

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 22  
Commerce Committee Substitute Adopted 4/21/15  
Third Edition Engrossed 4/22/15

Short Title: Historic Artifact Mgt. and Patriotism Act.

(Public)

Sponsors:

Referred to:

February 4, 2015

A BILL TO BE ENTITLED

AN ACT TO ENSURE RESPECTFUL TREATMENT OF THE AMERICAN FLAG AND THE NORTH CAROLINA FLAG BY STATE AGENCIES AND OTHER POLITICAL SUBDIVISIONS OF THE STATE; TO ESTABLISH THE DIVISION OF VETERANS AFFAIRS AS THE CLEARINGHOUSE FOR THE DISPOSAL OF WORN, TATTERED, AND DAMAGED FLAGS; TO PROVIDE FOR THE PROTECTION OF MONUMENTS AND MEMORIALS COMMEMORATING EVENTS, PERSONS, AND MILITARY SERVICE IN NORTH CAROLINA HISTORY; AND TO TRANSFER CUSTODY OF CERTAIN HISTORIC DOCUMENTS IN THE POSSESSION OF THE OFFICE OF THE SECRETARY OF STATE TO THE DEPARTMENT OF CULTURAL RESOURCES AND TO FACILITATE PUBLIC OPPORTUNITY TO VIEW THESE DOCUMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as the Cultural History Artifact Management and Patriotism Act of 2015.

**SECTION 2.(a)** G.S. 144-5 reads as rewritten:

"§ 144-5. Flags to conform to law-law; display and handling of a flag of the United States of America or the State of North Carolina by State institutions and other political subdivisions of the State.

(a) No State flag shall be is allowed in or over any building here mentioned unless such the flag conforms to the description of the State flag contained in this chapter. Chapter.

(b) A flag of the United States of America or the State of North Carolina that is displayed by a State institution or a political subdivision of the State on the premises of a building of a State institution or a political subdivision of the State shall be handled, displayed, stored, and respectfully disposed of in accordance with the federal Flag Code, 4 U.S.C. §§ 1-10."

**SECTION 2.(b)** G.S. 144-9 reads as rewritten:

"§ 144-9. Retirement of State flag-a flag of the United States of America or the State of North Carolina.

(a) A State institution or a political subdivision of the State in possession of a flag of the United States of America or the State of North Carolina that is no longer a fitting emblem for display because it is worn, tattered, or otherwise damaged shall make arrangements for its respectful disposal and may deliver the flag to the Division of Veterans Affairs in the Department of Administration for disposal. The Division shall accept a flag delivered to it and shall make arrangements for its respectful disposal.





1 in this section, the term "object of remembrance" means a monument, memorial, plaque, statue,  
 2 marker, or display of a permanent character that commemorates an event, a person, or military  
 3 service that is part of North Carolina's history. The circumstances under which an object of  
 4 remembrance may be relocated are either of the following:

5 (1) When appropriate measures are required by the State or a political  
 6 subdivision of the State to preserve the object.

7 (2) When necessary for construction, renovation, or reconfiguration of  
 8 buildings, open spaces, parking, or transportation projects.

9 (c) Exceptions. – This section does not apply to the following:

10 (1) Highway markers set up by the Board of Transportation in cooperation with  
 11 the Department of Environment and Natural Resources and the Department  
 12 of Cultural Resources as provided by Chapter 197 of the Public Laws of  
 13 1935.

14 (2) An object of remembrance owned by a private party that is located on public  
 15 property and that is the subject of a legal agreement between the private  
 16 party and the State or a political subdivision of the State governing the  
 17 removal or relocation of the object.

18 (3) An object of remembrance for which a building inspector or similar official  
 19 has determined poses a threat to public safety because of an unsafe or  
 20 dangerous condition."

21 SECTION 3.(d) G.S. 160A-400.13 reads as rewritten:

22 "**§ 160A-400.13. ~~Certain changes not prohibited.~~Protection of certain landmarks;**  
 23 **permissible changes.**

24 (a) Objects of Remembrance. – G.S. 100-2.1 supersedes this Part with regard to the  
 25 removal or relocation of a historic landmark designated under this Part that meets the definition  
 26 of an "object of remembrance" as defined in G.S. 100-2.1.

27 (b) Other Historic Landmarks. – Nothing in this Part shall be construed to prevent the  
 28 ordinary maintenance or repair of any exterior architectural feature in a historic district or of a  
 29 landmark which does not involve a change in design, material or appearance thereof, nor to  
 30 prevent the construction, reconstruction, alteration, restoration, moving or demolition of any  
 31 such feature which the building inspector or similar official shall certify is required by the  
 32 public safety because of an unsafe or dangerous condition. Nothing in this Part shall be  
 33 construed to prevent a property owner from making any use of his property that is not  
 34 prohibited by other law. Nothing in this Part shall be construed to prevent a) the maintenance,  
 35 or b) in the event of an emergency the immediate restoration, of any existing above-ground  
 36 utility structure without approval by the preservation commission."

37 SECTION 3.(e) This section is effective when it becomes law.

38 SECTION 4.(a) G.S. 147-36 reads as rewritten:

39 "**§ 147-36. Duties of Secretary of State.**

40 It is the duty of the Secretary of State:

41 (1) To perform such duties as may then be devolved upon the Secretary by  
 42 resolution of the two houses of the General Assembly or either of  
 43 ~~them;~~them.

44 (2) To attend the Governor, whenever required by the Governor, for the purpose  
 45 of receiving documents ~~which that~~ have passed the great ~~seal;~~seal.

46 (3) To receive and keep all conveyances and mortgages belonging to the  
 47 ~~State;~~State.

48 (4) To distribute annually the statutes and the legislative ~~journals;~~journals.

49 (5) To distribute the acts of Congress received at the Secretary's office in the  
 50 manner prescribed for the statutes of the ~~State;~~State.

- 1 (6) To keep a receipt book, in which the Secretary shall take from every person  
2 to whom a grant shall be delivered, a receipt for the same; but may ~~inclose~~  
3 enclose grants by mail in a registered letter at the expense of the grantee,  
4 unless otherwise directed, first entering the same upon the receipt  
5 ~~book;~~book.
- 6 (7) To issue charters and all necessary certificates for the incorporation,  
7 domestication, suspension, reinstatement, cancellation and dissolution of  
8 corporations as may be required by the corporation laws of the State and  
9 maintain a record ~~thereof;~~of the charters and necessary certificates issued.
- 10 (8) To issue certificates of registration of trademarks, labels and designs as may  
11 be required by law and maintain a record ~~thereof;~~of those certificates of  
12 registration.
- 13 (9) To maintain a Division of Publications to compile data on the State's several  
14 governmental agencies and for legislative ~~reference;~~reference.
- 15 (10) To receive, enroll and safely preserve the current edition of the State  
16 Constitution of the State and all amendments ~~thereto~~ to that edition and to  
17 transfer previous editions of the State Constitution and amendments to those  
18 editions to the Department of Cultural Resources for preservation and  
19 safekeeping in the State Archives.
- 20 (11) To serve as a member of such boards and commissions as the Constitution  
21 and laws of the State may ~~designate;~~designate.
- 22 (12) To administer the Securities Law of the State, regulating the issuance and  
23 sale of securities, as is now or may be ~~directed;~~directed.
- 24 (13) To receive and keep all oaths of public officials required by law to be filed  
25 in the Secretary's office, and as Secretary of State, ~~is fully empowered~~ to  
26 administer official oaths to any public official of whom an oath is  
27 ~~required;~~required.
- 28 (14) To receive and maintain a journal of all appointments made to any State  
29 board, agency, commission, council or authority ~~which~~ that is filed in the  
30 office of the Secretary of ~~State;~~State.
- 31 (15) To regulate the solicitation of contributions pursuant to Chapter 131F of the  
32 General ~~Statutes;~~ and Statutes.
- 33 (16) To apply for and accept grants from the federal government and its agencies  
34 and from any foundation, corporation, association, or individual in order to  
35 effectuate the purposes of the Nonprofit Corporation Act, Chapter 55A of  
36 the General Statutes, and to further aid in the operation and development of  
37 nonprofit corporations. The Secretary shall comply with the terms,  
38 conditions, and limitations of grants applied for and accepted and shall  
39 expend grant funds pursuant to Chapter 143C of the General Statutes, The  
40 State Budget Act."

41 **SECTION 4.(b)** The Secretary of State shall transfer to the Department of Cultural  
42 Resources all previously adopted editions of the State Constitution and amendments to the  
43 State Constitution, other than the current edition and amendments to that edition, and ratified  
44 amendments to the United States Constitution. The Secretary of State shall, at the request of the  
45 Secretary of the Department of Cultural Resources, provide timely, on-site access to the  
46 Department staff for study and review of all other documents to determine their historical  
47 significance. If, during these periodic reviews, the Department identifies historical documents  
48 that are no longer legally necessary to remain in the possession of the Secretary of State, the  
49 Secretary shall make arrangements to transfer these historical documents to the Department in a  
50 timely fashion for preservation and safekeeping in the State Archives. The Department of

1 Cultural Resources shall provide the Secretary with duplicate copies of all documents  
2 transferred from the Secretary to the Department.

3 **SECTION 4.(c)** In 2016, the Department of Cultural Resources shall arrange for  
4 public displays of, and programs related to, the United States Constitution and amendments and  
5 related historical materials to commemorate the 240th anniversary of the signing of the  
6 Declaration of Independence. In 2016, the Department also shall arrange for public displays of,  
7 and programs related to, the State Constitutions and amendments, to coincide with the 240th  
8 anniversary of the ratification of North Carolina's first Constitution by the Fifth Provincial  
9 Congress. The Department also may consider taking all or part of the displays on a tour of the  
10 State. The Department is authorized to accept non-State funds including donations, fund-raising  
11 sponsorships, and funding from other sources to defray the costs of these exhibits.

12 **SECTION 4.(d)** Subsections (a) and (b) of this section become effective December  
13 1, 2015. The remainder of this section is effective when it becomes law.

14 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
15 law.