby expressly authorized to appropriate and expend from general or other funds of the City and County respectively, the amounts of money which may from time to time be necessary to carry out the provisions of this section.

(4) Upon the completion of its investigation and upon making its reports and recommendations to the governing bodies of the City and County of Durham, any such special grand jury shall make a final report to the Senior Resident Superior Court Judge ~~of the fourteenth judicial district~~ servng Durham County and shall thereupon be discharged."

#### —MECKLENBURG COUNTY FAIR HOUSING

**Sec. 3.** Section 1 of Chapter 292, Session Laws of 1981, reads as rewritten:

"Section 1. Equal Housing. A county board of commissioners may adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, or national origin in real estate transactions. These ordinances may regulate or prohibit any act, practice, activity or procedure related, directly or indirectly, to the sale or rental of public or private housing, which affects or may tend to affect the availability or desirability of housing on an equal basis to all persons; may provide that violations constitute a criminal offense; may subject the offender to civil penalties; and may provide that the county may enforce the ordinances by application to the district court for appropriate legal and equitable remedies, including mandatory and prohibitory injunctions and orders of abatement, attorney's fees and punitive damages. The District Court of the 26th ~~Judicial District~~ District Court District shall have jurisdiction to grant all remedies arising out of this act."

#### —CURRITUCK GAME COMMISSION

**Sec. 4.** Section 29(e3) of Chapter 1436, Session Laws of 1957, as added by Section 7 of Chapter 764, Session Laws of 1983, reads as rewritten:

"(e3) The responsible judicial official in the First ~~Judicial District~~ District Court District shall schedule the hearing upon an appeal as expeditiously as possible after the appeal is perfected, but it may not be scheduled until the fourth Wednesday in September or, if later, seven days after service of the notice of appeal upon the clerk to

the Game Commission and all other persons required to be served with notice of appeal under subsection (e1). If any aggrieved party fails to appear at any scheduled appeal proceeding, the party's appeal shall be dismissed."

—MINT HILL/MATTHEWS LEGAL ADVERTISING

**Sec. 5.** (a) G.S. 1-597, as locally modified for the Towns of Mint Hill and Matthews by Chapter 425, Session Laws of 1987, reads as rewritten:

**"§ 1-597. Regulations for newspaper publication of legal notices, advertisements, etc.** – Whenever a notice of any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper with a general circulation which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails as second-class matter in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that in the event the newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, is admitted to the United States mails as third class matter rather than second class matter, the newspaper shall qualify if it maintains a known office in the county or political subdivision where such publication, advertisement or notice is required to be published, is originated and published for the purpose of disseminating information of a public character, is not primarily designed for advertising purposes, does not contain more than seventy-five percent (75%) advertising in more than one-fourth of the issues published during the preceding six-month period. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or known office or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision shall be retroactive to May 1,

1940, and all publications, advertisements and notices published in accordance with this provision since May 1, 1940, are hereby validated.

Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper qualified for legal advertising in a county and there is no newspaper qualified for legal advertising as defined in this section in such county, then it shall be deemed sufficient compliance with such laws, order or judgment by publication of such notice or any other such paper, document or legal advertisement of any kind or description in a newspaper published in an adjoining county or in a county within the same ~~judicial district; district court district;~~ provided, if the clerk of the superior court finds as a fact that such newspaper otherwise meets the requirements of this section and has a general circulation in such county where no newspaper is published meeting the requirements of this section."

(b) This section applies only to the Towns of Mint Hill and Matthews.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of July, 1988.