

1 HB3  
2 171473-1  
3 By Representative Beckman  
4 RFD: State Government  
5 First Read: 02-FEB-16  
6 PFD: 01/12/2016

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8 SYNOPSIS: This bill would create the Alabama Heritage  
9 Preservation Act of 2015.

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, or the relocation of grave sites with  
15 historical significance.

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

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

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

1 local highway departments under certain limited  
2 circumstances.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 To create the Alabama Heritage Preservation Act of  
9 2015; to prohibit the relocation, removal, alteration,  
10 renaming, or other disturbance of statues, monuments,  
11 memorials, or plaques located on public property, or  
12 relocation of grave sites with historical significance; to  
13 prohibit any person from preventing the governmental entity  
14 responsible for maintaining the objects from taking proper  
15 measures to protect, preserve, care for, repair, or restore  
16 the objects; to authorize the Alabama Legislative Council to  
17 grant waivers; to provide for the levy of fines for violations  
18 of the waiver process; and to exempt certain art and  
19 artifacts, the Department of Transportation, and local highway  
20 departments under certain limited circumstances.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall be known and may be cited  
23 as the Alabama Heritage Preservation Act of 2015.

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

26 (1) OBJECT OF REMEMBRANCE. A monument, memorial,  
27 plaque, grave site with historical significance, or statue

1 that commemorates an event, a person, a group, a movement, or  
2 military service that is part of the 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) The Legislative Council may provide reasonable  
5 conditions and instructions to ensure that the object of  
6 remembrance is preserved to the greatest extent possible and  
7 may deny a petition for waiver.

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.