

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35176-LG-67 (03/11)

Short Title: Protection of State Monuments. (Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PROCEDURES FOR PROTECTING MONUMENTS,
3 MEMORIALS, PLAQUES, AND WORKS OF ART ON PUBLIC PROPERTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 100-2 reads as rewritten:

6 "§ 100-2. **Approval of memorials before acceptance by State; regulation of existing**
7 **monuments, memorials, plaques, etc.; "work of art" defined; highway**
8 **markers.markers; criminal offense.**

9 (a) No ~~memorial-monument, memorial, plaque,~~ or work of art shall hereafter become
10 the property of the State by purchase, gift or otherwise, unless ~~such memorial~~the monument,
11 memorial, plaque, or work of art or a design of the same, together with the proposed location of
12 the same, shall first have been submitted to and approved by the North Carolina Historical
13 Commission; nor shall any ~~memorial-monument, memorial, plaque,~~ or work of art, until so
14 submitted and approved, be contracted for, placed in or upon or allowed to extend over any
15 property belonging to the State. ~~No existing memorial or work of art owned by the State shall~~
16 ~~be removed, relocated, or altered in any way without approval of the North Carolina Historical~~
17 ~~Commission.~~The term "work of art" as used in this section shall include any painting, portrait,
18 mural decoration, stained glass, statue, bas-relief, sculpture, ~~monument,~~ tablet, fountain, or
19 other article or structure of a permanent character intended for decoration or commemoration.
20 This section, however, shall not apply to highway markers set up by the Board of
21 Transportation in cooperation with the Department of Environment and Natural Resources and
22 the Department of Cultural Resources as provided by Chapter 197 of the Public Laws of 1935.

23 (b) Except as provided by subsection (c) of this section, no monument, memorial,
24 plaque, or work of art commemorating events, veterans, or persons of North Carolina history
25 on public property of the State or any of its political subdivisions, may be relocated, disturbed,
26 altered, or defaced.

27 (c) Monuments, memorials, plaques, and works of art set out in subsection (a) of this
28 section may be removed, relocated, or altered by one of the following actions:

- 29 (1) With the approval of the General Assembly by a two-thirds vote of the
30 members voting in each house.
31 (2) With the approval of the North Carolina Historical Commission by a
32 two-thirds vote of the members voting at a regularly scheduled meeting.
33 (3) Upon the authority of the public or private body responsible for the
34 protection, preservation, upkeep, and care of these monuments, memorials,
35 plaques, or works of art. Any monument, memorial, plaque, or work of art
36 removed for the reasons set forth in this subdivision must be returned to its



original location when the activity is completed, or if the activity involves construction or road work that makes a return to the original location impossible, then to an approximate location close to the original one.

(d) A person who lives, owns property, or operates a business in the vicinity of any monument, memorial, plaque, or work of art as set forth in subsection (a) of this section shall be considered a person aggrieved by a violation of the provisions of this section for the purposes of G.S. 150B-4.

(e) A person who willfully violates the provisions of subsection (b) of this section shall be guilty of a Class 1 misdemeanor."

SECTION 3. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.