

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 1082

Short Title: Establish NC Portrait Gallery. (Public)

Sponsors: Senators Reeves; Horton, Rand, and Wellons.

Referred to: Appropriations/Base Budget.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NORTH CAROLINA PORTRAIT GALLERY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 121 of the General Statutes is amended by adding a new Article to read:

"Article 1A.

"North Carolina Portrait Gallery Commission.

"§ 121-12.5. Commission established; purpose; members; terms of office; quorum; compensation; termination.

(a) Establishment. – There is established the North Carolina Portrait Gallery Commission. The Commission shall be located within the Department of Cultural Resources for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Commission is to establish the North Carolina Portrait Gallery, a free public museum for the exhibition and study of portraiture and statuary depicting men and women who have made significant contributions to the history, development, and culture of the people of the State of North Carolina and of the artists who created these portraiture and statuary. For purposes of this Article, "portraiture" means painted or sculptured likenesses.

(c) Membership. – The Commission shall consist of nine members, as follows:

(1) Two persons appointed by the Governor.

(2) Two persons appointed by the President Pro Tempore of the Senate.

(3) Two persons appointed by the Speaker of the House of Representatives.

(4) The Secretary of Cultural Resources, ex officio.

(5) Director of the North Carolina Museum of Art, ex officio.

(6) The Chief Justice, ex officio.

The members appointed to the Commission by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall be chosen

1 from among individuals who have education or experience in the fields of archives
2 preservation, North Carolina history, historical administration, or museum
3 administration.

4 (d) Terms. – Members shall serve staggered terms of four years. In order to
5 achieve staggered terms, the Speaker of the House of Representatives shall initially
6 appoint members for terms of two years and the President Pro Tempore of the Senate
7 shall initially appoint members for terms of three years. At the end of the respective
8 terms of office of the initial members, their successors shall be appointed for terms of
9 four years and until their successors are appointed and qualify.

10 (e) Chair. – The chair shall be elected biennially from the membership of the
11 Commission from among its members.

12 (f) Vacancies. – Vacancies in appointments made by the General Assembly shall
13 be filled in accordance with G.S. 120-122. All other vacancies shall be filled in the same
14 manner in which the original appointment was made, and the term shall be for the
15 balance of the unexpired term.

16 (g) Compensation. – The Commission members shall receive no salary as a result
17 of serving on the Commission but shall receive per diem, subsistence, and travel
18 expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as
19 applicable.

20 (h) Removal. – Members may be removed in accordance with G.S. 143B-13.

21 (i) Meetings. – The Commission shall meet at least once each quarter. The
22 Commission may hold special meetings at any time and place within the State at the call
23 of the Chair.

24 (j) Quorum. – A majority of the members of the Commission shall constitute a
25 quorum for the transaction of business. The affirmative vote of a majority of the
26 members present at meetings of the Commission shall be necessary for action to be
27 taken by the Commission.

28 (k) Staff. – The Department of Cultural Resources shall provide staff for the
29 Commission.

30 **"§ 121-12.6. Powers and duties.**

31 The Commission shall have the functions and duties to:

- 32 (1) Conduct an inventory of current portraiture and statuary in the
33 possession of the State together with their history and value.
- 34 (2) After consultation with the Historical Commission, purchase, accept,
35 borrow, or otherwise acquire portraiture, statuary, and other items for
36 preservation, exhibition, or study.
- 37 (3) Display, loan, or otherwise hold any item in the Portrait Gallery.
- 38 (4) Encourage gifts, funds, portraiture, statuary, and other items that
39 would enhance the value and significance of the Portrait Gallery to the
40 people of the State of North Carolina.
- 41 (5) Preserve or restore any item acquired pursuant to this Article.
- 42 (6) After consultation and approval of the State agency, if any, from
43 whom the work of art was acquired, to sell, exchange, or otherwise
44 dispose of any property held by the Portrait Gallery and to invest in,

1 reinvest in, or purchase any property for the benefit of the Portrait
2 Gallery. The net proceeds from property that was acquired by the State
3 by gift or devise and later sold shall be deposited in the State treasury
4 to the credit of the Portrait Gallery Special Fund and shall be used only
5 for the purchase and preservation of property for use in the Portrait
6 Gallery. The net proceeds of property that was acquired by the State by
7 purchase with appropriated funds and later sold shall be deposited in
8 the General Fund.

9 (7) After consultation with the Historical Commission, determine a
10 suitable location within the Museum of History to display the
11 portraiture and statuary.

12 (8) Coordinate the objectives of the Portrait Gallery with other policies,
13 objectives, and programs of the Department of Cultural Resources and
14 the Historical Commission, including the temporary loan of the
15 collection or parts of the collection to suitable museums or other
16 secure locations.

17 (9) Maintain and preserve a permanent portrait collection. No likeness of
18 any person who has been dead less than 10 years shall be exhibited in
19 the permanent collection unless the person is the Governor of North
20 Carolina or the Governor's spouse.

21 (10) Display temporary exhibits dealing with specific fields of interest to
22 the people of North Carolina.

23 (11) Provide a research center of archival material necessary for
24 iconographical, biographical, and historical study.

25 (12) Recommend to the Secretary of Cultural Resources a list of no fewer
26 than two nominees to serve as Director of the North Carolina Portrait
27 Gallery.

28 (13) Adopt rules for the operation of the Portrait Gallery."

29 **SECTION 2.** G.S. 100-8 reads as rewritten:

30 **"§ 100-8. Memorials to persons within 25 years of death; exception; acceptance of**
31 **commemorative funds for useful work.**

32 No monument, statue, tablet, painting, or other article or structure of a permanent
33 nature intended primarily to commemorate any person or persons shall be purchased
34 from State funds or shall be placed in or upon or allowed to extend over State property
35 within 25 years after the death of the person or persons so ~~commemorated~~: ~~Provided,~~
36 ~~nevertheless, that nothing~~ commemorated. Nothing in this Article shall be interpreted as
37 prohibiting the acceptance of funds by State agencies or institutions from individuals or
38 societies who wish to commemorate some person or persons by providing funds for
39 educational, health, charitable, or other useful work. The agency or institution to which
40 ~~such~~ these funds are offered for memorial enterprises shall exercise its discretion as to
41 the acceptance and expenditure of ~~such~~ these funds. Nothing in this Article shall be
42 interpreted as prohibiting the erection on the lands of the Cliffs of the Neuse State Park
43 an appropriate tablet or plaque honoring the life and memory of the late Lionel Weil of
44 Wayne County. Nothing in this Article shall be interpreted as prohibiting the erection on

1 the lands of the Morrow Mountain State Park an appropriate tablet or plaque honoring
2 the life and memory of the late James McKnight Morrow of Stanly County. Nothing in
3 this Article shall be interpreted as prohibiting the erection on the lands of the Cliffs of
4 the Neuse State Park an appropriate tablet or plaque, of such size and containing such
5 language, as may be agreed upon by the donors and Director of State Parks, honoring
6 the Whitfield heirs for their contributions to the establishment of the said park. Nothing
7 in this Article shall prohibit the exhibition of portraiture or statuary of any persons
8 within 10 years after the death of the persons in the permanent collection of the North
9 Carolina Portrait Gallery."

10 **SECTION 3.** This act is effective when it becomes law.