

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL DRS25080-MKa-191B*

Short Title: UNC-Chapel Hill/Monument Relocation. (Public)

Sponsors: Senators Foushee and Woodard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CHANCELLOR OF THE UNIVERSITY OF NORTH
3 CAROLINA AT CHAPEL HILL TO MOVE A CERTAIN MONUMENT ON THE
4 CAMPUS TO A PERMANENT INDOOR LOCATION FOR PUBLIC VIEWING AND TO
5 APPROPRIATE FUNDS TO DEVELOP PLANS FOR RELOCATION AND TO MOVE
6 THE MONUMENT TO A NEW SITE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The General Assembly finds that it is necessary to permanently
9 relocate the monument that is an object of remembrance depicting a Confederate soldier facing
10 north, sculpted by John Wilson and dedicated on June 2, 1913, located at the center of McCorkle
11 place on the University of North Carolina at Chapel Hill campus to a secure, indoor location on
12 the campus as expeditiously as possible due to recent acts of vandalism to the monument that
13 threaten the preservation and integrity of the monument. To do so, the General Assembly also
14 finds that an exception to State law should be granted to the chancellor of the University of North
15 Carolina at Chapel Hill to move the monument to a secure, indoor location, consistent with the
16 requirements set forth in Section 2 of this act, notwithstanding the limitations that are generally
17 applicable to the relocation of objects of remembrance pursuant to G.S. 100-2.1, based on the
18 following:

- 19 (1) The North Carolina Historical Commission is limited in its authority to
20 approve the relocation of the monument to a secure, indoor location pursuant
21 to G.S. 100-2.1(b).
- 22 (2) The chancellor of the University of North Carolina at Chapel Hill does not
23 have the authority to relocate the monument pursuant to G.S. 100-2.1.
- 24 (3) Appropriate measures to permanently relocate the monument are required by
25 the University of North Carolina at Chapel Hill to preserve the monument
26 consistent with G.S. 100-2.1(b)(1). However, the University does not have the
27 option to relocate the monument to an outdoor site similar to where it is
28 currently located and still adequately preserve and protect the monument.
- 29 (4) The relocation site shall be on the campus of the University of North Carolina
30 at Chapel Hill. However, as described in subdivision (3) of this section, due
31 to recent vandalism to the monument, including an individual hammering the
32 face of the monument and other individuals defacing the monument with paint
33 on several occasions, relocation to an indoor site will enable the University to
34 protect the monument from further defacement and damage to ensure that the
35 monument will be preserved for future generations to gain an understanding
36 of the legacy of slavery and the history of the Civil War.



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1 (5) Furthermore, it is necessary for the University of North Carolina at Chapel
2 Hill to relocate the monument to an indoor location on the campus in order to
3 balance the interest of the public in preserving objects of remembrance to
4 honor the soldiers who fought and sacrificed their lives during the Civil War
5 with the growing awareness of North Carolina citizens that the open display
6 by government entities of any monument that directly or indirectly
7 memorializes racial inequality in a democracy that is based on equality under
8 the law undermines that concept.

9 **SECTION 2.** In accordance with the findings by the General Assembly set forth in
10 Section 1 of this act, notwithstanding G.S. 100-2.1, the chancellor of the University of North
11 Carolina at Chapel Hill shall identify a new site for the monument described under Section 1 of
12 this act, develop plans for relocation and preservation of the monument, and move the monument
13 to the selected site no later than April 1, 2020. The monument shall only be relocated to an indoor
14 site that is readily accessible to the public for viewing at no cost and on a convenient and regularly
15 scheduled basis.

16 **SECTION 3.** By April 1, 2019, the chancellor of the University of North Carolina
17 at Chapel Hill shall report to the Joint Legislative Oversight Committee on Agriculture and
18 Natural and Economic Resources and the Joint Legislative Education Oversight Committee on
19 the identification of the new site for the monument and the progress on relocating the monument
20 to the selected site, including the process the chancellor followed in identifying the selected site
21 and costs associated with the planning, preservation, and relocation of the monument.

22 **SECTION 4.** There is appropriated from the General Fund to the Board of Governors
23 of The University of North Carolina the sum of ten thousand dollars (\$10,000) in nonrecurring
24 funds for the 2018-2019 fiscal year to be allocated to the University of North Carolina at Chapel
25 Hill to identify a site and develop plans for the preservation and permanent relocation of the
26 monument in accordance with Section 2 of this act to a secure, indoor site on the campus of the
27 University of North Carolina at Chapel Hill. Any funds that are unexpended for this purpose at
28 the end of the 2018-2019 fiscal year shall not revert to the General Fund but shall remain available
29 until the end of the 2019-2020 fiscal year. The University of North Carolina at Chapel Hill shall
30 use non-State funds to move the monument to the new site and for any additional associated
31 costs.

32 **SECTION 5.** Section 4 of this act becomes effective July 1, 2018. The remainder of
33 this act is effective when it becomes law.