

# FAILED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 22

AMENDMENT NO. A3  
(to be filled in by  
Principal Clerk)

S22-ASV-87 [v.3]

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Amends Title <sup>YES</sup> ~~[NO]~~  
Third Edition

Date July 30, 2015

Representative B. Turner

1 moves to amend the bill on page 1, lines 2 through 11,  
2 by rewriting those lines to read:

3  
4 "AN ACT TO ENSURE RESPECTFUL TREATMENT OF THE AMERICAN FLAG AND  
5 THE NORTH CAROLINA FLAG BY STATE AGENCIES AND OTHER POLITICAL  
6 SUBDIVISIONS OF THE STATE; TO ESTABLISH THE DIVISION OF VETERANS  
7 AFFAIRS AS THE CLEARINGHOUSE FOR THE DISPOSAL OF WORN, TATTERED,  
8 AND DAMAGED FLAGS; TO PROVIDE FOR A PUBLIC HEARING PRIOR TO ANY  
9 RECOMMENDATION BY THE NORTH CAROLINA HISTORICAL COMMISSION  
10 REGARDING THE REMOVAL OR RELOCATION OF AN OBJECT OF  
11 REMEMBRANCE; AND TO TRANSFER CUSTODY OF CERTAIN HISTORIC  
12 DOCUMENTS IN THE POSSESSION OF THE OFFICE OF THE SECRETARY OF  
13 STATE TO THE DEPARTMENT OF CULTURAL RESOURCES AND TO  
14 FACILITATE PUBLIC OPPORTUNITY TO VIEW THESE DOCUMENTS.";

15  
16 and on page 2, line 37, through page 3, line 8, by rewriting the lines to read:

17 **SECTION 3.(c)** Article 1 of Chapter 100 of the General Statutes is amended by  
18 adding a new section to read:

19 "**§ 100-2.1. Protection of monuments, memorials, and works of art.**

20 (a) Approval Required. – Except as otherwise provided in subsection (b) of this section,  
21 a monument, memorial, or work of art owned by the State may not be removed, relocated, or  
22 altered in any way without the approval of the North Carolina Historical Commission.

23 (b) Limitations on Removal. – This subsection applies only to a monument or memorial  
24 that meets the definition of an object of remembrance. The term "object of remembrance"  
25 means a monument, memorial, plaque, statue, marker, or display that is located on public  
26 property, that is of a permanent character, and that commemorates an event, a person, or  
27 military service that is part of North Carolina's history. An object of remembrance may only be  
28 relocated, whether temporarily or permanently, under the circumstances listed in this  
29 subsection and subject to the limitations in this subsection.

30 (1) Permanent Removal or Relocation. – An object of remembrance may be  
31 permanently removed or relocated only upon approval of the Commission  
32 and only after the Commission holds a public hearing, after not less than 10



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1 days' public notice. The Commission shall adopt rules of procedure that  
2 incorporate principles and guidelines for relocating or removing objects of  
3 remembrance, including whether such objects should be relocated to a site of  
4 similar prominence, honor, visibility, availability, and access that are within  
5 the boundaries of the jurisdiction from which it was relocated.

6 (2) Temporary Relocation. – An object of remembrance that is temporarily  
7 relocated shall be returned to its original location within 90 days of  
8 completion of the project that required its temporary removal. The  
9 circumstances under which an object of remembrance may be relocated are  
10 either of the following:

11 a. When appropriate measures are required by the State or a political  
12 subdivision of the State to preserve the object.

13 b. When necessary for construction, renovation, or reconfiguration of  
14 buildings, open spaces, parking, or transportation projects.";

15  
16 and on page 5, lines 14-15, by rewriting the lines to read:

17 "SECTION 5.(a) G.S. 143B-63 reads as rewritten:

18 "§ 143B-63. Historical Commission – members; selection; quorum; compensation.

19 The Historical Commission of the Department of Cultural Resources shall consist of 11  
20 ~~members appointed by the Governor; members as follows:~~

21 ~~RM~~ (1) ~~Five~~ <sup>Seven</sup> members appointed by the Governor.

22 ~~RM~~ (2) ~~Two~~ <sup>Two</sup> ~~Three~~ members by the General Assembly upon recommendation of the  
23 President Pro Tempore of the Senate.

24 ~~RM~~ (3) ~~Two~~ <sup>Two</sup> ~~Three~~ members by the General Assembly upon recommendation Speaker of  
25 the House of Representatives.

26 The members of the North Carolina Historical Commission shall include the members of  
27 the existing North Carolina Historical Commission who shall serve for a period equal to the  
28 remainder of their current terms on the Commission, plus four additional appointees of the  
29 Governor, two of whose appointments shall expire March 31, 1979, and two of whose  
30 appointments shall expire March 31, 1981. At the end of the respective terms of office of the  
31 members, their successors shall be appointed for terms of six years and until their successors  
32 are appointed and qualify. Of the members, at least five shall have professional training or  
33 experience in the fields of archives, history, historic preservation, historic architecture,  
34 archaeology, or museum administration, including at least three currently involved in the  
35 teaching of history at the college or university level or in administering archives or historical  
36 collections or programs. Any appointment to fill a vacancy on the Commission created by  
37 resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired  
38 term. Appointments by the General Assembly shall be made in accordance with G.S. 120-121,  
39 and vacancies in those appointments shall be filled in accordance with G.S. 120-122.

40 The Governor shall have the power to remove any member of the Commission from office  
41 for misfeasance, malfeasance or nonfeasance according to the provisions of G.S. 143B-13 of  
42 the Executive Organization Act of 1973.

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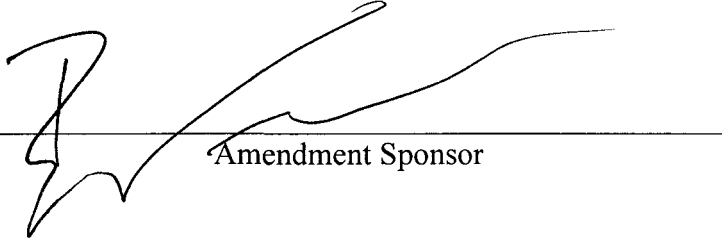
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- 1 The members of the Commission shall receive per diem and necessary travel and  
2 subsistence expenses in accordance with the provisions of G.S. 138-5.  
3 A majority of the Commission shall constitute a quorum for the transaction of business.  
4 All clerical and other services required by the Commission shall be supplied by the  
5 Secretary of Cultural Resources.  
6 **SECTION 5.(b)** The current members of the Commission shall complete the  
7 remainder of their terms. Upon expiration of the members' terms, new members shall be  
8 appointed in accordance with this section.  
9 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes  
10 law."

SIGNED \_\_\_\_\_



Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

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and vote information, is available in the  
House Principal Clerk's Office**