

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 471

Short Title: Tryon Palace Commission Modifications. (Public)

Sponsors: Representative Tyson.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State Government, if favorable, Rules, Calendar, and Operations of the House

April 1, 2021

A BILL TO BE ENTITLED

AN ACT MODIFYING THE LAWS RELATING TO THE POWERS, DUTIES, EMPLOYEES,
AND EXPENDITURES OF THE TRYON PALACE COMMISSION, AUTHORIZING
THE TRYON PALACE COMMISSION TO USE THIRD-PARTY ONLINE TICKET
SALE SERVICES, AND APPROPRIATING FUNDS TO PAY INITIAL THIRD-PARTY
CONTRACTOR FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 121-20 reads as rewritten:

"§ 121-20. **Commission to receive and expend funds donated or made available for restoration of Tryon's Palace; Commission to authorize third-party online ticket sale services; Commission to acquire and sell artifacts for Tryon's Palace.**

(a) In addition to exercising the powers and duties imposed upon the Tryon Palace Commission by Chapter 791 of the Session Laws of 1945 and Chapter 233 of the Session Laws of 1949, the Tryon Palace Commission is hereby fully authorized and empowered to receive and expend and disburse, for the restoration of ~~the said~~ Tryon's Palace, all ~~such~~ funds and property which were provided for ~~said~~ this purpose by the last will and testament of Maude Moore Latham, deceased, and the ~~said~~ Commission shall likewise have the power and authority to receive and expend all ~~such~~ other funds ~~funds~~, including, without limitation, funds in the Tryon Palace Historic Sites and Gardens Fund, as may be donated or made available for the purpose of ~~restoring the said Palace or for the purpose of furnishing and equipping same~~ restoring, furnishing, and equipping the Palace and the grounds on which the ~~same~~ Palace is located at New Bern, North Carolina.

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



1 The finance officer and treasurer aforesaid shall be required to give ~~such~~the bond as, in the
2 opinion of the Tryon Palace Commission, is proper for the faithful performance as finance officer
3 and treasurer, and shall render to the Tryon Palace Finance Committee, with copies to the
4 Department of Natural and Cultural Resources and the State Treasurer, annual or ad interim
5 detailed reports of moneys and/or securities received, exchanged or converted into cash. Checks
6 issued against ~~such~~the funds shall be countersigned by the ~~chairman~~chair of Tryon Palace
7 Commission, or by one duly authorized by the ~~said~~ Commission.

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

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

15 The Tryon Palace Commission is hereby authorized and empowered to expend the funds
16 hereinbefore referred to and it may disburse ~~said~~the funds through the Department of Natural
17 and Cultural Resources in the event it is found more practical to do so, and ~~said~~the Commission
18 shall cooperate with the Department of Natural and Cultural Resources of the State of North
19 Carolina in the expenditure of the funds for the restoration of ~~said~~ Tryon's Palace provided by
20 two trust funds created by Maude Moore Latham in her lifetime, which funds shall be expended
21 in accordance with the terms and provisions of ~~said~~the trusts for the purposes therein set out.

22 (a) The Commission may authorize the use of third-party online ticket sale services for
23 the purchase of admission, special events, or other ticket sales offered for access to the Tryon
24 Palace complex or Tryon Palace-sponsored events. Funds realized as a result of third-party
25 online ticket sale services shall be credited to the Tryon Palace Historic Sites and Gardens Fund.

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27 **SECTION 2.** G.S. 121-21.1 reads as rewritten:

28 "**§ 121-21.1. Tryon Palace Historic Sites and Gardens Fund.**

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

34 (b) Disposition of Fees. – All entrance fee ~~receipts~~and special event receipts and all
35 proceeds from the sale or other disposal of Tryon Palace complex real estate shall be credited to
36 the Tryon Palace Historic Sites and Gardens Fund.

37"

38 **SECTION 3.** G.S. 143B-71 reads as rewritten:

39 "**§ 143B-71. Tryon Palace Commission – creation, powers, and duties.**

40 (a) There is hereby created the Tryon Palace Commission of the Department of Natural
41 and Cultural Resources with the power and duty to adopt, amend, and rescind rules and
42 regulations concerning the ~~restoration~~restoration, supervision, management, and maintenance of
43 the Tryon Palace ~~complex,~~complex, its real estate and collections, and with other powers and
44 duties as provided in Chapter 791 of the Session Laws of 1945, Chapter 233 of the Session Laws
45 of 1949, Part 7 of Article 2 of Chapter 143B of the General Statutes, and Article 2 of Chapter
46 121 of the General Statutes, including the authority to charge reasonable admission and related
47 activity fees. The Commission is exempt from the requirements of Chapter 150B of the General
48 Statutes and G.S. 12-3.1 when adopting, amending, or repealing rules for operating hours and
49 admission fees or related activity fees at Tryon Palace Historic Sites and Gardens.

50 (b) The Commission shall have all of the powers necessary to execute the provisions of
51 this Part, which shall include at least the following powers:

1 (1) To make contracts, adopt and use a common seal, employ consulting
2 engineers, architects, attorneys, real estate counselors, appraisers, and other
3 consultants and employees as may be required in the judgment of the
4 Commission, and fix and pay their compensation from funds available to the
5 Commission.

6 (2) To adopt, alter, or repeal its own bylaws or rules implementing the provisions
7 of this Chapter.

8 (3) To receive and use appropriations from the State, including an appropriation
9 from the proceeds of State general obligation bonds or notes.

10 (c) In executing the powers provided in subsection (b) of this section, the Commission
11 through its chair or other designee shall communicate policy to the executive director or the
12 executive director's designee, who shall have the duty and authority to execute the policy of the
13 Commission. No member of the Commission shall have the responsibility or authority to give
14 operational directives to any employee of the Department of Natural and Cultural Resources
15 except in accordance with this subsection."

16 **SECTION 4.** Chapter 143B of the General Statutes is amended by adding a new
17 section to read:

18 **§ 143B-72.1. Tryon Palace Commission – employees; duties.**

19 The Department of Natural and Cultural Resources is authorized to hire laborers, artisans,
20 caretakers, stenographic and administrative employees, and other personnel, in accordance with
21 the provisions of the North Carolina Human Resources Act, as may be necessary or directed by
22 the Commission in carrying out the purposes and provisions of this Article. The Department of
23 Natural and Cultural Resources shall maintain the Tryon Palace complex in a clean, neat, and
24 attractive condition satisfactory for exhibition to the public. The Executive Director of the Tryon
25 Palace Historic Sites and Gardens shall be selected by the Secretary of the Department of Natural
26 and Cultural Resources from one or more candidates recruited and approved by the
27 Commission."

28 **SECTION 5.** There is appropriated from the General Fund to the Department of
29 Natural and Cultural Resources the sum of one hundred thousand dollars (\$100,000) to be
30 allocated to the Tryon Palace Commission to pay initial third-party ticket contractor fees and to
31 promote the use of online ticket sales for access to the Tryon Palace complex or Tryon Palace–
32 sponsored events.

33 **SECTION 6.** This act becomes effective July 1, 2021.