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Bill 4895

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Current Status

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History

Body	Date	Action Description	Com	Leg Involved
House	20000411	Introduced, read first time, referred to Committee	25 HJ	

Versions of This Bill

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A BILL

TO AMEND TITLE 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMINISTRATION OF GOVERNMENT, BY ADDING CHAPTER 10 SO AS TO ENACT THE "SOUTH CAROLINA HERITAGE ACT OF 2000" WHICH PROVIDES THAT AS OF A SPECIFIED DATE, ONLY THE UNITED STATES FLAG AND THE SOUTH CAROLINA STATE FLAG MAY FLY ATOP THE DOME OF THE STATE HOUSE AND BE DISPLAYED WITHIN THE STATE HOUSE, WHICH STIPULATES ON THIS DATE WHERE CERTAIN FLAGS OF THE CONFEDERACY SHALL BE FLOWN OR BE DISPLAYED ON THE GROUNDS OF THE STATE CAPITOL COMPLEX, AND WHICH PROHIBITS THE REMOVAL OF THESE CONFEDERATE FLAGS ON THE STATE HOUSE GROUNDS AND THE REMOVAL, CHANGING, OR RENAMING OF ANY LOCAL OR STATE MONUMENT, MARKER, MEMORIAL, SCHOOL, OR STREET ERECTED OR NAMED IN HONOR OF THE CONFEDERACY OR THE CIVIL RIGHTS MOVEMENT WITHOUT THE ENACTMENT OF A JOINT RESOLUTION OF THE GENERAL ASSEMBLY APPROVING SAME ADOPTED BY A TWO-THIRDS VOTE OF THE MEMBERSHIP OF EACH HOUSE; AND TO AMEND SECTION 10-1-160, RELATING TO THE DISPLAY OF THE STATE FLAG ON THE STATE HOUSE, SO AS TO PROVIDE THAT THE UNITED STATES FLAG SHALL ALSO BE SO DISPLAYED, THAT THESE TWO FLAGS ONLY SHALL BE DISPLAYED IN THE CHAMBERS OF EACH HOUSE AND IN CERTAIN OTHER LOCATIONS WITHIN THE STATE HOUSE, AND THAT NO OTHER FLAG MAY BE DISPLAYED IN THESE LOCATIONS OR WITHIN ANY OTHER STATE OR LOCAL BUILDING EXCEPT UNDER SPECIFIED CONDITIONS, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION MAY NOT BE AMENDED OR REPEALED BY A SUBSEQUENT ACT WITHOUT A TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 1 of the 1976 Code is amended by adding:

"CHAPTER 10

South Carolina Heritage Act of 2000

Section 1-10-10. This chapter may be cited as the 'South Carolina Heritage Act of 2000'.

Section 1-10-20. (A) To honor and recognize the history and heritage of this State and the many contributions of its diverse citizenry, it is necessary and appropriate to codify the placement of certain symbols on the Capitol Complex and within the State House which salute the contributions and sacrifices of our constitutional history. On July 1, 2000, or thirty days after the effective date of this section, whichever occurs last, the only flags that shall fly atop the dome of the State House are the United States Flag and the South Carolina State Flag.

(B) The Infantry Battle Flag of the Confederate Army of Northern Virginia (Confederate Battle Flag) must be displayed on the State House side of the Confederate Soldiers' Monument on the State House grounds. This flag is square with a St. Andrews Cross of blue, edged with white, with thirteen equal five-pointed stars, upon a red field, with the whole banner bordered in white. The total outside measurement of the flag shall be fifty-two inches square, inclusive of the white border. The blue arms of the cross are seven and one-half inches wide and the white border around the flag proper is one and one-half inches wide. The stars are five-pointed, inscribed in a circle six inches in diameter and are uniform in size. The Confederate Battle Flag shall be flown on a flagpole approximately equal in height to and immediately adjacent to the Confederate Soldiers' Monument.

Section 1-10-30. The Infantry Battle Flag of the Confederate Army of Northern Virginia (Confederate Battle Flag) displayed on the Confederate Soldiers' Monument on the State House grounds, and any monument, marker, memorial, school, or street erected or named in honor of the Confederacy or the civil rights movement located on any municipal, county, or state property shall not be removed, changed, or renamed without the enactment of a joint resolution by a two-thirds vote of the membership of each house of the General Assembly approving same. This provision shall not apply to the maintenance and repair of the monument, marker, memorial, school, or street.

Section 1-10-40. (A) On July 1, 2000, or thirty days after the effective date of this section, whichever occurs last, the Confederate Flag (Naval Jack) must be removed from atop the State House, from the front ground floor foyer of the State House, and from the chambers of the Senate and the House of Representatives and simultaneously therewith the Confederate Battle Flag must be placed at its place at the Confederate Soldiers' Monument.

(B) The Confederate flags displayed in the respective chambers of each house of the General Assembly shall be transferred to the custody of the Department of Archives and History for presentation and display as the department shall deem appropriate.

(C) There must be erected around the Confederate Soldiers' Monument appropriate decorative iron fences to keep secure the Confederate Battle Flag.

(D) The Division of General Services of the Budget and Control Board shall replace the flag displayed at the Confederate Soldiers' Monument as necessary to avoid its being displayed in a ragged or faded condition."

SECTION 2. Section 10-1-160 of the 1976 Code is amended to read:

"Section 10-1-160. (A) The United States flag and the State flag shall must be displayed daily, ~~except in rainy weather~~, from a staff upon the State House, and must be displayed above the rostrum in the chambers of the House of Representatives and the Senate of this State and in the front ground floor foyer of the State House. No other flag may be displayed in these locations nor atop or within any other building owned by the State or any political subdivision thereof except in museums and parks for historical exhibits and as may be directed in each chamber of the General Assembly by the respective body that sits in that chamber; provided, that the display of a Confederate flag within the chamber of either house as prohibited by Chapter 10 of Title 1 is not permitted. The State Budget and Control Board shall purchase a suitable ~~flag~~ flags for display at the State House locations and cause ~~it~~ them to be displayed, the expense to be borne out of the funds provided for maintenance.

~~(B) The provisions of subsection (A) of this section may only be amended or repealed upon enactment of an act which has received a two-thirds vote on one of its readings in each house of the General Assembly."~~

SECTION 3. Except as otherwise stated, this act takes effect upon approval by the Governor.

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