

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS45014-RF-2 (09/11)

Short Title: Historic Artifact Mgt. and Patriotism Act. (Public)

Sponsors: Senators Soucek, Tucker, and J. Davis (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENSURE RESPECTFUL TREATMENT OF THE NORTH CAROLINA FLAG AND AMERICAN 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; 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.** G.S. 144-5 reads as rewritten:

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

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

(b) Flags of the United States of America and the State of North Carolina in the possession of State agencies and other political subdivisions of the State shall be handled, displayed, and stored in accordance with the provisions of the United States Flag Code, 4 U.S. Code 1. Violation of this subsection by an employee of the State shall be punishable as an infraction."

**SECTION 3.** G.S. 144-9 reads as rewritten:

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

(a) A flag of the State or of the United States of America in possession of a State agency or other political subdivision of the State shall be delivered to the Division of Veterans Affairs in the Department of Administration for disposal when no longer a fitting emblem for display because it is worn, tattered, or otherwise damaged. The Division shall accept these flags and shall make arrangements for their respectful disposition.

(b) The Division of Veterans Affairs shall accept worn, tattered, or otherwise damaged flags of the State and the United States from citizens of the State and shall make arrangements for their respectful disposition. The Division shall establish a flag retirement program to encourage citizens to send in or drop off such flags at the Division's office in Raleigh and at any Veterans Home or Veterans Cemetery in the State and may establish other locations for



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1 flag drop off as it deems appropriate. The flag retirement program shall be advertised on the  
2 Division's Web site and by printed posters placed at all flag drop off locations. On or before  
3 December 31, 2016, and annually thereafter, the Division shall report the number of flags  
4 received under the program to the Joint Legislative Committee on Governmental Operations.

5 (c) An official flag of the State that is no longer a fitting emblem for display because it  
6 is worn, tattered, or otherwise damaged may be respectfully retired by fire."

7 **SECTION 4.** G.S. 147-36 reads as rewritten:

8 "**§ 147-36. Duties of Secretary of State.**

9 It is the duty of the Secretary of State:

- 10 (1) To perform such duties as may then be devolved upon the Secretary by  
11 resolution of the two houses of the General Assembly or either of  
12 ~~them;~~them.
- 13 (2) To attend the Governor, whenever required by the Governor, for the purpose  
14 of receiving documents which have passed the great ~~seal;~~seal.
- 15 (3) To receive and keep all conveyances and mortgages belonging to the  
16 ~~State;~~State.
- 17 (4) To distribute annually the statutes and the legislative ~~journals;~~ journals.
- 18 (5) To distribute the acts of Congress received at the Secretary's office in the  
19 manner prescribed for the statutes of the ~~State;~~State.
- 20 (6) To keep a receipt book, in which the Secretary shall take from every person  
21 to whom a grant shall be delivered, a receipt for the same; but may inclose  
22 grants by mail in a registered letter at the expense of the grantee, unless  
23 otherwise directed, first entering the same upon the receipt ~~book;~~book.
- 24 (7) To issue charters and all necessary certificates for the incorporation,  
25 domestication, suspension, reinstatement, cancellation and dissolution of  
26 corporations as may be required by the corporation laws of the State and  
27 maintain a record ~~thereof;~~of the charters and necessary certificates issued.
- 28 (8) To issue certificates of registration of trademarks, labels and designs as may  
29 be required by law and maintain a record ~~thereof;~~of those certificates of  
30 registration.
- 31 (9) To maintain a Division of Publications to compile data on the State's several  
32 governmental agencies and for legislative ~~reference;~~reference.
- 33 (10) To receive, enroll and safely preserve the Constitution of the State and all  
34 amendments ~~thereto;~~to the State Constitution. All previously adopted  
35 editions of the State Constitution and amendments to those editions shall be  
36 transferred by the Secretary to the Department of Cultural Resources for  
37 preservation and safe keeping in the State Archives.
- 38 (11) To serve as a member of such boards and commissions as the Constitution  
39 and laws of the State may ~~designate;~~designate.
- 40 (12) To administer the Securities Law of the State, regulating the issuance and  
41 sale of securities, as is now or may be ~~directed;~~directed.
- 42 (13) To receive and keep all oaths of public officials required by law to be filed  
43 in the Secretary's office, and as Secretary of State, is fully empowered to  
44 administer official oaths to any public official of whom an oath is  
45 ~~required;~~required.
- 46 (14) To receive and maintain a journal of all appointments made to any State  
47 board, agency, commission, council or authority which is filed in the office  
48 of the Secretary of ~~State;~~State.
- 49 (15) To regulate the solicitation of contributions pursuant to Chapter 131F of the  
50 General ~~Statutes;~~ and Statutes.

1 (16) To apply for and accept grants from the federal government and its agencies  
2 and from any foundation, corporation, association, or individual in order to  
3 effectuate the purposes of the Nonprofit Corporation Act, Chapter 55A of  
4 the General Statutes, and to further aid in the operation and development of  
5 nonprofit corporations. The Secretary shall comply with the terms,  
6 conditions, and limitations of grants applied for and accepted and shall  
7 expend grant funds pursuant to Chapter 143C of the General Statutes, The  
8 State Budget Act."

9 **SECTION 5.** On or before October 1, 2015, the Secretary of State shall provide the  
10 Department of Cultural Resources a written inventory of all records of historical interest in the  
11 Secretary's custody. The Department of Cultural Resources shall provide the Secretary with  
12 written guidelines to assist in the preparation of the inventory.

13 **SECTION 6.** The Secretary of State shall transfer to the Department of Cultural  
14 Resources the original copies of the historical records held by the Secretary, including the State  
15 Constitution and amendments to the State Constitution, ratified amendments to the United  
16 States Constitution, and any other historical records identified by the Department of Cultural  
17 Resources as being appropriate for preservation and safekeeping in the State Archives. The  
18 Department of Cultural Resources shall provide the Secretary with duplicate copies of all  
19 documents transferred from the Secretary to the Department.

20 **SECTION 7.** In 2016, the Department of Cultural Resources shall arrange for  
21 public displays of, and programs related to, the United States Constitution and amendments and  
22 related historical materials to commemorate the 240th anniversary of the signing of the  
23 Declaration of Independence. In 2016, the Department also shall arrange for public displays of,  
24 and programs related to, the State Constitutions and amendments, to coincide with the 240th  
25 anniversary of the ratification of North Carolina's first Constitution by the Fifth Provincial  
26 Congress. The Department also may consider taking all or part of the displays on a tour of the  
27 State. The Department is authorized to accept non-State funds including donations, fundraising  
28 sponsorships, and funding from other sources to defray the costs of these exhibits.

29 **SECTION 8.** Sections 2, 3, 4, and 6 of this act become effective December 1,  
30 2015. The remainder of this act is effective when it becomes law.