~~Indicates Matter Stricken~~

Indicates New Matter

RECALLED

July 7, 2015

**S. 897**

Introduced by Senators Sheheen, Malloy, Coleman, McElveen, Kimpson, Nicholson, Massey, Campbell, Hembree, Williams, Matthews, Hutto, Setzler, Sabb, L. Martin, Jackson, Davis, Lourie, Johnson, Reese, Thurmond, Campsen, Rankin, Scott, Hayes, Bennett, Allen and Gregory

S. Printed 7/7/15--H.

Read the first time July 7, 2015.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The expenditure impact of this bill is undeterminable at this time. While Department of Administration expenditures associated with the removal of the flag and returning the area where the flagpole stands to its previous condition are minimal and can be absorbed within existing resources, the Confederate Relic Room expenditures for the museum display will depend upon the final criteria established for appropriate display of the flag.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill permanently removes the South Carolina Battle Flag of the Confederate States of America from its designated location on the grounds of the Capitol Complex within twenty-four hours of the effective date of the bill. The flag will be transported to the Confederate Relic Room for appropriate display. The area where the flagpole currently stands must be returned its original condition.

**Department of Administration.** The Division of General Services would be responsible for returning the area where the flagpole stands to its previous condition. The department indicates that the impact would be minimal and can be absorbed within existing resources.

**Confederate Relic Room.** The South Carolina Infantry Battle Flag of the Confederate States of America would be transported to the Confederate Relic Room for appropriate display. Senate Bill 897 is silent on the definition of an appropriate display, but the agency estimates that refurbishment of existing space and creation of a display may require a one-time expenditure of at least $1,020,000, as well as recurring expenditures of $130,000. The Confederate Relic Room is also considering other approaches to display the South Carolina Infantry Battle Flag of the Confederate States of America that could cost in the range of $10 to $15 million dollars depending on design proposals. In summary, the one-time and recurring expenditures by the Confederate Relic Room are undeterminable at this time and will depend upon the final criteria established for appropriate display of the flag.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 1‑10‑10(A) OF THE 1976 CODE, RELATING TO THE FLAGS AUTHORIZED TO BE FLOWN ATOP THE STATE HOUSE AND ON THE CAPITOL COMPLEX, TO REMOVE REFERENCES TO THE SOUTH CAROLINA INFANTRY BATTLE FLAG OF THE CONFEDERATE STATES OF AMERICA, TO PROVIDE FOR THE PERMANENT REMOVAL OF THE SOUTH CAROLINA INFANTRY BATTLE FLAG OF THE CONFEDERATE STATES OF AMERICA FROM ITS LOCATION ADJACENT TO THE CONFEDERATE SOLDIER MONUMENT, AND TO PROVIDE THAT UPON ITS REMOVAL, THE SOUTH CAROLINA INFANTRY BATTLE FLAG OF THE CONFEDERATE STATES OF AMERICA SHALL BE TRANSPORTED TO THE CONFEDERATE RELIC ROOM FOR APPROPRIATE DISPLAY.

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

SECTION 1. Section 1‑10‑10(A) of the 1976 Code is amended to read:

“Section 1‑10‑10. (A) As of 12:00 noon on the effective date of this act, and permanently thereafter, the only flags authorized to be flown atop the dome of the State House, in the chambers of the Senate and House of Representatives, and on the grounds of the Capitol Complex shall be as authorized in this section.

The flags authorized to be flown atop the dome of the State House and in the chambers of the Senate and House of Representatives are the United States Flag and the South Carolina State Flag. ~~As of 12:00 noon on the effective date of this act, the flag authorized to be flown at a designated location on the grounds of the Capitol Complex is the South Carolina Infantry Battle Flag of the Confederate States of America [the Battle Flag of the Army of Northern Virginia (General Robert E. Lee’s Army) the South Carolina, Georgia, Florida Department version]. This flag must be flown on a flagpole located at a point on the south side of the Confederate Soldier Monument, centered on the monument, ten feet from the base of the monument at a height of thirty feet. The flagpole on which the flag is flown and the area adjacent to the monument and flagpole must be illuminated at night and an appropriate decorative iron fence must be erected around the flagpole.~~

~~The South Carolina Infantry Battle Flag of the Confederate States of America is square measuring fifty‑two inches on each side, inclusive of the white border, 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 blue arms of the cross are 7.5 inches wide and the white border around the flag proper is 1.5 inches wide. The stars are five‑pointed, inscribed within a circle six inches in diameter, and are uniform in size.~~

From any funds appropriated to the ~~Budget and Control Board~~ Department of Administration, the Division of General Services ~~of the Budget and Control Board~~, or its successor in interest, shall ensure that the flags authorized above shall be placed at all times as directed in this section and shall replace the flags at appropriate intervals as may be necessary due to wear.”

SECTION 2. The South Carolina Infantry Battle Flag of the Confederate States of America [the Battle Flag of the Army of Northern Virginia (General Robert E. Lee’s Army) the South Carolina, Georgia, Florida Department version] shall be permanently removed from its location on the south side of the Confederate Soldier Monument. The South Carolina Infantry Battle Flag of the Confederate States of America shall be permanently removed from its location on the Capitol Complex Grounds within twenty‑four hours of the effective date of this act. Upon its removal, the flag shall be transported to the Confederate Relic Room for appropriate display. The flagpole on which the flag is flown and the area adjacent to the monument and flagpole must be returned to its previous condition by the Division of General Services.

SECTION 3. This act takes effect upon approval by the Governor.

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