

Article 19.

Roanoke Island Historical Association.

§ 143-199. Association under patronage and control of State.

Roanoke Island Historical Association, Incorporated is hereby permanently placed under the patronage and control of the State. (1945, c. 953, s. 1.)

§ 143-200. Members of board of directors; terms; appointment.

The governing body of the Association shall be a board of directors consisting of 25 voting members appointed as follows:

- (1) The following officials, or their designees, shall serve ex officio:
 - a. The Superintendent of Public Instruction.
 - b. The Chair of the Dare County Board of Commissioners.
 - c. The Secretary of Natural and Cultural Resources.
- (2) Four persons shall be appointed as follows:
 - a. Two by the Governor, initially, one for a one-year term and one for a three-year term. Successors shall be appointed for a term of three years and until their successors are appointed.
 - b. One by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the President Pro Tempore of the Senate, for a three-year term. Successors shall also be appointed for a term of three years and until their successors are appointed.
 - c. One by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the Speaker of the House of Representatives, initially for a one-year term. Successors shall be appointed for a term of three years and until their successors are appointed.
- (3) The remaining 18 members of the board of directors shall be made by the membership of the Association in the regular annual meeting or special meeting called for such purpose. In the event the Association through its membership should fail to make such appointments, then the appointments shall be made by the Governor of the State. If a vacancy occurs between annual meetings, the board of directors may fill the vacancy until the next annual meeting. All vacancies occurring on the board of directors not filled by the board of directors within 30 days of the vacancy shall be filled by the Governor. Members appointed under this subdivision shall serve for a term of three years and until their successors are appointed. (1945, c. 953, s. 2; 1973, c. 476, s. 48; 1996, 2nd Ex. Sess., c. 18, s. 11.1(a); 1999-32, s. 1; 1999-431, s. 3.1; 2015-241, s. 14.30(t); 2017-57, s. 14.8(a).)

§ 143-201. Bylaws; officers of board.

The board of directors when organized under the terms of this Article shall have authority to adopt bylaws for the organization and the bylaws shall thereafter be subject to change only by three-fifths vote of a quorum of the board of directors. The board of directors shall choose from its membership or from the membership of the Association a chairman, a vice-chairman, a secretary and a treasurer, which offices in the discretion of the board may be combined in one, and also a historian and a general counsel. The board also in its discretion may choose one or more honorary vice-chairmen. In addition to their other lawful duties, the duly elected officers of the Association

shall also serve as an advisory committee to the Secretary of Natural and Cultural Resources concerning matters relating to "The Lost Colony" historical drama, the Roanoke Island Festival Park, and the Elizabeth II State Historic Site and Visitor Center. (1945, c. 953, s. 3; 1973, c. 476, s. 87; 2015-241, s. 14.30(t); 2017-57, s. 14.8(a).)

§ 143-202. Exempt from taxation; gifts and donations.

The Association is and shall be an educational and charitable association within the meaning of the laws of the State of North Carolina, and the property and income of such Association, real and personal, shall be exempt from all taxation. The Association is authorized and empowered to receive gifts and donations and administer the same for the charitable and educational purposes for which the Association is formed and in keeping with the will of the donors, and such gifts and donations to the extent permitted by law shall be exempted from the purpose of income taxes and gift taxes. (1945, c. 953, s. 4; 2017-57, s. 14.8(a).)

§ 143-202.1. Memorandum of Agreement for operation of Roanoke Festival Park and Elizabeth II State Historic Site and Visitor Center.

The Department of Natural and Cultural Resources shall negotiate a Memorandum of Agreement (MOA) with the Association for the management and operation of Roanoke Island Festival Park, including the Elizabeth II State Historic Site and Visitor Center. The MOA shall include, at a minimum, the following:

- (1) The establishment and collection of any admission charges or user fees for properties and events operated at Roanoke Island Festival Park by the Association. Nothing in this subdivision is intended to require the charging of admission to any property or event.
- (2) The adoption and enforcement of bylaws, rules, and guidelines needed for the Association to carry out the duties imposed by the MOA.
- (3) Provisions for the transfer of that portion of revenues collected from operations of the Roanoke Island Festival Park and associated facilities and enterprises from the Association to the Historic Roanoke Island Fund as the MOA may specify.
- (4) The delegation of any powers and the transfer of any assets, liabilities, contracts, or agreements from the Department to the Association necessary to carry out the duties imposed by the MOA. Any delegation or transfer shall be made in accordance with applicable law. (2017-57, s. 14.8(a).)

§ 143-202.2. Friends of Elizabeth II support for Roanoke Island Festival Park.

The Department of Natural and Cultural Resources as successor in interest to the Roanoke Island Commission shall request financial support from the Friends of Elizabeth II, Inc., in the amount of three hundred twenty-five thousand dollars (\$325,000) or a sum equal to the average of the last three consecutive years of the Friends' investment earnings, whichever is greater, for each fiscal year. These funds shall be deposited by the Department to a separate fund within the Historic Roanoke Island Fund and used only for the following purposes:

- (1) To operate Roanoke Island Festival Park, including the Elizabeth II State Historic Site and Visitor Center and the Elizabeth II as permanent memorials commemorating the Roanoke Voyages, 1584-1587.

- (2) By cooperative arrangement with other agencies, groups, individuals, and other entities, including the Association, to coordinate and schedule historical and cultural events on Roanoke Island. (2017-57, s. 14.8(b).)

§ 143-202.3. Historic Roanoke Island Fund.

(a) The Historic Roanoke Island Fund is established as a nonreverting enterprise fund and shall be administered by the Department of Natural and Cultural Resources. The fund shall be used only for the following purposes in addition to those set forth in G.S. 143-202.2:

- (1) The expenses of operating and maintaining the properties managed by the Roanoke Island Historical Association pursuant to G.S. 143-202.1, including the salaries and benefits of Roanoke Island Festival Park for staff.
- (2) Capital expenditures for the properties operated by the Association pursuant to G.S. 143-202.1.
- (3) The restoration, preservation, and enhancement of the appearance, maintenance, and aesthetic quality of U.S. Highway 64/264 and the U.S. 64/264 Bypass travel corridor on Roanoke Island and the grounds on Roanoke Island Festival Park. However, the local government with jurisdiction over the affected portion of the travel corridor shall process the applications for and issue the certificates of appropriateness and shall be responsible for the enforcement of those certificates and any ordinances or rules adopted by the local government regarding that portion of the travel corridor within the local government's jurisdiction, and no reimbursement shall be made from the Fund to any local government for the processing of applications or issuance of certificates of appropriateness or the enforcement of those certificates, local ordinances, or rules.
- (4) To identify, preserve, and protect properties located on Roanoke Island having historical significance to the State of North Carolina, Dare County, or the Town of Manteo consistent with applicable State laws and rules.

(b) The Department of Natural and Cultural Resources shall transfer to the Fund on a monthly basis a pro rata share of the utilities, maintenance, and operating expenses of the Outer Banks History Center, which is located in the Roanoke Island Festival Park. The funds received pursuant to this subsection shall be credited to the Historic Roanoke Island Fund.

(c) The Department of Natural and Cultural Resources shall credit to the Historic Roanoke Island Fund all rental proceeds received by the Department from the rental properties located near the Outer Banks Island Farm. (2011-145, s. 21.2(j); 2014-100, s. 19.8(a); 2015-241, s. 14.30(s); 2017-57, s. 14.8(c).)

§ 143-202.4. Roanoke Island Festival Park staff.

The Association shall serve as a search committee to seek out, interview, and recommend to the Secretary of Natural and Cultural Resources an Executive Director of Roanoke Island Festival Park. All Festival Park staff shall be considered employees of the Department of Natural and Cultural Resources and shall be paid from the Historic Roanoke Island Fund as provided in G.S. 143-202.3. Except as otherwise provided in this section, or G.S. 126-5, these employees shall retain the same designations under the North Carolina Human Resources Act, Chapter 126 of the General Statutes, as they had prior to the transfer. (1995, c. 507, s. 12.6(c); 2013-382, s. 9.1(c); 2014-100, s. 19.8(a); 2015-241, ss. 14.30(s), (x); 2017-57, s. 14.8(c).)

§ 143-203. Repealed by Session Laws 1983, c. 913, s. 39, effective July 22, 1983.

§ 143-204. Repealed by Session Laws 1977, c. 996, s. 3.