

SENATE BILL 1099

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 1, Part 4; Title 4, Chapter 11; Title 4, Chapter 12 and Title 4, Chapter 13, relative to the Tennessee Heritage Protection Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-1-412, is amended by adding the following as a new subsection:

()

(1) A state or local governmental entity, or other political subdivision of this state, exercising control of public property, is subject to a fine of ten thousand dollars (\$10,000) for each day that one (1) or more violations listed in subdivision () (2) continues and until the governmental entity or political subdivision has taken full restorative action to comply with this subsection (), including the return of each protected memorial to its original location and condition.

(2) A state or local governmental entity, or other political subdivision of this state, exercising control of public property, shall not:

(A) Rename a memorial, including a public building named after a historic figure, entity, or event;

(B) Relocate, remove, alter, obscure from view, rename, dishonor, disparage, or reinterpret with competing signage, wording symbols, objects, or other types of means of communication a memorial;
or

(C) Disturb a memorial located on public property or knowingly allow an individual or entity to do so.

(3) Fines assessed under subdivision () (1) must be promptly collected by the attorney general and reporter, forwarded to the state treasurer, and deposited into the Tennessee historic preservation fund, hereby created and accounted for separately in the general fund, for the preservation, repair, refurbishment, and conservation of memorials. If the attorney general and reporter is unable to promptly collect a fine pursuant to this subdivision () (3), the attorney general and reporter shall file suit in a court of competent jurisdiction to collect the fine.

(4) In addition to collecting fines and initiating lawsuits pursuant to subdivision () (3) as necessary, the attorney general and reporter shall seek all remedies at law and in equity to preserve memorials protected under this section, and shall restore such memorials to their original name, location, and condition in coordination with the commission.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.