

1 SB12
2 170763-1
3 By Senators Allen, Brewbaker, Albritton, McClendon, Glover,
4 Scofield, Waggoner, Livingston and Melson
5 RFD: Finance and Taxation General Fund
6 First Read: 13-JUL-15

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

10 This bill would prohibit the relocation,
11 removal, alteration, renaming, rededication, or
12 other disturbance of any statue, monument,
13 memorial, nameplate, or plaque which is located on
14 public property and has been erected for, or named,
15 or dedicated in honor of certain historical
16 military, civil rights, and Native American events,
17 figures, and organizations.

18 This bill would prohibit any person from
19 preventing the governmental entity having
20 responsibility for maintaining the items,
21 structures, or areas from taking proper measures to
22 protect, preserve, care for, repair, or restore the
23 items, structures, or areas.

24 This bill would authorize the Alabama
25 Historical Commission to grant waivers under
26 certain circumstances.

1 This bill would also exempt the Department
2 of Transportation under certain limited
3 circumstances.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

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9 To create the Alabama Heritage Protection Act of
10 2015; to prohibit the relocation, removal, alteration,
11 renaming, rededication, or other disturbance of any statue,
12 monument, memorial, nameplate, or plaque located on public
13 property that has been erected for, or named, or dedicated in
14 honor of certain historical military, civil rights, and Native
15 American events, figures, and organizations; to prohibit any
16 person from preventing the governmental entity responsible for
17 maintaining the items, structures, or areas from taking proper
18 measures to protect, preserve, care for, repair, or restore
19 the items, structures, or areas; to authorize the Alabama
20 Historical Commission to grant waivers; and to exempt the
21 Department of Transportation under certain limited
22 circumstances.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall be known and may be cited
25 as the Alabama Heritage Protection Act of 2015.

26 Section 2. (a) No statue, monument, memorial,
27 nameplate, or plaque which is located on public property and

1 has been erected for, or named, or dedicated in honor of the
2 French and Indian War, American Revolution, War of 1812,
3 United States-Mexican War, the War Between the States, Spanish
4 American War, the Mexican border period, World War I, World
5 War II, the Korean conflict, the Vietnam War, Operation Urgent
6 Fury (Grenada), Operation El Dorado Canyon (Libya), Operation
7 Just Cause (Panama), Operation Desert Shield/Desert Storm
8 (Persian Gulf War I), Operation Enduring Freedom
9 (Afghanistan), and Operation Iraqi Freedom (Persian Gulf War
10 II) may be relocated, removed, altered, renamed, rededicated,
11 or otherwise disturbed.

12 (b) No statue, monument, memorial, nameplate,
13 plaque, school, street, bridge, building, park, preserve, or
14 reserve which is located on public property and has been
15 erected for, or named, or dedicated in honor of any historical
16 military figure, historical military event, military
17 organization, or military unit may be renamed or rededicated.

18 (c) No statue, monument, memorial, nameplate,
19 plaque, school, street, bridge, building, park, preserve, or
20 reserve which is located on public property and has been
21 erected for, or named, or dedicated in honor of the Civil
22 Rights Movement or any historical civil rights figure,
23 historical civil rights event, or civil rights organization
24 may be renamed or rededicated.

25 (d) No statue, monument, memorial, nameplate,
26 plaque, school, street, bridge, building, park, preserve, or
27 reserve which is located on public property and has been

1 erected for, or named, or dedicated in honor of Native
2 Americans or American Indians or any historical Native
3 American or American Indian figure, historical Native American
4 or American Indian rights event, or Native American or
5 American Indian organization may be renamed or rededicated.

6 Section 3. No person may prevent the governmental
7 entity having responsibility for maintaining any of the items,
8 structures, or areas described in Section 2 from taking proper
9 and appropriate measures, and exercising proper and
10 appropriate means, for the protection, preservation, care,
11 repair, or restoration of those items, structures, or areas.

12 Section 4. (a) For the purposes of this act, public
13 property means all property owned or leased by the State of
14 Alabama, any county, municipality, metropolitan government, or
15 any other entity that is created by act of the Legislature to
16 perform any public function.

17 (b) Any entity exercising control of public property
18 on which an item, structure, or area described in Section 2 is
19 located may petition the Alabama Historical Commission for a
20 waiver from this act. A petition for waiver shall be in
21 writing and shall state the reason, or reasons, upon which the
22 waiver is sought. At any regularly scheduled meeting of the
23 commission, the commission may grant a petition for waiver by
24 a majority vote of those present and voting. The commission
25 may include reasonable conditions and instructions to ensure
26 that any items, structures, or areas are preserved to the
27 greatest extent possible.

1 Section 5. (a) This act shall apply to items,
2 structures, or areas described in Section 2 in existence
3 before January 1, 1970, and those lawfully erected, named, or
4 dedicated on or after January 1, 1970.

5 (b) This act does not apply to items, structures, or
6 areas described in Section 2 that are located on public
7 property under the control of, or acquired by, the Department
8 of Transportation which may interfere with the construction,
9 maintenance, or operation of the public transportation system.
10 The department shall strive to ensure that any such items,
11 structures, or areas are preserved to the greatest extent
12 possible.

13 Section 6. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.