

**SB237 INTRODUCED**



1 PK5FGG-1

2 By Senators Butler, Allen, Livingston, Scofield, Givhan,  
3 Stutts, Melson, Orr, Smitherman, Sessions, Waggoner,  
4 Albritton, Gudger, Williams, Chesteen, Roberts, Shelnut,tt,  
5 Jones, Kelley, Bell, Price, Reed, Weaver, Chambliss, Beasley,  
6 Stewart, Carnley

7 RFD: State Governmental Affairs

8 First Read: 20-Apr-23

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SYNOPSIS:

Under existing law, the Alabama Memorial Preservation Act of 2017 prohibits architecturally significant buildings, memorial buildings, memorial streets, and monuments that are located on public property, and have been so situated for 40 or more years, from being relocated, removed, altered, renamed, or otherwise disturbed unless the Committee on Alabama Monument Protection grants a waiver, and provides penalties for violations.

This bill would require a controlling governmental entity that replaces a memorial building to maintain the original name or erect a marker memorializing the name.

This bill would provide that a petition for waiver is deemed denied if the Committee on Alabama Monument Protection fails to act on an application for waiver within 90 days.

This bill would revise the penalties for violations and would authorize the Attorney General to commence a civil action.

This bill would also require the Alabama State Council on the Arts to oversee the design, construction, and installation of a replica of the Saturn 1B Rocket, previously located at the I-65



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29 Ardmore Welcome Center in Elkmont, Alabama, at the most  
30 northern I-65 rest stop in the state.

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A BILL

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TO BE ENTITLED

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AN ACT

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37 To amend Sections 41-9-233 and 41-9-235, Code of  
38 Alabama 1975, relating to the Alabama Memorial Preservation  
39 Act of 2017; to require a controlling governmental entity that  
40 replaces a memorial building to maintain the original name or  
41 erect a marker memorializing the name; to provide that a  
42 petition for waiver is deemed denied if the Committee on  
43 Alabama Monument Protection fails to act on an application for  
44 waiver within 90 days; to revise penalties for violations; to  
45 authorize the Attorney General to commence a civil action; and  
46 to require the Alabama State Council on the Arts to oversee  
47 the design, construction, and installation of a replica Saturn  
48 1B Rocket at the most northern I-65 rest stop in the state.

49 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

50 Section 1. Sections 41-9-233 and 41-9-235 of the Code  
51 of Alabama 1975, are amended to read as follows:

52 "§41-9-233

53 (a) No person may prevent the governmental entity  
54 having responsibility for maintaining any architecturally  
55 significant building, memorial building, memorial school,  
56 memorial street, or monument from taking proper and



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57 appropriate measures, and exercising proper and appropriate  
58 means, for the protection, preservation, care, repair, or  
59 restoration of those monuments, streets, or buildings.

60 (b) If any architecturally significant building or  
61 memorial building is razed, the governmental entity  
62 responsible for the building shall ensure that any replacement  
63 building or resulting park or green space maintains the name  
64 of the original building. If the building is not replaced, the  
65 governmental entity shall erect a marker to memorialize the  
66 person for whom the memorial building was originally named."

67 "§41-9-235

68 (a) (1) Any entity exercising control of public property  
69 on which an architecturally significant building, memorial  
70 building, memorial school, memorial street, or monument is  
71 located may petition the committee for a waiver from  
72 subsection (b) or subsection (c) of Section 41-9-232 through  
73 an application including, at a minimum, all of the following:

74 a. A resolution by the controlling entity seeking a  
75 waiver for the renaming of a memorial school or for the  
76 relocation, removal, alteration, renaming, or other  
77 disturbance of the architecturally significant building,  
78 memorial building, memorial street, or monument and the  
79 reasons therefor.

80 b. Written documentation of the origin of the  
81 architecturally significant building, memorial building,  
82 memorial school, memorial street, or monument, the intent of  
83 the sponsoring entity at the time of dedication, and any  
84 subsequent alteration, renaming, or other disturbance of the



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85 architecturally significant building, memorial building,  
86 memorial street, or monument.

87 c. Written commentary from any heritage, historical,  
88 genealogical, or preservation organizations with interest in  
89 the decision of the controlling entity, and from the general  
90 public.

91 d. A written statement of any facts that were not known  
92 at the time of the origin of the architecturally significant  
93 building, memorial building, memorial school, memorial street,  
94 or monument, but are known now, that the committee should  
95 consider in granting the waiver. The absence of such facts  
96 should serve as a presumption against the granting of a waiver  
97 by the committee.

98 (2) ~~a.~~ If the committee grants a waiver, the committee  
99 may provide reasonable conditions and instructions to ensure  
100 that the architecturally significant building, memorial  
101 building, memorial school, memorial street, or monument is  
102 restored or preserved to the greatest extent possible.

103 ~~b.~~ (b) In the event there is a need for emergency  
104 repairs or construction at the site of or to the  
105 architecturally significant building, memorial building,  
106 memorial street, or monument or on adjacent property, the  
107 controlling entity may temporarily relocate or otherwise  
108 protect the architecturally significant building, memorial  
109 building, memorial street, or monument without seeking a  
110 waiver under the process provided in this section; provided  
111 the architecturally significant building, memorial building,  
112 memorial street, or monument shall be returned to its prior



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113 location or condition, or both, as soon as safely and  
114 reasonably possible, and no later than one year after the  
115 completion of the repair or construction. If the repair or  
116 construction is expected to take more than one year, the  
117 controlling entity shall seek a waiver under the process  
118 specified in this section.

119 ~~e.~~ (c) If the committee fails to act on a completed  
120 application for a waiver within 90 days after the application  
121 is submitted to the committee, the waiver shall be deemed  
122 ~~granted~~ denied.

123 ~~d.~~ (d) If the Attorney General determines that an entity  
124 exercising control of public property has renamed a memorial  
125 school or has relocated, removed, altered, renamed, or  
126 otherwise disturbed an architecturally significant building,  
127 memorial building, memorial street, or monument from that  
128 public property without first obtaining a waiver from the  
129 committee as required by this article, or failed to comply  
130 with the conditions and instructions issued by the committee  
131 upon the grant of a waiver pursuant to this section, the  
132 entity shall be fined ~~twenty-five thousand dollars (\$25,000)~~  
133 five thousand dollars (\$5,000) for each day that the violation  
134 continues and until the entity has taken full restorative  
135 action to comply with the requirements of this article. The  
136 Attorney General may also commence a civil action to enjoin a  
137 threatened or continuing violation of this article. Upon  
138 written request of the entity and the submission of supporting  
139 documentation that restoration has begun, the Attorney General  
140 may stay the fine pending complete restoration. The fine shall



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141 be collected by the Attorney General, forwarded by his or her  
142 office to the State Treasurer, and deposited into the Alabama  
143 State Historic Preservation Fund created in Section 41-9-255.

144 ~~e.~~ (e) Judicial review of the final decision of the  
145 committee may be sought pursuant to the Alabama Administrative  
146 Procedure Act, Chapter 22 of this title."

147 Section 2. The Alabama State Council on the Arts shall  
148 commission the design and construction and provide for the  
149 installation of a replica of the Saturn 1B Rocket at the  
150 northern most rest stop off of Interstate 65 in the state. The  
151 original Saturn 1B Rocket was donated by the National  
152 Aeronautics and Space Administration and, since 1979, has  
153 stood off of Interstate 65 at the Ardmore Welcome Center in  
154 Elkmont, Alabama. The council may accept public or private  
155 gifts, grants, and donations, including in-kind services, for  
156 use in commissioning the rocket, and may also use funds  
157 appropriated to the council by the Legislature for the  
158 purposes provided in this section.

159 Section 3. This act shall become effective on the first  
160 day of the third month following its passage and approval by  
161 the Governor, or its otherwise becoming law.