

1 SB13
2 172536-1
3 By Senator Allen
4 RFD: Governmental Affairs
5 First Read: 02-FEB-16
6 PFD: 12/01/2015

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8 SYNOPSIS: This bill would create the Alabama Heritage
9 Preservation Act of 2016.

10 This bill would prohibit the relocation,
11 removal, alteration, renaming, or other disturbance
12 of certain commemorative statues, monuments,
13 memorials, or plaques which are located on public
14 property.

15 This bill would prohibit any person from
16 preventing the governmental entity having
17 responsibility for maintaining the objects from
18 taking proper measures to protect, preserve, care
19 for, repair, or restore the objects.

20 This bill would authorize the Alabama
21 Legislative Council to grant waivers under certain
22 circumstances and would provide for the levy of
23 fines against governmental entities that act
24 without approval of the Legislative Council.

25 This bill would also exempt certain art and
26 artifacts, the Department of Transportation, and

1 local highway departments under certain limited
2 circumstances.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To create the Alabama Heritage Preservation Act of
9 2016; to prohibit the relocation, removal, alteration,
10 renaming, or other disturbance of statues, monuments,
11 memorials, or plaques located on public property; to prohibit
12 any person from preventing the governmental entity responsible
13 for maintaining the objects from taking proper measures to
14 protect, preserve, care for, repair, or restore the objects;
15 to authorize the Alabama Legislative Council to grant waivers;
16 to provide for the levy of fines for violations of the waiver
17 process; and to exempt certain art and artifacts, the
18 Department of Transportation, and local highway departments
19 under certain limited circumstances.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

25 (1) OBJECT OF REMEMBRANCE. A monument, memorial,
26 plaque, or statue that commemorates an event, a person, a

1 group, a movement, or military service that is part of the
2 history of the state.

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

7 Section 3. (a) No object of remembrance which is
8 located on public property may be relocated, removed, altered,
9 renamed, or otherwise disturbed except as provided in Section
10 5.

11 (b) No school, street, bridge, building, park,
12 preserve, or reserve which is located on public property and
13 has been erected for, or named, or dedicated in honor of an
14 event, a person, a group, a movement, or military service may
15 be renamed, except as provided in Section 5.

16 Section 4. No person may prevent the governmental
17 entity having responsibility for maintaining any of the
18 objects, structures, or areas described in Section 3 from
19 taking proper and appropriate measures, and exercising proper
20 and appropriate means, for the protection, preservation, care,
21 repair, or restoration of those objects, structures, or areas.

22 Section 5. (a) (1) Any entity exercising control of
23 public property on which an object of remembrance is located
24 may petition the Alabama Legislative Council for a waiver from
25 subsection (a) of Section 3 in a deliberative process
26 established by administrative rule and certified by the

1 Alabama Historical Commission. At a minimum, the deliberative
2 process shall include all of the following:

3 a. A resolution by the controlling entity expressing
4 its intent to seek a waiver for the relocation, removal,
5 alteration, renaming, or other disturbance of an object of
6 remembrance. The resolution shall provide the dates, times,
7 and locations of two public hearings and the date, time, and
8 location of the controlling entity's consideration of public
9 input.

10 b. Advertisement of the resolution in a newspaper of
11 local circulation, once weekly for eight consecutive weeks, to
12 be placed at the expense of the controlling entity.

13 c. Signage providing the text of the resolution at
14 the site of the object of remembrance for eight consecutive
15 weeks, to be placed at the expense of the controlling entity.

16 d. Two hearings, conducted by the controlling
17 entity, for the collection of input from heritage, historical,
18 genealogical, and preservation organizations, and from the
19 general public.

20 e. Consideration and discussion of input from
21 organizations and the general public by the controlling entity
22 in a regular or called public meeting.

23 f. A petition in writing by the controlling entity,
24 stating the reason or reasons upon which the waiver is sought
25 and summarizing the input received from organizations and the
26 general public.

1 g. Certification by the Alabama Historical
2 Commission to the Legislative Council that the controlling
3 entity completed the required deliberative process.

4 (2) If the Legislative Council grants a waiver, it
5 may provide reasonable conditions and instructions to ensure
6 that the object of remembrance is preserved to the greatest
7 extent possible.

8 (b) Any entity exercising control of public property
9 on which a school, street, bridge, building, park, preserve,
10 or reserve is located may petition the Alabama Legislative
11 Council for a waiver from subsection (b) of Section 3 in a
12 deliberative process to be established through administrative
13 rule and certified by the Alabama Historical Commission. At a
14 minimum, the deliberative process shall include all of the
15 following:

16 (1) A resolution by the controlling entity
17 expressing its intent to seek a waiver for the renaming of the
18 school, street, bridge, building, park, preserve, or reserve.
19 The resolution shall provide the dates, times, and locations
20 of two public hearings and the date, time, and location of the
21 controlling entity's consideration of public input.

22 (2) Advertisement of the resolution in a newspaper
23 of local circulation, once weekly for eight consecutive weeks,
24 to be placed at the expense of the controlling entity.

25 (3) Signage providing the text of the resolution at
26 the site of the school, street, bridge, building, park,

1 preserve, or reserve for eight consecutive weeks, to be placed
2 at the expense of the controlling entity.

3 (4) Two hearings, conducted by the controlling
4 entity, for the collection of input from heritage, historical,
5 genealogical, and preservation organizations, and from the
6 general public.

7 (5) Consideration and discussion of input from
8 organizations and the general public by the controlling entity
9 in a regular or called public meeting.

10 (6) A petition in writing by the controlling entity,
11 stating the reason or reasons upon which the waiver is sought
12 and summarizing the input received from organizations and the
13 general public.

14 (7) Certification by the Alabama Historical
15 Commission to the Legislative Council that the controlling
16 entity completed the required deliberative process.

17 (c) If the Attorney General determines that an
18 entity exercising control of public property has removed an
19 object of remembrance from that public property without first
20 obtaining a waiver from the Legislative Council pursuant to
21 this section, the entity shall be fined one hundred thousand
22 dollars (\$100,000) for each violation. The fine shall be
23 collected by the Attorney General, forwarded by his or her
24 office to the State Treasurer, and deposited into the State
25 General Fund.

26 Section 6. This act does not apply to any of the
27 following:

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

3 (2) Objects, structures, or areas described in
4 Section 3 that are located on public property under the
5 control of, or acquired by, the State Department of
6 Transportation, which may interfere with the construction,
7 maintenance, or operation of the public transportation system.
8 The department shall strive to ensure that any such objects,
9 structures, or areas are preserved to the greatest extent
10 possible.

11 (3) Objects, structures, or areas described in
12 Section 3 that are located on public property under the
13 control of, or acquired by, a county or municipal body or a
14 university, which may interfere with the construction,
15 maintenance, or operation of the public transportation system.
16 The governing body of the county, municipality, or university
17 shall strive to ensure that any such objects, structures, or
18 areas are preserved to the greatest extent possible.

19 Section 7. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.