

1 Article 2.

2 Tryon's Palace and Tryon's Palace Commission.

3 **§ 121-14. Acceptance and administration of gifts for restoration of Tryon's Palace;**
4 **execution of deeds, etc.**

5 The Department of Cultural Resources is hereby authorized and empowered to accept gifts
6 of real or personal property from any source for the restoration of Tryon's Palace at New Bern,
7 North Carolina, and administer the same. All gifts of moneys received by the Department of
8 Cultural Resources shall be deposited in a special account with the Treasurer of North Carolina.
9 The Department of Cultural Resources is hereby given authority to execute such deeds and
10 other instruments as may be necessary. (1945, c. 791, s. 1; 1955, c. 543, s. 8; 1973, c. 476, s.
11 48.)

12
13 **§ 121-15. Authority to acquire necessary property for restoration when certain funds**
14 **available.**

15 The Department of Cultural Resources is hereby authorized and directed to acquire the
16 necessary property in New Bern, North Carolina, for the restoration of Tryon's Palace, when as
17 much as two hundred fifty thousand dollars (\$250,000), or securities in said amount as
18 provided in G.S. 121-17, has been provided by private contributions for this purpose: Provided,
19 that the Department of Cultural Resources at such time shall find that there are reasonable
20 grounds to anticipate that from private donations there will thereafter be provided ample funds
21 to restore the Palace. (1945, c. 791, s. 2; 1949, c. 233, s. 1; 1955, c. 543, s. 8; 1973, c. 476, s.
22 48.)

23
24 **§ 121-16. Acquiring lands by purchase or condemnation.**

25 The Department of Cultural Resources, within the limits and amounts appropriated by the
26 General Assembly and any funds available from donations or otherwise, when the conditions
27 set forth in G.S. 121-15 of this Article have been met, is hereby granted the power and
28 authority to purchase sufficient lands for the restoration of the Palace, and the Department is
29 hereby authorized to accept title to lands in the name of the State of North Carolina.

30 The Department of Cultural Resources shall also have the authority to acquire, by
31 condemnation, under the provisions of Chapter 40A of the General Statutes of North Carolina,
32 including the provisions of the Public Works Eminent Domain Law, which is hereby made
33 applicable to such proceedings, any areas of land in New Bern, North Carolina, as it may find
34 necessary for the restoration of the Palace. (1945, c. 791, s. 3; 1949, c. 233, s. 2; 1955, c. 543, s.
35 8; 1973, c. 476, s. 48; 2001-487, s. 38(g).)

36
37 **§ 121-17. Funds deposited with trustee.**

38 The Governor as Director of the Budget shall have full authority and discretion to approve
39 the acceptance of donations of cash or securities irrevocably deposited with a trustee in lieu of
40 any requirement that funds provided by outside sources be turned over to the State, and funds
41 or securities placed in trust by private donors for such purpose shall be deemed to be funds
42 turned over to the State for acquisition and restoration of the Palace. (1945, c. 791, s. 4.)

43
44 **§ 121-18. Closing streets and including area in restoration project; acquiring area**
45 **originally included in Palace grounds.**

46 Whereas the said Tryon's Palace and grounds originally included all of that area in the City
47 of New Bern known and designated as George Street between Pollock and South Front Streets,
48 and the title thereto is in the State of North Carolina, subject to the easement for use of said
49 street, and the use of such portion of said George Street is essential for a proper restoration of
50 Tryon's Palace, when the governing body of the City of New Bern under its general authority
51 imposed by law shall close George Street between Pollock and South Front Streets, or such

1 portion thereof as may be found by the Commission herein authorized to be essential for the
2 purposes of such restoration, the area within such closed street shall be thereafter used
3 exclusively for the restoration of Tryon's Palace. Provided, that the Department of Cultural
4 Resources is authorized and empowered, in its discretion, to acquire for the use of said Tryon's
5 Palace such part of the area in the City of New Bern originally included in the Palace grounds
6 as may be deemed reasonably necessary for the restoration of said Palace. (1945, c. 791, s. 5;
7 1949, c. 233, s. 3; 1955, c. 543, s. 8; 1973, c. 476, s. 48.)

8
9 **§ 121-19. Repealed by Session Laws 1973, c. 476, s. 56.**

10
11 **§ 121-20. Commission to receive and expend funds donated or made available for**
12 **restoration of Tryon's Palace; Commission to acquire and sell artifacts for**
13 **Tryon's Palace.**

14 (a) In addition to exercising the powers and duties imposed upon the Tryon Palace
15 Commission by Chapter 791 of the Session Laws of 1945 and Chapter 233 of the Session Laws
16 of 1949, the Tryon Palace Commission is hereby fully authorized and empowered to receive
17 and expend and disburse, for the restoration of the said Tryon's Palace, all such funds and
18 property which were provided for said purpose by the last will and testament of Maude Moore
19 Latham, deceased, and the said Commission shall likewise have the power and authority to
20 receive and expend all such other funds as may be donated or made available for the purpose of
21 restoring the said Palace or for the purpose of furnishing and equipping same and the grounds
22 on which the same is located at New Bern, North Carolina.

23 The Tryon Palace Commission is hereby authorized, empowered and directed to designate
24 some person as financial officer and treasurer, to disburse the funds and property devised by
25 Maude Moore Latham to the said Tryon Palace Commission for the aforesaid purpose and all
26 such other funds as may be donated or made available to the said Commission for expenditure
27 for the aforesaid purposes. The said financial officer and treasurer shall be made the custodian
28 of all stocks, bonds and securities and funds hereinbefore referred to and shall be authorized
29 and empowered to sell, convert and transfer any stocks, bonds and securities held for such
30 purpose, subject to and with the advice and approval of a finance committee to be appointed by
31 the Tryon Palace Commission for such purpose. The sale and conversion and transfer of said
32 securities shall be made when necessary to provide funds required for the said restoration and
33 at such time as, in the opinion of the finance officer and treasurer, when approved by the
34 finance committee, will be to the interests and advantage of the Tryon Palace Commission and
35 the purposes for which said funds and securities were provided.

36 The finance officer and treasurer aforesaid shall be required to give such bond as, in the
37 opinion of the Tryon Palace Commission, is proper for the faithful performance as finance
38 officer and treasurer, and shall render to the Tryon Palace Finance Committee, with copies to
39 the Department of Cultural Resources and the State Treasurer, annual or ad interim detailed
40 reports of moneys and/or securities received, exchanged or converted into cash. Checks issued
41 against such funds shall be countersigned by the chairman of Tryon Palace Commission, or by
42 one duly authorized by the said Commission.

43 The finance officer and treasurer shall serve without compensation; however, any expenses
44 incurred for the faithful performance of said duties, including the cost of the bond, shall be
45 borne by the Tryon Palace Commission, from the proceeds of the funds thus handled.

46 The Tryon Palace Commission shall have the power and authority in its discretion to call
47 upon the Treasurer of the State of North Carolina to act as treasurer of the said funds and
48 properties and, if so designated, said treasurer shall exercise all the powers and duties herein
49 imposed upon the financial officer and treasurer hereinbefore referred to.

50 The Tryon Palace Commission is hereby authorized and empowered to expend the funds
51 hereinbefore referred to and it may disburse said funds through the Department of Cultural

1 Resources in the event it is found more practical to do so, and said Commission shall cooperate
2 with the Department of Cultural Resources of the State of North Carolina in the expenditure of
3 the funds for the restoration of said Tryon's Palace provided by two trust funds created by
4 Maude Moore Latham in her lifetime, which funds shall be expended in accordance with the
5 terms and provisions of said trusts for the purposes therein set out.

6 (b) The Tryon Palace Commission may solicit, accept, and hold artifacts and
7 furnishings, and may acquire them by purchase or gift for the interpretive needs and
8 development of Tryon Palace Historic Sites and Gardens. The Commission may dispose of by
9 trade, sale, or transfer, in accordance with accepted museum practices, any accessioned or
10 unaccessioned artifacts and furnishings in the custody of the Commission, or its appointed
11 officers, that are determined to have no further value for official or administrative purposes or
12 for research, reference, or interpretation. Any proceeds realized through the deaccession and
13 sale of artifacts and furnishings shall be placed in a collections fund administered by the Tryon
14 Palace Commission. Monies received by the Commission, after deduction of the expenses
15 attributable to that sale, shall be used for the acquisition of artifacts and furnishings necessary
16 or desirable for research, reference, and interpretation at Tryon Palace Historic Sites and
17 Gardens. (1953, c. 1100; 1973, c. 1262, s. 86; 1975, c. 387; 1993 (Reg. Sess., 1994), c. 769, s.
18 12.2.)
19

20 **§ 121-21. Commission authorized to adopt and copyright certain emblems and lease or**
21 **license the use of reproductions or replicas.**

22 The Tryon Palace Commission is hereby authorized to adopt an official flag, seal, and other
23 emblems appropriate in connection with the management and operation of the Tryon Palace
24 Restoration, and to copyright the same in the name of the State. The Commission, with the
25 approval of the Governor, is authorized to lease or license the use of reproductions or replicas
26 of such flag, seal, and other emblems upon such terms and conditions as it deems advisable.
27 (1957, c. 1449.)
28

29 **§ 121-21.1. Tryon Palace Historic Sites and Gardens Fund.**

30 (a) Fund. – The Tryon Palace Historic Sites and Gardens Fund is hereby created as a
31 special, interest-bearing, and nonreverting fund in the Division of Tryon Palace Historic Sites
32 and Gardens. The Fund shall be treated as a special trust fund and shall be credited with interest
33 by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The Fund shall be used for
34 repair, renovation, expansion, and maintenance at Tryon Palace Historic Sites and Gardens.

35 (b) Disposition of Fees. – All entrance fee receipts shall be credited to the Tryon Palace
36 Historic Sites and Gardens Fund.

37 (c) The Tryon Palace Commission shall submit to the Joint Legislative Commission on
38 Governmental Operations, the House and Senate Appropriations Subcommittees on General
39 Government, and the Fiscal Research Division by September 30 of each year a report on the
40 Tryon Palace Historic Sites and Gardens Fund that shall include the source and amounts of all
41 funds credited to the Fund and the purpose and amount of all expenditures from the Fund
42 during the prior fiscal year. (2005-276, s. 19A.1; 2006-180, s. 1.)