

1 HB99
2 181841-1
3 By Representative South
4 RFD: State Government
5 First Read: 07-FEB-17
6 PFD: 02/06/2017

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8 SYNOPSIS: This bill would create the Alabama Memorial
9 Preservation Act of 2017.

10 This bill would prohibit the relocation,
11 removal, alteration, renaming, or other disturbance
12 of monuments located on public property.

13 This bill would prohibit any person from
14 preventing the governmental entity responsible for
15 maintaining the monuments from taking proper
16 measures to protect, preserve, care for, repair, or
17 restore the monuments.

18 This bill would restrict the renaming of a
19 school, street, bridge, building, park, preserve,
20 or reserve which is located on public property and
21 would restrict the renaming of a municipality or
22 county in Alabama.

23 This bill would create the Alabama Committee
24 on Memorial Preservation and would provide for the
25 membership of the committee and the duties of the
26 committee, and would authorize the committee to
27 grant waivers.

1 This bill would provide for the levy of
2 fines for violations of the waiver process.

3 This bill would also exempt certain art and
4 artifacts, the Department of Transportation, local
5 governments, universities, and utilities under
6 certain limited circumstances.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

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12 To create the Alabama Memorial Preservation Act of
13 2017; to prohibit the relocation, removal, alteration,
14 renaming, or other disturbance of monuments located on public
15 property; to prohibit any person from preventing the
16 governmental entity responsible for maintaining the monuments
17 from taking proper measures to protect, preserve, care for,
18 repair, or restore the monuments; to restrict the renaming of
19 a school, street, bridge, building, park, preserve, or reserve
20 which is located on public property; to restrict the renaming
21 of a municipality or county in Alabama; to create the Alabama
22 Committee on Memorial Preservation; to provide for the
23 membership of the committee; to provide for the duties of the
24 committee; to authorize the committee to grant waivers; to
25 provide for the levy of fines for violations of the waiver
26 process; and to exempt certain art and artifacts, the

1 Department of Transportation, local governments, universities,
2 and utilities under certain limited circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited
5 as the Alabama Memorial Preservation Act of 2017.

6 Section 2. For the purposes of this act, the
7 following terms shall have the following meanings:

8 (1) COMMITTEE. The Alabama Committee on Memorial
9 Preservation created by this act.

10 (2) MONUMENT. A statue or marker intended at the
11 time of dedication to be a permanent memorial to an event, a
12 person, a group, a movement, or military service that is part
13 of the history of the state. For the purposes of this act,
14 monuments do not include signage bearing historical or
15 interpretive text, commonly known as a "historical marker" or
16 "wayside exhibit," or portraits or plaques installed by
17 temporary means.

18 (3) PUBLIC PROPERTY. All property owned or leased by
19 the State of Alabama; any county, municipal, or metropolitan
20 government in the state; or any other entity created by act of
21 the Legislature to perform any public function.

22 Section 3. (a) No monument which is located on
23 public property may be relocated, removed, altered, renamed,
24 or otherwise disturbed except as provided in Section 6.

25 (b) No school, street, bridge, building, park,
26 preserve, or reserve which is located on public property and
27 has been erected for, or named, or dedicated in honor or

1 memory of an event, a person, a group, a movement, or military
2 service and has held such status for more than fifty years may
3 be renamed, except as provided in Section 6.

4 (c) No county or municipality which has been named
5 in honor or memory of a person, a group, a movement, or
6 military service and has held such status for more than fifty
7 years may be renamed, except as provided in Section 6.

8 Section 4. No person may prevent the governmental
9 entity having responsibility for maintaining any of the
10 monuments described in subsection (a) of Section 3 from taking
11 proper and appropriate measures, and exercising proper and
12 appropriate means, for the protection, preservation, care,
13 repair, or restoration of those monuments.

14 Section 5. (a) There is created the Alabama
15 Committee on Memorial Preservation.

16 (b) The membership of the committee shall be
17 appointed and reappointed at the beginning of each legislative
18 quadrennium. The appointing authorities shall coordinate their
19 appointments to assure committee membership is inclusive and
20 reflects the racial, gender, geographic, urban/rural, and
21 economic diversity of the state. The membership shall include
22 all of the following:

23 (1) One member appointed by the Director of the
24 Alabama Department of Archives and History.

25 (2) One member appointed by the Executive Director
26 of the Alabama Historical Commission.

1 (3) One member appointed by the Chair of the Black
2 Heritage Council.

3 (4) One member appointed by the President of the
4 Alabama Historical Association.

5 (5) One member appointed by the President of the
6 Alabama Trust for Historic Preservation.

7 (6) Two members appointed by the Speaker of the
8 House of Representatives from the membership of the House of
9 Representatives.

10 (7) Two members appointed by the President Pro
11 Tempore of the Senate from the membership of the Senate.

12 (c) At the organizational meeting of the committee,
13 the membership of the committee shall select a chair and a
14 vice chair. The chair of the committee may create advisory
15 subcommittees and appoint members thereto, which may include
16 members of the committee, representatives from governmental
17 agencies, and members of the public with interest and
18 expertise in the objectives of the committee. The committee
19 shall create no more than two active advisory subcommittees at
20 any given time unless the committee votes unanimously for
21 additional subcommittees.

22 (d) The committee shall thereafter meet at the call
23 of the chair or any majority of the members thereof; provided,
24 that the committee shall meet at least once each quadrennium.
25 The committee shall have a continuing existence and may meet,
26 act, and conduct its business at any place within this state

1 during the sessions of the Legislature or any recess thereof,
2 and in the interim period between sessions.

3 (e) The committee shall perform all duties
4 prescribed by this act.

5 (f) Each legislative member of the committee or any
6 subcommittee, if created, shall be entitled to the legislative
7 compensation, per diem, and travel as provided in Amendment
8 871 to the Constitution of Alabama of 1901, now appearing as
9 Section 49.01 of the Official ReCompilation of the
10 Constitution of Alabama of 1901, as amended.

11 (g) The Alabama Department of Archives and History
12 shall be custodian of the records of the committee.

13 Section 6. (a) (1) Any entity exercising control of
14 public property on which a monument is located may petition
15 the committee for a waiver from subsection (a) of Section 3
16 through an application including, at a minimum, all of the
17 following:

18 a. A resolution by the controlling entity seeking a
19 waiver for the relocation, removal, alteration, renaming, or
20 other disturbance of the monument, and the reasons therefor.

21 b. Written documentation of the monument's origin,
22 the intent of the sponsoring entity at the time of dedication,
23 and any subsequent alteration, renaming, or other disturbance
24 of the monument.

25 c. Written commentary from any heritage, historical,
26 genealogical, or preservation organizations with interest in

1 the controlling entity's decision, and from the general
2 public.

3 (2) If the committee grants a waiver, it may provide
4 reasonable conditions and instructions to ensure that the
5 monument is preserved to the greatest extent possible.

6 (b) Any entity exercising control of public property
7 on which a school, street, bridge, building, park, preserve,
8 or reserve is located may petition the committee for a waiver
9 from subsection (b) of Section 3 through an application
10 including, at a minimum, all of the following:

11 (1) A resolution by the controlling entity seeking a
12 waiver for the renaming of the school, street, bridge,
13 building, park, preserve, or reserve, and the reasons
14 therefor.

15 (2) Written documentation of the circumstances of
16 the prior naming or dedication of the school, street, bridge,
17 building, park, preserve, or reserve.

18 (3) Written commentary from any heritage,
19 historical, genealogical, or preservation organizations with
20 interest in the controlling entity's decision, and from the
21 general public.

22 (c) Any county or municipality may petition the
23 committee for a waiver from subsection (c) of Section 3
24 through an application including, at a minimum, all of the
25 following:

1 (1) A resolution by the county or municipality
2 seeking a waiver for the renaming of the county or
3 municipality, and the reasons therefor.

4 (2) Written documentation of the circumstances of
5 the prior naming of the county or municipality.

6 (3) Written commentary from any heritage,
7 historical, genealogical, or preservation organizations with
8 interest in the county or municipality's decision, and from
9 the general public.

10 (d) Applications shall be submitted to the committee
11 in care of the Alabama Department of Archives and History.

12 (e) If the Attorney General determines that an
13 entity exercising control of public property has removed a
14 protected monument from that public property without first
15 obtaining a waiver from the committee pursuant to this
16 section, the entity shall be fined one hundred thousand
17 dollars (\$100,000) for each violation. The fine shall be
18 collected by the Attorney General, forwarded by his or her
19 office to the State Treasurer, and deposited into the State
20 General Fund.

21 Section 7. This act does not apply to any of the
22 following:

23 (1) Art and artifacts in the collections of museums,
24 archives, and libraries.

25 (2) Monuments described in Section 3 that are
26 located on public property under the control of, or acquired
27 by, the State Department of Transportation, which may

1 interfere with the construction, maintenance, or operation of
2 the public transportation system. The department shall strive
3 to ensure that any such monuments are preserved to the
4 greatest extent possible.

5 (3) Monuments described in Section 3 that are
6 located on public property under the control of, or acquired
7 by, a county or municipal body or a university, which may
8 interfere with the construction, maintenance, or operation of
9 the public transportation system. The governing body of the
10 county, municipality, or university shall strive to ensure
11 that any such monuments are preserved to the greatest extent
12 possible.

13 (4) Monuments described in Section 3 that are
14 located on public property operated or used by a utility,
15 which may interfere with providing utility service. The
16 utility shall strive to ensure that any monuments are
17 preserved to the greatest extent possible.

18 Section 8. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.