

1 HB15
2 187915-1
3 By Representative Givan
4 RFD: State Government
5 First Read: 09-JAN-18
6 PFD: 08/25/2017

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8 SYNOPSIS: Under existing law, certain entities and
9 government agencies are exempt from the Alabama
10 Memorial Preservation Act of 2017.

11 This bill would authorize any municipality
12 to opt out of the provisions of the act upon vote
13 of the governing body of the municipality.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to the Alabama Memorial Preservation Act of
20 2017, Act 2017-354, 2017 Regular Session; to amend Section 7
21 of Act 2017-354, now appearing as Section 41-9-236 of the Code
22 of Alabama 1975; to authorize any municipality to opt out of
23 the provisions of the act upon vote of the governing body of
24 the municipality.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 7 of Act 2017-354 of the 2017
2 Regular Session, now appearing as Section 41-9-236 of the Code
3 of Alabama 1975, is amended to read as follows:

4 "§41-9-236.

5 "This article does not apply to any of the
6 following:

7 "(1) Art and artifacts in the collections of
8 museums, archives, and libraries.

9 "(2) Any architecturally significant building,
10 memorial building, memorial street, or monument that is any of
11 the following:

12 "a. Located on public property under the control of,
13 or acquired by, the State Department of Transportation, which
14 may interfere with the construction, maintenance, or operation
15 of the public transportation system. The department shall
16 strive to ensure that any architecturally significant
17 building, memorial building, memorial street, or monument is
18 preserved to the greatest extent possible.

19 "b. Located on public property under the control of,
20 or acquired by, a county or municipal body or a university,
21 which may interfere with the construction, maintenance, or
22 operation of the public transportation system. The governing
23 body of the county, municipality, or university shall strive
24 to ensure that any architecturally significant building,
25 memorial building, memorial street, or monument is preserved
26 to the greatest extent possible.

1 "c. Located on public property operated or used by a
2 utility, which may interfere with providing utility service.
3 The utility shall strive to ensure that any architecturally
4 significant building, memorial building, memorial street, or
5 monument is preserved to the greatest extent possible.

6 "d. Located on public property under the control of,
7 or acquired by, the Alabama State Port Authority, which may
8 interfere with the construction, maintenance, or operation of
9 the port infrastructure or port related activities. The
10 authority shall strive to ensure that any architecturally
11 significant building, memorial building, memorial street, or
12 monument is preserved to the greatest extent possible.

13 "e. Located on public property under the control of,
14 or acquired by, a municipality whose governing body votes to
15 opt out of the provisions of this article."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.