

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 731
HOUSE BILL 408

1 AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE NORTH CAROLINA
2 MUSEUM OF ART.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** The title of Chapter 140 of the General Statutes is hereby rewritten to
7 read as follows:

8 "Museum of Art and Symphony Society."

9 **Sec. 2.** Articles 1 and 1A of Chapter 140 of the General Statutes are hereby
10 repealed and the following Article is inserted in lieu thereof:

11 "Article 1.

12 "North Carolina Museum of Art.

13 **"G.S. 140-1. The North Carolina Museum of Art.** The North Carolina Museum of Art is an
14 agency of the State of North Carolina. The functions of the North Carolina Museum of Art
15 shall be to acquire, preserve, and exhibit works of art for the education and enjoyment of the
16 people of the State, and to conduct programs of education, research, and publication designed
17 to encourage an interest in and an appreciation of art on the part of the people of the State.

18 **"G.S. 140-2. Board of Trustees of the North Carolina Museum of Art.** (a) The Board of
19 Trustees of the North Carolina Museum of Art shall consist of the Governor, the
20 Superintendent of Public Instruction or a person designated by him, four members elected by
21 the Board of Directors of the North Carolina State Art Society, Incorporated, and eight
22 members appointed by the Governor. All fourteen members shall be entitled to vote. Of the
23 initial appointments to the Board of Trustees, four shall be for terms of three years and four
24 shall be for terms of six years. Of the initial elections to the Board of Trustees by the Board of
25 Directors of the North Carolina State Art Society, Incorporated, two shall be for terms of three
26 years and two shall be for terms of six years. Thereafter, all regular appointments or elections
27 shall be for terms of six years. All members shall serve until their successors are appointed or
28 elected and qualified. All initial terms shall begin July 1, 1961. The Governor shall appoint to
29 fill for the unexpired term any vacancy occurring in the appointive membership of the Board of
30 Trustees. The Board of Directors of the North Carolina State Art Society, Incorporated, shall
31 elect to fill for the unexpired term any vacancy occurring in the positions filled by that Board.
32 A member of the Board of Trustees shall not be deemed to be a public officer, or to be holding
33 office within the meaning of Article XIV, Section 7, of the Constitution of North Carolina, but
34 a member shall be deemed a commissioner for a special purpose.

35 "(b) The Chairman of the Board of Trustees shall be designated annually by the
36 Governor from among the appointive members of the Board. The Director of the North
37 Carolina Museum of Art shall be secretary to the Board. The Board may elect from its
38 membership such other officers as it may deem necessary.

39 "(c) The Board of Trustees shall meet at least quarterly at such times and places as the
40 Board may determine. Special meetings of the Board of Trustees may be called by the Director
41 of the North Carolina Museum of Art upon order of the chairman or upon request of four or
42 more members of the Board.

1 "(d) The Board of Trustees shall be the governing body of the North Carolina Museum
2 of Art, and shall have the following powers and duties:

3 "(1) To adopt bylaws for its own government.

4 "(2) To adopt policies, rules, and regulations for the conduct of the North
5 Carolina Museum of Art.

6 "(3) To elect the Director of the North Carolina Museum of Art and to prescribe
7 his powers and duties, consistent with the provisions of this Article.

8 "(4) To establish such advisory boards and committees as the Board of Trustees
9 may deem advisable.

10 "(5) On behalf and in the name of the North Carolina Museum of Art, to inspect,
11 appraise, obtain attributions and evaluations of, purchase, acquire, exchange,
12 transport, exhibit, lend, store, and receive upon consignment or as loans,
13 statuary, paintings, and other works of art of any and every kind and
14 description which are worthy of acquisition, preservation and exhibition.

15 "(6) To be responsible for the care, custody, storage, and preservation of all
16 works of art acquired by the North Carolina Museum of Art, or received by
17 it upon consignment or loan.

18 "(7) On behalf and in the name of the North Carolina Museum of Art, to acquire
19 by gift or will, absolutely or in trust, from individuals, corporations, the
20 Federal Government, or from any other source, money or other property
21 which may be retained, sold, or otherwise used to promote the purposes of
22 the North Carolina Museum of Art. The net proceeds of the sale of all
23 property acquired under the provisions of this paragraph shall be deposited
24 in the State treasury to the credit of 'The North Carolina Museum of Art
25 Special Fund'.

26 "(8) To exchange works of art owned by the North Carolina Museum of Art for
27 other works of art which, in the opinion of the Board of Trustees, would
28 improve the quality, value, or representative character of the art collection of
29 the Museum.

30 "(9) To sell any work of art owned by the North Carolina Museum of Art if the
31 Board of Trustees finds that it is in the best interest of the Museum to do so,
32 unless such sale would be contrary to the terms of acquisition. The net
33 proceeds of each such sale, after deduction of the expenses attributable to
34 that sale, shall be deposited in the State treasury to the credit of 'The North
35 Carolina Museum of Art Special Fund', and shall be used only for the
36 purchase of other works of art. No work of art owned by the North Carolina
37 Museum of Art may be pledged or mortgaged.

38 "(10) To make a biennial report to the Governor and the General Assembly on the
39 activities of the Board of Trustees and of the North Carolina Museum of Art.

40 **"G.S. 140-3. Director of the North Carolina Museum of Art.** (a) The Board of Trustees of
41 the North Carolina Museum of Art shall elect the Director of the North Carolina Museum of
42 Art, who shall serve at the pleasure of the Board.

43 "(b) The salary of the Director shall be fixed by the Governor on recommendation of the
44 Board of Trustees, and shall be approved by the Advisory Budget Commission.

45 "(c) The Director shall have the following powers and duties:

46 "(1) Under the supervision of the Board of Trustees, to direct and administer the
47 North Carolina Museum of Art in accordance with the policies, rules, and
48 regulations adopted by the Board of Trustees.

49 "(2) To employ such persons as may be necessary to perform the functions of the
50 Museum, subject to the provisions of Chapter 143, Article 2, of the General
51 Statutes.

1 "(3) To serve as secretary to the Board of Trustees.

2 "(4) To serve as director of collections of the Museum.

3 **"G.S. 140-5. Special Fund.** All gifts of money to the North Carolina Museum of Art shall be
4 paid into the State treasury and maintained as a fund to be designated 'The North Carolina
5 Museum of Art Special Fund'.

6 **"G.S. 140-5.1. Exemption from taxation.** All gifts made to the North Carolina Museum of
7 Art shall be exempt from every form of taxation including, but not by way of limitation, ad
8 valorem, intangible, gift, inheritance, and income taxation.

9 **"G.S. 140-5.2. Transfer.** All right, title, and interest of the North Carolina State Art Society,
10 Incorporated, in and to the works of art, library, equipment, records relating to the assets of the
11 Museum, unexpended appropriations, executory contracts, and all other properties housed in or
12 appurtenant to the North Carolina Museum of Art, including the funds constituting the 'State
13 Art Society Special Fund', are hereby transferred to and vested in the North Carolina Museum
14 of Art, effective July 1, 1961, to be held by the Museum for the use and benefit of the people of
15 the State upon such terms, restrictions, and trusts as those respective properties are now held by
16 the North Carolina State Art Society, Incorporated. The Board of Directors of the North
17 Carolina State Art Society, Incorporated, shall, prior to July 1, 1961, by resolution direct the
18 appropriate officers of the Board of Directors to execute a proper instrument confirming in the
19 North Carolina Museum of Art all right, title, and interest of the North Carolina State Art
20 Society, Incorporated, in and to the works of art, library, equipment, records relating to the
21 assets of the Museum, unexpended appropriations, executory contracts, and all other properties
22 housed in or appurtenant to the North Carolina Museum of Art, including the funds constituting
23 the 'State Art Society Special Fund.'

24 "In case of uncertainty as to whether any particular item or class of property is included
25 within the provisions of this Section, the matter shall be determined by the Governor."

26 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

27 **Sec. 4.** This Act shall take effect July 1, 1961.

28 In the General Assembly read three times and ratified, this the 13th day of June,

29 1961.