

1 SB13  
2 174053-5  
3 By Senator Allen  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-16  
6 PFD: 12/01/2015

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To create the Alabama Heritage Preservation Act of  
12 2016; to prohibit the relocation, removal, alteration,  
13 renaming, or other disturbance of monuments located on public  
14 property; to prohibit any person from preventing the  
15 governmental entity responsible for maintaining the monuments  
16 from taking proper measures to protect, preserve, care for,  
17 repair, or restore the monuments; to create the Permanent  
18 Joint Committee on Alabama Monument Protection; to provide for  
19 the membership of the committee; to provide for the duties of  
20 the committee; to authorize the committee to grant waivers; to  
21 provide for the levy of fines for violations of the waiver  
22 process; and to exempt certain art and artifacts, the  
23 Department of Transportation, and local highway departments  
24 under certain limited circumstances.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. This act shall be known and may be cited  
27 as the Alabama Heritage Preservation Act of 2016.

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

3           (1) COMMITTEE. The Permanent Joint Committee on  
4 Alabama Monument Protection created by this act.

5           (2) MONUMENT. A statue or marker intended at the  
6 time of dedication to be permanent memorial to an event, a  
7 person, a group, a movement, or military service that is part  
8 of the history of the state.

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

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

16           (b) No school, street, bridge, building, park,  
17 preserve, or reserve which is located on public property and  
18 has been erected for, or named, or dedicated in honor of an  
19 event, a person, a group, a movement, or military service may  
20 be renamed, except as provided in Section 6.

21           Section 4. No person may prevent the governmental  
22 entity having responsibility for maintaining any of the  
23 monuments described in Section 3 from taking proper and  
24 appropriate measures, and exercising proper and appropriate  
25 means, for the protection, preservation, care, repair, or  
26 restoration of those monuments.

1                   Section 5. (a) There is created the Permanent Joint  
2 Committee on Alabama Monument Protection.

3                   (b) The membership of the committee shall be  
4 appointed and reappointed at the beginning of each legislative  
5 quadrennium and shall reflect the racial, gender, geographic,  
6 urban/rural, and economic diversity of the state and shall  
7 include all of the following:

8                   (1) Three members of the Legislature, appointed by  
9 the Governor.

10                  (2) Two members of the Legislature, appointed by the  
11 Lieutenant Governor.

12                  (3) One member appointed by the Speaker of the House  
13 of Representatives from the membership of the House of  
14 Representatives.

15                  (4) One member appointed by the President Pro  
16 Tempore of the Senate from the membership of the Senate.

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

1 (d) The committee shall thereafter meet at the call  
2 of the chair or any majority of the members thereof; provided,  
3 that the committee shall meet at least once each four months.  
4 The committee shall have a continuing existence and may meet,  
5 act, and conduct its business at any place within this state  
6 during the sessions of the Legislature or any recess thereof,  
7 and in the interim period between sessions.

8 (e) The committee shall perform all duties  
9 prescribed by this act.

10 (f) Each legislative member of the committee or any  
11 subcommittee, if created, shall be entitled to the legislative  
12 compensation, per diem, and travel as provided in Amendment  
13 871 to the Constitution of Alabama of 1901, now appearing as  
14 Section 49.01 of the Official Recompilation of the  
15 Constitution of Alabama of 1901, as amended.

16 Section 6. (a) (1) Any entity exercising control of  
17 public property on which a monument is located may petition  
18 the committee for a waiver from subsection (a) of Section 3 in  
19 a deliberative process established by administrative rule and  
20 certified by the Alabama Historical Commission. At a minimum,  
21 the deliberative process shall include all of the following:

22 a. A resolution by the controlling entity expressing  
23 its intent to seek a waiver for the relocation, removal,  
24 alteration, renaming, or other disturbance of a monument. The  
25 resolution shall provide the dates, times, and locations of  
26 two public hearings and the date, time, and location of the  
27 controlling entity's consideration of public input.

1           b. Public notice of the resolution on the website of  
2 the controlling entity for eight consecutive weeks, and  
3 advertisement of the resolution in a newspaper of local  
4 circulation on four occasions within the eight-week period, to  
5 be placed at the expense of the controlling entity.

6           c. Signage providing the text of the resolution at  
7 the site of the monument for eight consecutive weeks, to be  
8 placed at the expense of the controlling entity.

9           d. Two hearings, conducted by the controlling  
10 entity, for the collection of input from heritage, historical,  
11 genealogical, and preservation organizations, and from the  
12 general public.

13           e. Consideration and discussion of input from  
14 organizations and the general public by the controlling entity  
15 in a regular or called public meeting.

16           f. A petition in writing by the controlling entity,  
17 stating the reason or reasons upon which the waiver is sought  
18 and summarizing the input received from organizations and the  
19 general public.

20           g. Certification by the Alabama Historical  
21 Commission to the committee that the controlling entity  
22 completed the required deliberative process.

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

26           (b) Any entity exercising control of public property  
27 on which a school, street, bridge, building, park, preserve,

1 or reserve is located may petition the committee for a waiver  
2 from subsection (b) of Section 3 in a deliberative process to  
3 be established through administrative rule and certified by  
4 the Alabama Historical Commission. At a minimum, the  
5 deliberative process shall include all of the following:

6 (1) A resolution by the controlling entity  
7 expressing its intent to seek a waiver for the renaming of the  
8 school, street, bridge, building, park, preserve, or reserve.  
9 The resolution shall provide the dates, times, and locations  
10 of two public hearings and the date, time, and location of the  
11 controlling entity's consideration of public input.

12 (2) Public notice of the resolution on the website  
13 of the controlling entity for eight consecutive weeks, and  
14 advertisement of the resolution in a newspaper of local  
15 circulation on four occasions within the eight-week period, to  
16 be placed at the expense of the controlling entity.

17 (3) Signage providing the text of the resolution at  
18 the site of the school, street, bridge, building, park,  
19 preserve, or reserve for eight consecutive weeks, to be placed  
20 at the expense of the controlling entity.

21 (4) Two hearings, conducted by the controlling  
22 entity, for the collection of input from heritage, historical,  
23 genealogical, and preservation organizations, and from the  
24 general public.

25 (5) Consideration and discussion of input from  
26 organizations and the general public by the controlling entity  
27 in a regular or called public meeting.

1           (6) A petition in writing by the controlling entity,  
2           stating the reason or reasons upon which the waiver is sought  
3           and summarizing the input received from organizations and the  
4           general public.

5           (7) Certification by the Alabama Historical  
6           Commission to the committee that the controlling entity  
7           completed the required deliberative process.

8           (c) The Alabama Historical Commission, by  
9           administrative rule, shall establish reasonable fees for  
10          services performed as required by this act.

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

19          Section 7. This act does not apply to any of the  
20          following:

21                 (1) Art, artifacts, and other property under the  
22                 control of museums, archives, libraries, and universities.

23                 (2) Monuments described in Section 3 that are  
24                 located on public property under the control of, or acquired  
25                 by, the State Department of Transportation, which may  
26                 interfere with the construction, maintenance, or operation of  
27                 the public transportation system. The department shall strive



1 to ensure that any such monuments are preserved to the  
2 greatest extent possible.

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

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

15 Section 8. This act shall become effective  
16 immediately following its passage and approval by the  
17 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Governmental Affairs.....	02-FEB-16
Read for the second time and placed on the calen- dar with 1 substitute and.....	16-FEB-16
Read for the third time and passed as amended ....	16-FEB-16

Patrick Harris  
Secretary