

1 HB584  
2 167106-1  
3 By Representatives Holmes (M), Mooney, Gaston, Clouse, Fridy,  
4 Lee, Sells, Johnson (K) and Collins  
5 RFD: Ways and Means General Fund  
6 First Read: 30-APR-15

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8 SYNOPSIS: Under existing law, the Alabama Historical  
9 Commission is an independent agency of the state  
10 responsible for fostering the historical heritage  
11 of the State of Alabama and the preservation of  
12 historic sites, buildings and objects within the  
13 state.

14 This bill would transfer the  
15 responsibilities of the State Historic Preservation  
16 Office and State Archeologist, Fort Mims, and the  
17 preservation supervision of the State Capitol to  
18 the Alabama Department of Archives and History.

19 This bill would also transfer the properties  
20 of Fort Morgan, Fort Toulouse-Fort Jackson, Old  
21 Cahawba, and the Confederate Memorial Park to the  
22 Alabama Department of Conservation and Natural  
23 Resources.

24 Effective January 1, 2016 this bill would  
25 reorganize and consolidate the operative,  
26 administrative, and preservation functions of these  
27 sites.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
5

6 To amend Sections 9-14A-8, 9-15-82, 11-68-3,  
7 11-68-6, 11-80-13, 13A-7-23.1, 23-1-293, 40-8-3, 40-9F-2,  
8 40-9F-3, 40-9F-4, 40-9F-5, 40-9F-6, 40-9F-7, 40-9F-8, 41-6-2,  
9 41-7-3, 41-9-222, 41-9-248, 41-9-249.1, 41-9-250, 41-9-251,  
10 41-9-252, 41-9-253, 41-9-260, 41-9-261, 41-9-291, 41-9-292,  
11 41-9-293, 41-9-294, 41-9-295, 41-9-296, 41-9-297, 41-9-299.1,  
12 41-9-321, 41-9-335, 41-9-542, 41-9-992, 41-10-136, 41-10-138,  
13 41-10-235, 41-10-236, 45-17-220, 45-17A-80.02, 41-17A-80.05,  
14 and 45-26A-70.02 of the Code of Alabama 1975, related to the  
15 Alabama Historical Commission; to transfer the duties,  
16 responsibilities, papers, funds, property, and other effects  
17 of the Alabama Historical Commission to the Alabama Department  
18 of Archives and History and Alabama Department of Conservation  
19 and Natural Resources; and to repeal Sections 29-1-23,  
20 41-9-240, 41-9-241, 41-9-242, 41-9-243, 41-9-244, 41-9-245,  
21 41-9-246, 41-9-247, 41-9-248, 41-9-249, 41-9-254, 41-9-255,  
22 41-9-256, 41-9-257, 41-9-258, 41-9-259, 41-9-262, 41-9-263,  
23 41-9-510, 41-9-511, 41-9-512, and 41-9-513 of the Code of  
24 Alabama 1975.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 9-14A-8, 9-15-82, 11-68-3,  
27 11-68-6, 11-80-13, 13A-7-23.1, 23-1-293, 40-8-3, 40-9F-2,

1 40-9F-3, 40-9F-4, 40-9F-5, 40-9F-6, 40-9F-7, 40-9F-8, 41-6-2,  
2 41-7-3, 41-9-222, 41-9-248, 41-9-249.1, 41-9-250, 41-9-251,  
3 41-9-252, 41-9-253, 41-9-260, 41-9-261, 41-9-291, 41-9-292,  
4 41-9-293, 41-9-294, 41-9-295, 41-9-296, 41-9-297, 41-9-299.1,  
5 41-9-321, 41-9-335, 41-9-542, 41-9-992, 41-10-136, 41-10-138,  
6 41-10-235, 41-10-236, 45-17-220, 45-17A-80.02, 41-17A-80.05,  
7 and 45-26A-70.02 of the Code of Alabama 1975 are amended to  
8 read as follows:

9 "§9-14A-8.

10 "In addition to the powers provided in the above  
11 Section 9-14A-6, the Alabama Public Historical Sites and Parks  
12 Improvement Corporation shall have the following powers:

13 "(a) To acquire, provide, construct, improve,  
14 renovate, equip, and maintain public historical sites and  
15 public historical parks not under the jurisdiction of the  
16 Department of Conservation and Natural Resources.

17 "(b) To acquire by purchase, gift, or the exercise  
18 of the power of eminent domain, or any other lawful means, and  
19 to transfer, convey or cause to be conveyed to the state, any  
20 real, personal or mixed property necessary or convenient in  
21 connection with the acquiring, providing, constructing,  
22 improving, renovating, equipping and maintenance of public  
23 historical sites and public historical parks not under the  
24 jurisdiction of the Department of Conservation and Natural  
25 Resources.

26 "(c) To enter into contracts with municipalities,  
27 counties, ~~the Alabama Historical Commission~~ or other agencies

1 or political subdivisions of the state or any other state,  
2 private persons, firms, corporations and any branch of the  
3 federal government, in furtherance of its public purposes and  
4 objects either relative to work done or to be done.

5 "(d) To institute public-private initiative to  
6 promote and encourage private, non-profit, and corporate  
7 contributions to further the restoration and improvement of  
8 the Alabama public historical sites and parks.

9 "§9-15-82.

10 "(a) This article shall not apply to the transfers  
11 of real property between departments, boards, bureaus,  
12 commissions, institutions, corporations, or agencies of the  
13 state. These transfers may be made by mutual agreements  
14 between the chief executive officers of the respective  
15 departments with the approval of the Governor. This article  
16 shall not apply to the leasing or sale of timber from unused  
17 lands under Section 9-15-1 et seq.; to the leasing or sale of  
18 timber from school lands and swamp and overflowed lands under  
19 Section 9-15-30 et seq.; to the leasing of oil, gas, and other  
20 minerals under Section 9-17-60 et seq.; real property sold by  
21 the Department of Revenue under tax sales and redemptions; to  
22 the sale of property by the ~~Alabama Historical Commission~~  
23 Department of Conservation and Natural Resources ~~under Section~~  
24 ~~41-9-249(7)~~; to reversions made under Section 31-4-18; to the  
25 sale or conveyance of real property by the Alabama Housing  
26 Finance Authority or the Alabama Mental Health Finance  
27 Authority; to the sale or lease of any interest in real

1 property owned for investment purposes by any trust fund  
2 administered by the Division of Risk Management; or to  
3 property traded in right of way negotiations or sales of  
4 excess right of way or uneconomic remnants by the State  
5 Department of Transportation. Notwithstanding any other  
6 provisions of this article, the Alabama Forestry Commission  
7 shall have the authority to conduct real property sales in  
8 accordance with this article without going through the Lands  
9 Division. In so doing, the Alabama Forestry Commission shall  
10 comply with all other provisions of this article. This article  
11 shall not apply to the granting of easements, rights-of-way  
12 for utilities, roads, streets, and sidewalks where there is no  
13 competitive market. Notwithstanding any other provision of  
14 this article, institutions and systems of higher education  
15 with separately constituted boards of trustees or those  
16 institutions of higher education subject to the supervision  
17 and authority of the State Board of Education that have  
18 written policies and procedures governing transfers of  
19 interest in real property have the authority to conduct real  
20 property sales and leases by public auction or publicly sought  
21 sealed bid in accordance with procedures in the article for  
22 advertising and receiving bids, without going through the  
23 Lands Division of the state Department of Conservation and  
24 Natural Resources. Furthermore, in those cases in which it can  
25 be economically justified and it is deemed to be in the best  
26 interest of the institution or system and the State of Alabama  
27 to offer an interest in real property for sale or lease

1 through a listing with a duly licensed real estate broker who  
2 shall publicize the offer in accordance with customary  
3 practices or through negotiation after publicly announced  
4 requests for proposals to sell or lease the property are made,  
5 rather than through a procedure otherwise described in this  
6 article, the institution or system may do so, provided that a  
7 written declaration setting forth the specific reasons why it  
8 is deemed to be in the best interest of the institution or  
9 system and the State of Alabama to make specific sale or lease  
10 in question in such manner is made by an agent of the  
11 institution authorized by the board of trustees or the State  
12 Board of Education, and subsequently ratified by the board of  
13 trustees or the State Board of Education and the document  
14 shall be retained and made a part of the permanent file and  
15 shall be open to public inspection. Sales and leases  
16 transacted as described in this section shall be deemed to be  
17 in compliance with all provisions of this article. Ground  
18 leases and leases of facilities by institutions of higher  
19 education to social or professional organizations, faculty  
20 members, employees, or for institution-related purposes which  
21 are designed to enhance the operation of the institution and  
22 are declared to be in the best interest of the institution by  
23 the board of trustees or the State Board of Education, are  
24 exempt from the provisions of this article. Such declaration  
25 shall be maintained as aforesaid.

26 "(b) Except as set out hereinafter, nothing herein  
27 contained shall be construed to apply in any manner to the

1 sale or lease of any real property or any interest therein  
2 owned in whole or in part by any county or municipal board of  
3 education, any county or municipal government or any of their  
4 respective boards, agencies, departments, corporations, or  
5 instrumentalities including corporations and/or boards in  
6 regard to which any county or municipal governing body is a  
7 determining or appointing authority. Provided that nothing  
8 herein contained shall be construed to apply in any manner to  
9 the sale or lease of any real property or interest therein  
10 owned by the State of Alabama and the departments, boards,  
11 bureaus, commissions, instrumentalities, corporations, and  
12 agencies of the state to the United States government, any  
13 county or municipal board of education, any county or  
14 municipal governing body or any of their respective boards,  
15 agencies, departments, corporations, or instrumentalities  
16 including corporations and/or boards in regard to which any  
17 county or municipal governing body is a determining or  
18 appointing authority, subject to the condition that such  
19 property or any interest therein is not resold, leased, or  
20 otherwise transferred in whole or in part, within three years,  
21 to any private person, firm, or corporation without compliance  
22 with the provisions of this article. Provided, however, that  
23 if the property is to be sold within three years from the date  
24 it was acquired, the state shall have the right to repurchase  
25 the property at the price it was sold by the state. Provided,  
26 further, that all such transactions between the United States  
27 government, any county or municipal board of education, any



1 county or municipal government, or any of their respective  
2 boards, agencies, departments, corporations, or  
3 instrumentalities including corporations or boards and the  
4 state or any department, board, bureau, commissions,  
5 instrumentalities, corporations, and agencies of the state  
6 shall have the approval of the Governor and written notice of  
7 such transaction shall be given to the Lands Division of the  
8 Department of Conservation and Natural Resources at least 30  
9 days before the closing of such transaction.

10 "(c) Notwithstanding any other provision of this  
11 article, this article shall not apply to lease-leaseback  
12 transactions entered into by institutions and systems of  
13 higher education with separately constituted boards of  
14 trustees provided that any such institution or system of  
15 higher education shall at all times remain the owner of any  
16 real property the subject of any such lease-leaseback  
17 transaction.

18 "(d) Notwithstanding any other provision of this  
19 article, this section shall not apply to the sale, lease, or  
20 transfer of any property owned by a municipal commercial  
21 development authority subject to Article 6, commencing with  
22 Section 11-54-170, of Chapter 54 of Title 11.

23 "§11-68-3.

24 "(a) An historic preservation commission created by  
25 an ordinance enacted pursuant to this chapter shall be  
26 composed of not less than 7 members, who shall have  
27 demonstrated training or experience in the fields of history,

1 architecture, architectural history, urban planning,  
2 archaeology or law, or who shall be residents of an historic  
3 district designated pursuant to that ordinance. Members of the  
4 commission shall be bona fide residents of the territorial  
5 jurisdiction of the municipality creating the commission. Not  
6 more than one-fifth of the members of the commission shall be  
7 public officials.

8 "(b) Members of the commission shall be nominated by  
9 the chief executive officer of the municipality creating the  
10 commission and appointed by the legislative body of that  
11 municipality. Nomination and appointment of members of the  
12 commission shall be made so as to ensure that the commission  
13 will be composed of persons with as much of the training and  
14 experience specified in subsection (a) of this section as is  
15 possible.

16 "(c) Except for the original members of the  
17 commission, members of the commission shall serve three year  
18 terms and shall be appointed in such a manner so as to serve  
19 overlapping terms. Two of the original members of the  
20 commission shall be appointed to serve one year terms, two of  
21 the original members of the commission shall be appointed to  
22 serve two year terms, and the remainder of the original  
23 members of the commission shall be appointed to serve three  
24 year terms. Members of the commission may be reappointed.

25 "(d) Members of the commission may be removed for  
26 cause by the legislative body of the municipality creating the  
27 commission.

1           "(e) Vacancies on the commission shall be filled by  
2 persons nominated by the chief executive officer of the  
3 municipality creating the commission and appointed by the  
4 legislative body of that municipality. Such appointments shall  
5 be for the unexpired term of the member replaced.

6           "(f) Members of the commission shall elect a  
7 chairman and a vice chairman and such other officers as the  
8 members deem necessary. The commission shall adopt rules of  
9 procedure and bylaws to govern its operations and shall  
10 communicate those rules of procedure and bylaws to the  
11 municipality creating the commission. The rules of procedure  
12 and bylaws of the commission shall specify what number of  
13 members of the commission constitutes a quorum.

14           "(g) Members of the commission shall serve without  
15 compensation but may be reimbursed for expenses incurred on  
16 behalf of the commission in accordance with the rules and  
17 regulations for the reimbursement of expenses adopted by the  
18 commission.

19           "(h) The commission may employ such professional,  
20 technical, office, and other personnel as may be necessary to  
21 carry out the purposes and responsibilities of the ordinance  
22 enacted pursuant to this chapter.

23           "(i) The commission shall prepare and file with the  
24 municipality creating the commission, and with the ~~Alabama~~  
25 ~~Historical Commission~~ Department of Archives and History, an  
26 annual report of its activities as required by the

1 municipality and the ~~Alabama Historical Commission~~ Department  
2 of Archives and History.

3 "(j) Meetings of the commission shall be public  
4 meetings and shall be held at times and places and pursuant to  
5 such notices specified in the ordinance creating the  
6 commission.

7 "§11-68-6.

8 "(a) On recommendation of the historic preservation  
9 commission, a municipality enacting an ordinance, pursuant to  
10 this chapter, may designate historic properties and historic  
11 districts within the territorial jurisdiction of the  
12 municipality.

13 "(b) The commission shall not recommend designation  
14 of an historic property or historic district unless such  
15 recommendation is based on a finding of a survey of such  
16 property or district conducted by or for the commission in  
17 accordance with the rules and regulations of the ~~Alabama~~  
18 ~~Historical Commission~~ Department of Archives and History.

19 "(c) The commission shall not recommend designation  
20 of an historic property or historic district unless it finds  
21 that the building, structure, site, or district is identified  
22 with or represents a significant aspect of the cultural,  
23 political, economic, military, or social history of the  
24 locality, region, state, or nation or has had a significant  
25 relationship with the life of a historic person or event,  
26 representing a major aspect of the history of the locality,  
27 region, state, or nation, or if a part of the historic,

1 architectural, archaeological, or aesthetic heritage of the  
2 locality, region, state, or nation. In the case of an  
3 individual building or structure, the commission may recommend  
4 designation as an historic property if the commission finds  
5 that the building or structure is an example of an  
6 architectural style, or combination of architectural styles,  
7 which is representative of the municipality creating the  
8 commission or which is unique to that municipality. In the  
9 case of a district, the commission may recommend designation  
10 as an historic district if the commission finds that the  
11 district contains vernacular structures which contribute to an  
12 overall character and sense of place which is representative  
13 of the municipality creating the commission.

14 "§11-80-13.

15 "(a) (1) County commissions may establish a county  
16 cemetery rehabilitation authority, hereinafter authority, to  
17 designate, register, and maintain neglected cemeteries lying  
18 outside any municipal area within the county.

19 "(2) When a county commission establishes an  
20 authority, it shall appoint a board to oversee the duties  
21 given to the authority. Each board member shall serve at the  
22 pleasure of the county commission.

23 "(3) City governments have the same power to  
24 establish a city cemetery rehabilitation authority and a board  
25 to oversee the registration and maintenance of neglected  
26 cemeteries within their municipal limits.

1           "(4) Governments are encouraged to include on their  
2 board representatives of genealogical and historical societies  
3 and other citizens who have shown an interest in preserving  
4 cemeteries.

5           "(b) In the absence of action by the appropriate  
6 governing body, any citizen may submit, in writing, a request  
7 to the appropriate governing body that the governing body  
8 establish a cemetery rehabilitation authority, and such  
9 request shall be spread upon the minutes of the next meeting  
10 of the appropriate governing body following receipt of such  
11 request.

12           "(c) A cemetery rehabilitation authority created  
13 herein may accept the assistance of private citizens as well  
14 as money donated by private citizens or family, in order to  
15 afford the upkeep and restoration of cemeteries designated as  
16 neglected. A trust fund may be established to supply  
17 continuing needs over a long period of time.

18           "(d) The cemetery authority may work with private  
19 landowners to determine the frequency of access, either for  
20 specified work days or for visits by family to restore and or  
21 maintain the graves, or by genealogical researchers.

22           "(e) The county commission of each county may  
23 provide for the identification, cataloguing, or recording of  
24 neglected cemeteries. A copy of all surveys shall be forwarded  
25 to the ~~Alabama Historical Commission~~ Department of Archives  
26 and History for establishment of a statewide inventory. If the

1 county or city has a cemetery rehabilitation authority, this  
2 duty may be delegated to that authority.

3 "(f) The authority or the county commissions of each  
4 county shall provide for the registration, with the ~~Historical~~  
5 ~~Commission~~ Department of Archives and History, of each  
6 neglected cemetery within the county, unless the cemetery has  
7 been previously registered. The registration shall take place  
8 within one year of notification being made to the board by any  
9 interested party of the existence of the neglected cemetery.

10 "(g) No county or municipality nor any person under  
11 the supervision or direction of the county or municipality,  
12 providing good faith assistance in securing or maintaining a  
13 cemetery under this section, may be subject to civil  
14 liabilities or penalties of any type.

15 "§13A-7-23.1.

16 "(a) Any person who willfully or maliciously  
17 injures, defaces, removes, or destroys any tomb, monument,  
18 gravestone, burial mound, earthen or shell monument containing  
19 human skeletal remains or associated burial artifacts, or  
20 other structure or thing placed or designed for a memorial of  
21 the dead, or any fence, railing, curb, or any enclosure for  
22 the protection or ornamentation of any tomb, monument,  
23 gravestone, burial mound, earthen or shell monument containing  
24 human skeletal remains or associated burial artifacts, or  
25 other structure before mentioned, or for any enclosure for the  
26 burial of the dead, or any person who willfully and wrongfully  
27 or maliciously destroys, removes, cuts, breaks, or injures any

1 tree, shrub, plant, flower, decoration, or other real or  
2 personal property within any cemetery or graveyard shall be  
3 guilty of a Class A misdemeanor.

4 "(b) Any person who willfully or maliciously  
5 desecrates, injures, defaces, removes, or destroys any tomb,  
6 monument, structure, or container of human remains, burial  
7 mound, earthen or shell monument containing human skeletal  
8 remains or associated burial artifacts, and invades or  
9 mutilates the human corpse or remains shall be guilty of a  
10 Class C felony and upon conviction the person shall be  
11 punished as provided by law.

12 "(c) The provisions of subsections (a) and (b) shall  
13 not apply to any person holding a permit issued by the ~~Alabama~~  
14 ~~Historical Commission~~ Department of Archives and History  
15 pursuant to subsection (d), to anyone operating a cemetery  
16 under standard rules and regulations and maintenance  
17 procedures, or to any person otherwise authorized by law to  
18 remove or disturb a tomb, monument, grave marker, burial  
19 mound, earthen or shell monument, or similar structure, or its  
20 contents, as described in subsections (a) and (b), nor shall  
21 subsections (a) and (b) apply to any person authorized to take  
22 any action on municipal property.

23 "(d) The ~~Alabama Historical Commission~~ Department of  
24 Archives and History, to provide for the lawful preservation,  
25 investigation, restoration, or relocation of human burial  
26 remains, human skeletal remains, or funerary objects, shall  
27 promulgate rules and regulations for the issuance of a permit



1 and may issue a permit to persons or companies who seek to  
2 restore, preserve, or relocate human burial remains, human  
3 skeletal remains, funerary objects, or otherwise disturb, a  
4 place of burial.

5 "§23-1-293.

6 "(a) The Designating Committee shall consist of a  
7 state legislator to be appointed by the Governor, a state  
8 Senator appointed by the President Pro Tempore of the Senate,  
9 a member of the House of Representatives appointed by the  
10 Speaker of the House, and the heads, or their official  
11 designees, of the following seven departments:

12 "(1) The Alabama State Department of Transportation.

13 "(2) The Alabama Bureau of Tourism and Travel.

14 "(3) The ~~Alabama Historical Commission~~ Department of  
15 Archives and History.

16 "(4) The Alabama Council on the Arts.

17 "(5) The Alabama Department of Economic and  
18 Community Affairs.

19 "(6) The Alabama Department of Conservation and  
20 Natural Resources.

21 "(7) The Alabama Forestry Commission.

22 "(b) The Designating Committee shall perform the  
23 following duties:

24 "(1) Designate as scenic byways from the highways  
25 recommended to it by the Advisory Council, as provided in  
26 subsection (d) of Section 23-1-294.

1           "(2) Advise the Governor and the Legislature of each  
2 designation.

3           "(3) Adopt procedures for the administration of  
4 designating and managing scenic byways.

5           "(4) Remove the designation of a highway as a scenic  
6 byway where it deems appropriate.

7           "§40-8-3.

8           "There is hereby levied for the purpose and upon the  
9 property hereinafter named and not specifically exempted from  
10 taxation annual taxes, as follows:

11           "(1) For the maintenance of the public schools of  
12 this state, \$.30 on each \$100 of the assessed value of taxable  
13 property.

14           "(2) For the relief of needy Confederate soldiers  
15 and sailors, resident citizens of Alabama and their widows,  
16 \$.10 on each \$100 of the assessed value of taxable property of  
17 which one percent of the gross amount collected will be  
18 expended by the ~~Alabama Historical Commission~~ Department of  
19 Conservation and Natural Resources to provide for capital  
20 improvements, operations, and maintenance at the Confederate  
21 Memorial Park at Mountain Creek, Chilton County, Alabama.

22           "(3) For the use of the state and to raise revenue  
23 therefor, \$.25 on each \$100 of the assessed value of taxable  
24 property.

25           "§40-9F-2.

26           "As used in this chapter, the following terms shall  
27 have the following meanings:

1           "(1) CERTIFIED HISTORIC STRUCTURE. A property  
2 located in Alabama which is certified by the ~~Alabama~~  
3 ~~Historical Commission~~ Department of Archives and History as  
4 being individually listed in the National Register of Historic  
5 Places, eligible for listing in the National Register of  
6 Historic Places, or certified by the ~~commission~~ Department of  
7 Archives and History as contributing to the historic  
8 significance of a Registered Historic District.

9           "(2) CERTIFIED REHABILITATION. Repairs or  
10 alterations to a certified historic structure that is  
11 certified by the ~~commission~~ Department of Archives and History  
12 as meeting the U.S. Secretary of the Interior's Standards for  
13 Rehabilitation, or to non-historic structures built before  
14 1936 which are certified by the ~~commission~~ Department of  
15 Archives and History as meeting the requirements contained in  
16 Section 47(c)(1)(a) and (b) of the Internal Revenue Code, as  
17 amended, or to a certified historic residential structure as  
18 defined in subdivision (4).

19           "(3) CERTIFIED HISTORIC RESIDENTIAL STRUCTURE. A  
20 certified historic structure as defined in subdivision (1).

21           "~~(4) COMMISSION. The Alabama Historical Commission~~  
22 ~~and or its successor.~~

23           "~~(5)~~ (4) DEPARTMENT. The Alabama Department of  
24 Revenue or its successor.

25           "~~(6)~~ (5) OWNER. Any taxpayer filing a State of  
26 Alabama tax return or any entity that is exempt from federal  
27 income taxation pursuant to Section 501(c) of the Internal

1 Revenue Code, as amended, that: a. owns title to a qualified  
2 structure, or b. owns a leasehold interest in a qualified  
3 structure for a term of not less than 39 years.

4 "~~(7)~~(6) QUALIFIED REHABILITATION EXPENDITURES. Any  
5 expenditure as defined under Section 47(c)(2)(A) of the  
6 Internal Revenue Code, as amended, and the related regulations  
7 thereunder, and other reasonable expenses and costs expended  
8 in the rehabilitation of a qualified structure. For certified  
9 historic residential structures, this term shall mean expenses  
10 incurred by the taxpayer in the certified rehabilitation of a  
11 certified historic residential structure, including  
12 preservation and rehabilitation work done to the exterior of a  
13 certified historic residential structure, repair and  
14 stabilization of historic structural systems, restoration of  
15 historic plaster, energy efficiency measures except insulation  
16 in frame walls, repairs or rehabilitation of heating, air  
17 conditioning, or ventilation systems, repairs or  
18 rehabilitation of electrical or plumbing systems exclusive of  
19 new electrical appliances and electrical or plumbing fixtures,  
20 and architectural, engineering, and land surveying fees.  
21 Qualified rehabilitation expenditures do not include the cost  
22 of acquisition of the qualified structure, the personal labor  
23 by the owner, or any cost associated with the rehabilitation  
24 of an outbuilding of the qualified structure, unless the  
25 outbuilding is certified by the ~~commission~~ Department of  
26 Archives and History to contribute to the historical  
27 significance of the qualified structure.

1           "~~(8)~~(7) QUALIFIED STRUCTURE. Certified historic  
2 structures and non-historic structures built before 1936 which  
3 are certified by the ~~commission~~ Department of Archives and  
4 History as meeting the requirements contained in Section  
5 47(c) (1) (a) and (b) of the Internal Revenue Code, as amended,  
6 and to certified historic residential structures as defined  
7 herein.

8           "~~(9)~~(8) REGISTERED HISTORIC DISTRICT. Any district  
9 listed in the National Register of Historic Places and any  
10 district which is either of the following:

11           "a. Designated under Alabama or local law certified  
12 by the U.S. Secretary of the Interior as containing criteria  
13 which substantially achieves the purpose of preserving and  
14 rehabilitating buildings of historic significance to the  
15 district.

16           "b. Certified by the U.S. Secretary of the Interior  
17 as meeting substantially all of the requirements for the  
18 listing of districts in the National Register of Historic  
19 Places.

20           "~~(10)~~(9) REHABILITATION PLAN. Construction plans  
21 and specifications for the proposed rehabilitation of a  
22 qualified structure in sufficient detail to enable the  
23 ~~commission~~ Department of Archives and History to evaluate  
24 compliance with the standards developed under this chapter.

25           "~~(11)~~(10) SUBSTANTIAL REHABILITATION.  
26 Rehabilitation of a qualified structure for which the  
27 qualified rehabilitation expenditures exceed 50 percent of the

1 owner's original purchase price of the qualified structure or  
2 twenty-five thousand dollars (\$25,000), whichever is greater.

3 "§40-9F-3.

4 "(a) The ~~commission~~ Department of Archives and  
5 History shall develop standards for the approval of the  
6 substantial rehabilitation of qualified structures for which a  
7 tax credit is sought. The standards shall take into account  
8 whether the substantial rehabilitation of a qualified  
9 structure is consistent with the historic character of the  
10 structure or of the Registered Historic District in which the  
11 property is located.

12 "(b) Prior to beginning any substantial  
13 rehabilitation work on a qualified structure, the owner shall  
14 submit an application and rehabilitation plan to the  
15 ~~commission~~ Department of Archives and History and an estimate  
16 of the qualified rehabilitation expenditures under the  
17 rehabilitation plan; provided, however, that the owner, at its  
18 own risk, may incur qualified rehabilitation expenditures no  
19 earlier than six months prior to the submission of the  
20 application and rehabilitation plan that are limited to  
21 architectural, engineering, and land surveying fees and  
22 related soft costs and any costs related to the protection of  
23 the qualified structure from deterioration.

24 "(c) The ~~commission~~ Department of Archives and  
25 History shall review the application and rehabilitation plan  
26 to determine that the information contained therein is  
27 complete. If the ~~commission~~ Department of Archives and History

1 determines that the application and rehabilitation plan are  
2 complete, the ~~commission~~ Department of Archives and History  
3 shall reserve for the benefit of the owner an allocation for a  
4 tax credit as provided in Section 40-9F-4 and the ~~commission~~  
5 Department of Archives and History shall notify the owner in  
6 writing of the amount of the reservation. The reservation of  
7 tax credits does not entitle the owner to an issuance of tax  
8 credits until the owner complies with all other requirements  
9 of this chapter for the issuance of the tax credits. The  
10 reservation of tax credits shall be made by the ~~commission~~  
11 Department of Archives and History in the order in which  
12 completed applications and rehabilitation plans are received  
13 by the ~~commission~~ Department of Archives and History, and the  
14 reservation of tax credits shall be issued by the ~~commission~~  
15 Department of Archives and History within a reasonable time,  
16 not to exceed 90 days from the filing of a completed  
17 application and rehabilitation plan. Applications received by  
18 the ~~commission~~ Department of Archives and History on the same  
19 day shall go through a lottery process to determine the order  
20 in which the applications will be reviewed by the ~~commission~~  
21 Department of Archives and History. Only the property for  
22 which a property address, legal description or other specific  
23 location is provided in the application shall be reviewed.  
24 Ownership of an entity that is the owner of property contained  
25 in the application shall not be a factor in the ~~commission~~  
26 Department of Archives and History's review of the application  
27 and no subsequent change in the ownership structure of such

1 entity shall result in the loss or rescission of a reservation  
2 of tax credits. The owner shall not be permitted to request  
3 the review of another property for approval in the place of  
4 the property contained in the application. Any application  
5 disapproved by the ~~commission~~ Department of Archives and  
6 History shall be removed from the review process, and the  
7 ~~commission~~ Department of Archives and History shall notify the  
8 owner in writing of the decision to remove the application.  
9 Disapproved applications shall lose their priority in the  
10 review process. A disapproved application may be resubmitted,  
11 but shall be deemed to be a new submission for purposes of the  
12 priority procedures described in this section and may be  
13 charged a new application fee. In the event that the  
14 ~~commission~~ Department of Archives and History grants  
15 reservations for tax credits equal to the total amount  
16 available for reservations during the tax year, all owners  
17 with applications then awaiting approval or thereafter  
18 submitted for approval shall be notified by the ~~commission~~  
19 Department of Archives and History that no additional  
20 approvals shall be granted during that tax year and shall be  
21 notified of the priority number given to the owner's  
22 application then awaiting approval. The applications shall  
23 remain in priority status for two years from the date of the  
24 original application and shall be considered for reservations  
25 of tax credits in the priority order established in this  
26 section in the event that additional credits become available



1 due to the rescission of approvals or when a new tax year's  
2 allocation of tax credits becomes available.

3 "Owners receiving a reservation of tax credits shall  
4 commence rehabilitation, if rehabilitation has not previously  
5 begun, within 18 months of the date of issuance of the written  
6 notice from the ~~commission~~ Department of Archives and History  
7 to the owner granting the reservation of tax credits.

8 "Commencement of rehabilitation" shall mean that, as of the  
9 date in which actual physical work contemplated by the  
10 rehabilitation plan submitted with the application has begun,  
11 the owner has incurred no less than 20 percent of the  
12 estimated costs of rehabilitation provided in the application.

13 Owners receiving a reservation of tax credits shall submit  
14 evidence of compliance with the provisions of this subsection.

15 If the ~~commission~~ Department of Archives and History  
16 determines that an owner has failed to comply with the  
17 requirements provided under this section, the reservation of  
18 tax credits for the owner may be rescinded and, if so, the  
19 amount of tax credits shall then be included in the total  
20 amount of available tax credits provided for in subsection (c)  
21 of Section 40-9F-4, from which reservations may be granted.

22 Any owner whose reservation of tax credits shall be rescinded  
23 shall be notified of the rescission from the ~~commission~~  
24 Department of Archives and History and, upon receipt of the  
25 notice, may submit a new application but may be charged a new  
26 application fee.

1           "(d) Following the completion of a substantial  
2 rehabilitation of a qualified structure, the owner shall  
3 notify the ~~commission~~ Department of Archives and History that  
4 the substantial rehabilitation has been completed and shall  
5 certify the qualified rehabilitation expenditures incurred  
6 with respect to the rehabilitation plan. In addition, the  
7 owner shall provide the ~~commission~~ Department of Archives and  
8 History with: (i) a cost and expense certification, prepared  
9 by a licensed certified public accountant that is not an  
10 affiliate of the owner, certifying the total qualified  
11 rehabilitation expenditures and the total amount of tax  
12 credits against any state tax due that is specified in this  
13 chapter for which the owner is eligible under Section 40-9F-4  
14 and, if the qualified rehabilitation expenditures exceed two  
15 hundred thousand dollars (\$200,000), the cost and expense  
16 certification must be audited by the licensed certified public  
17 accountant; and (ii) an appraisal of the qualified structure  
18 prepared by an independent MAI designated and licensed real  
19 estate appraiser. The ~~commission~~ Department of Archives and  
20 History shall review the documentation of the rehabilitation  
21 and verify its compliance with the rehabilitation plan. Within  
22 90 days after receipt of the foregoing documentation from the  
23 owner, the ~~commission~~ Department of Archives and History shall  
24 issue a tax credit certificate in an amount equivalent to the  
25 lesser of: (i) the amount of the tax credit reservation issued  
26 for the project under the provisions of subsection (c), or  
27 (ii) 25 percent of the actual qualified rehabilitation

1 expenditures for certified historic structures and 10 percent  
2 of the actual qualified rehabilitation expenditures for  
3 qualified pre-1936 non-historic structures. In the event the  
4 amount of qualified rehabilitation expenditures incurred by  
5 the owner would result in the issuance of an amount of tax  
6 credits in excess of the amount of tax credits reserved for  
7 the owner under subsection (c), the owner may apply to the  
8 ~~commission~~ Department of Archives and History for issuance of  
9 tax credits in an amount equal to the excess. Applications for  
10 issuance of tax credits in excess of the amount of tax credits  
11 reserved for the owner shall be made on a form prescribed by  
12 the ~~commission~~ Department of Archives and History and shall  
13 represent a separate certificate that shall be issued, subject  
14 to all provisions regarding priority provided in this section.

15 "(e) In order to obtain a credit against any state  
16 tax due that is specified in this chapter, a taxpayer shall  
17 file the tax credit certificate with the taxpayer's Alabama  
18 state tax return.

19 "(f) The department shall grant a tax credit against  
20 any state tax due that is specified in this chapter to a  
21 taxpayer holding the tax credit certificate issued under  
22 subsection (d) or, in the case of a transferee, issued by the  
23 department pursuant to Section 40-9F-4(e) against any tax due  
24 under Chapters 16 and 18 in the amount stated on the tax  
25 credit certificate. The department shall have the right to  
26 audit and to reassess any credit improperly obtained by the  
27 owner, in accordance with the Taxpayers' Bill of Rights and

1 the Uniform Revenue Procedures contained in Chapter 2A;  
2 provided, however that only the owner initially awarded the  
3 tax credit certificate, and not any subsequent transferee of  
4 the tax credit certificate or person to whom tax credits have  
5 been passed through pursuant to Section 40-9F-4(d), shall be  
6 liable for any credit improperly obtained by the owner.

7 "(g) For processing the taxpayer's application for a  
8 tax credit, the ~~commission~~ Department of Archives and History  
9 may impose reasonable application fees of up to one percent of  
10 the qualified rehabilitation expenses but not to exceed ten  
11 thousand dollars (\$10,000).

12 "(h) The ~~commission~~ Department of Archives and  
13 History shall, in consultation with the department, report to  
14 the Legislature in the third year following passage of this  
15 chapter, and annually thereafter, on the overall economic  
16 activity, usage, and impact to the state from the substantial  
17 rehabilitation of qualified structures for which tax credits  
18 have been allowed.

19 "§40-9F-4.

20 "(a) The state portion of any tax credit against the  
21 tax imposed by Chapters 16 and 18, for the taxable year in  
22 which the certified rehabilitation is placed in service, shall  
23 be equal to 25 percent of the qualified rehabilitation  
24 expenditures for certified historic structures, and shall be  
25 10 percent of the qualified rehabilitation expenditures for  
26 qualified pre-1936 non-historic structures. No tax credit  
27 claimed for any certified rehabilitation may exceed five

1 million dollars (\$5,000,000) for all allowable property types  
2 except a certified historic residential structure, and fifty  
3 thousand dollars (\$50,000) for a certified historic  
4 residential structure.

5 "(b) The entire tax credit may be claimed by the  
6 taxpayer in the taxable year in which the certified  
7 rehabilitation is placed in service. Where the taxes owed by  
8 the taxpayer are less than the tax credit, the taxpayer shall  
9 not be entitled to claim a refund for the difference, but any  
10 unused portion of the credit may be carried forward for up to  
11 10 additional tax years.

12 "(c) For the calendar years 2013, 2014, and 2015,  
13 the aggregate amount of all tax credits that may be reserved  
14 in any one of such years by the ~~commission~~ Department of  
15 Archives and History upon certification of rehabilitation  
16 plans under subsection (c) of Section 40-9F-3 shall not exceed  
17 twenty million dollars (\$20,000,000) plus any amount of  
18 previous reservations of tax credits that were rescinded under  
19 subsection (c) of Section 40-9F-3 during the tax year.  
20 However, if all of the allowable tax credit amount for any tax  
21 year is not requested and reserved, any unreserved tax credits  
22 may be utilized by the ~~commission~~ Department of Archives and  
23 History in awarding tax credits in subsequent years; provided,  
24 however, that in no event shall a total of more than sixty  
25 million dollars (\$60,000,000) be reserved by the ~~commission~~  
26 Department of Archives and History during the period of May

1 15, 2013, through May 16, 2016. For purposes of this chapter,  
2 "tax year" shall mean the calendar year.

3 "(d) Tax credits granted to a partnership, a limited  
4 liability company or multiple owners of a property shall be  
5 passed through to the partners, members, or owners (including  
6 any not-for-profit entity that is a partner, member, or owner)  
7 respectively pro rata or pursuant to an executed agreement  
8 among the partners, members, or owners documenting an  
9 alternate distribution method without regard to their sharing  
10 of other tax or economic attributes of the entity. The tax  
11 credit certificate shall contain a section to be completed by  
12 the owner that provides the percentage or amount of credit  
13 that will be allocated to each partner, member, or owner, and  
14 such completed certificate may be provided to the department  
15 to transfer all or any portion of the tax credits passed  
16 through to the partner, member, or owner in accordance with  
17 subsection (e).

18 "(e) All or any portion of the tax credits under  
19 this section and Sections 40-9F-3 and 40-9F-5 shall be  
20 transferable and assignable, subject to any notice and  
21 verification requirements to be determined by the department,  
22 without the requirement of transferring any ownership interest  
23 in the qualified structure or any interest in the entity which  
24 owns the qualified structure. However, once a credit is  
25 transferred, only the transferee may utilize such credit and  
26 the credit cannot be transferred again. A transferee of the  
27 tax credits may use the amount of tax credits transferred to

1 offset any state tax due under Chapters 16 and 18 of Title 40.  
2 The department shall promulgate a form transfer statement to  
3 be filed by the transferor with the department prior to the  
4 purported transfer of any credit issued under this chapter.  
5 The transfer statement form shall include the name and federal  
6 taxpayer identification number of the transferor and each  
7 transferee listed therein along with the amount of the tax  
8 credit to be transferred to each transferee listed on the  
9 form. The transfer statement form shall also contain such  
10 other information as the department may from time to time  
11 reasonably require. For each transfer, the transferor shall  
12 file (1) a completed transfer statement form; (2) a copy of  
13 the tax credit certificate issued by the ~~commission~~ Department  
14 of Archives and History documenting the amount of tax credits  
15 which the transferor intends to transfer; (3) a copy of the  
16 proposed written transfer agreement; and (4) a transfer fee  
17 payable to the department in the amount of one thousand  
18 dollars (\$1,000) per transferee listed on the transfer  
19 statement form. The transferor shall file with the department  
20 a fully executed copy of the written transfer agreement with  
21 each transferee within 30 days after the completed transfer.  
22 Filing of the written transfer agreement with the department  
23 shall perfect such transfer with respect to such transferee.  
24 Within 30 days after the department's receipt of the fully  
25 executed written transfer agreement, the department shall  
26 issue a tax credit certificate to each transferee listed in  
27 such agreement in the amount of the tax credit so transferred.

1 Such certificate shall be used by the transferee in claiming  
2 the tax credit pursuant to Section 40-9F-3(e) and (f). The  
3 department may promulgate such additional rules as are  
4 necessary to permit verification of the ownership of the tax  
5 credits but shall not promulgate any rules which unduly  
6 restrict or hinder the transfer of the tax credits.

7 "§40-9F-5.

8 "(a) Recapture of any of the credit shall apply  
9 against the taxpayer who utilizes the credit, and any required  
10 adjustments to basis due to recapture, shall be governed by  
11 Section 50 of the Internal Revenue Code.

12 "(b) In the taxable year the certified  
13 rehabilitation is placed in service for any structure for  
14 which a tax credit has been issued, the ~~commission~~ Department  
15 of Archives and History shall provide notice of the certified  
16 rehabilitation and a copy of the appraisal provided by the  
17 owner to the taxing authority responsible for the assessment  
18 of ad valorem taxes. Upon notification, the taxing authority  
19 responsible for the assessment of ad valorem taxes shall  
20 complete a new assessment for the structure to be used in the  
21 assessment of ad valorem taxes for the tax year in which the  
22 certified rehabilitation was placed in service.

23 "§40-9F-6.

24 "Owners or their duly authorized representatives may  
25 appeal any state official decision, including all preliminary  
26 or final reservations, approvals, and denials, made by the  
27 ~~commission~~ Department of Archives and History or the



1 department with regard to an application and rehabilitation  
2 plan submitted under Section 40-9F-3, in accordance with the  
3 Alabama Administrative Procedure Act contained in Chapter 22  
4 of Title 41. Appeals shall constitute an administrative review  
5 of the decision appealed from and shall not be conducted as an  
6 adjudicative proceeding. Appeals shall be submitted within 30  
7 days of receipt by the owner or the owner's duly authorized  
8 representative of the decision that is the subject of the  
9 appeal.

10 "§40-9F-7.

11 "The tax credits authorized by this chapter for the  
12 substantial rehabilitation of qualified structures shall not  
13 be available to owners of qualified structures that submit an  
14 application and rehabilitation plan after May 15, 2016. No  
15 action or inaction on the part of the Legislature shall reduce  
16 or suspend the tax credits authorized by this chapter in any  
17 past or future calendar year with respect to a qualified  
18 structure if the owner thereof submits an application and  
19 rehabilitation plan with the ~~commission~~ Department of Archives  
20 and History and the ~~commission~~ Department of Archives and  
21 History reserves an allocation for a tax credit on or prior to  
22 May 15, 2016, even if the qualified structure is placed into  
23 service after May 15, 2016, and shall not affect the owner of  
24 a qualified structure if the ~~commission~~ Department of Archives  
25 and History has reserved an allocation for a tax credit on or  
26 prior to May 15, 2016.

27 "§40-9F-8.

1           ~~The commission~~ Department of Archives and History  
2 shall promulgate by September 1, 2013, any and all rules and  
3 regulations necessary to implement the provisions of this  
4 chapter. Applications for the reservation of tax credits shall  
5 be accepted beginning October 1, 2013, but no tax credit may  
6 be credited prior to the taxpayer's return for the taxable  
7 year 2014.

8           "§40-18-140.

9           "(a) (1) Each Alabama resident individual income  
10 taxpayer desiring to contribute to any of the programs listed  
11 in subsection (b) may designate an amount of his or her  
12 refund, rounded off in whole dollars, in an appropriate box on  
13 the state income tax return form, to be credited to the  
14 program.

15           "(2) All future check-offs, duly enacted by the  
16 Legislature subsequent to April 17, 2006, shall be accorded an  
17 appropriate box on the state income tax return forms, subject  
18 to the terms and conditions prescribed herein, without the  
19 requirement that they be added by amendment to this section.

20           "(b) Contributions received for the following  
21 authorized charitable and nonpolitical income tax check-off  
22 recipients, less costs of administration to the Department of  
23 Revenue not to exceed five percent, shall be distributed and  
24 appropriated as provided herein:

25           "(1) Contributions to the Alabama Aging Program  
26 shall be deposited with the State Treasurer into the Alabama  
27 Senior Services Trust Fund for preserving, protecting,

1 perpetuating, and enhancing the abilities of aging citizens to  
2 remain independent, under the auspices of the Department of  
3 Senior Services.

4 "(2) Contributions to the Arts Development Fund  
5 shall be deposited into the General Fund of the State  
6 Treasury, to be appropriated to the Council on the Arts and  
7 Humanities to fund grants to tax exempt organizations or  
8 associations to encourage development of high quality and  
9 artistically significant arts activities or cultural  
10 facilities in local areas and shall be distributed in  
11 accordance with Article 3, commencing with Section 41-9-40,  
12 Chapter 9, Title 41.

13 "(3) Contributions to Alabama Nongame Wildlife  
14 Program shall be deposited in the Alabama Nongame Wildlife  
15 Fund in the State Treasury to the credit of the Game and Fish  
16 Fund to be used exclusively for purposes of preserving,  
17 protecting, perpetuating, and enhancing nongame wildlife in  
18 this state. Nothing contained herein shall be construed to  
19 give any rights of condemnation to the Department of  
20 Conservation and Natural Resources.

21 "(4) Contributions to the Children's Trust Fund  
22 shall be deposited with the State Treasurer into the State  
23 Child Abuse and Neglect Prevention Board Operations Fund, as  
24 provided for under Section 26-16-30.

25 "(5) Contributions to the Alabama Veterans' Program  
26 shall be deposited in the State Treasury to the credit of the  
27 Department of Veterans' Affairs to be used exclusively for

1 purposes of providing nursing home and health care for aged  
2 and disabled veterans in this state.

3 "(6) Contributions to the Alabama Indian Children's  
4 Scholarship Fund shall be deposited with the State Treasurer  
5 for distribution to the Alabama Indian Affairs Commission for  
6 educational scholarships.

7 "(7) Contributions to the Penny Trust Fund shall be  
8 deposited with the State Treasurer for distribution according  
9 to Section 41-15A-2.

10 "(8) Contributions to the Foster Care Trust Fund,  
11 established under Sections 38-10-50 and 38-10-51, shall be  
12 deposited with the State Treasurer to be continuously  
13 appropriated to the Department of Human Resources to assist  
14 all children in temporary or permanent custody in foster care.

15 "(9) Contributions designated for mental health on  
16 the Alabama state resident individual income tax return shall  
17 be deposited with the State Treasurer and shall be distributed  
18 equally to the Alliance for the Mentally Ill of Alabama and to  
19 the Mental Health Consumers of Alabama.

20 "(10) Contributions to the Alabama Breast and  
21 Cervical Cancer Research Program shall be deposited with the  
22 State Treasurer and distributed to the University of Alabama  
23 at Birmingham, which shall implement and administer the  
24 program.

25 "(11) Contributions to the Neighbors Helping  
26 Neighbors Fund shall be deposited with the State Treasurer for  
27 distribution by the Department of Economic and Community

1 Affairs for weatherization assistance as provided for under  
2 Article 6, commencing with Section 41-23-100, Chapter 23,  
3 Title 41.

4 "(12) Contributions to the Alabama 4-H Club  
5 Foundation, Incorporated, shall be deposited with the State  
6 Treasurer and distributed to the Alabama 4-H Club Foundation,  
7 Incorporated.

8 "(13) Contributions to the Alabama Organ Center  
9 Donor Awareness Fund shall be deposited with the State  
10 Treasurer for distribution to the fund.

11 "(14) Contributions to the Alabama National Guard  
12 Foundation, Incorporated, shall be deposited with the State  
13 Treasurer for distribution to the fund.

14 "(15) Contributions to the Cancer Research Institute  
15 shall be deposited with the State Treasurer for distribution  
16 to the institute.

17 ~~"(16) Contributions to the Alabama State Historic~~  
18 ~~Preservation Fund shall be deposited with the State Treasurer~~  
19 ~~for distribution to the fund, as provided for in Section~~  
20 ~~41-9-255.~~

21 ~~"(17)~~ (16) Contributions to the Archives Services  
22 Fund shall be deposited with the State Treasurer for  
23 distribution to the fund as provided for in Section 41-6-76.

24 ~~"(18)~~ (17) Contributions to the Alabama Firefighters  
25 Annuity and Benefit Fund shall be deposited with the State  
26 Treasurer for distribution to the fund.

1           "~~(19)~~ (18) Contributions to VOCAL's Victims of  
2 Violence Assistance shall be deposited with the State  
3 Treasurer for distribution to Victims of Crime and Leniency,  
4 Inc. (VOCAL).

5           "(c) In the event that three years after adoption, a  
6 check-off authorized under subsection (b) or subdivision (2)  
7 of subsection (a) fails to achieve average annual gross  
8 contributions of seven thousand five hundred dollars (\$7,500)  
9 for a subsequent three-year period, its name will be dropped  
10 from the state income tax return forms for the succeeding tax  
11 year and its original authorization shall be effectively  
12 repealed.

13           "§41-6-2.

14           "(a) The objects and purposes of the department are:

15           "(1) The care and custody of official archives;

16           "(2) The collection of materials bearing upon the  
17 history of the state and of the territory included therein  
18 from the earliest times;

19           "(3) The completion and publication of the state's  
20 official records and other historical materials;

21           "(4) The diffusion of knowledge in reference to the  
22 history and resources of the state;

23           "(5) The encouragement of historical work and  
24 research;

25           "(6) The encouragement of and assistance in the  
26 establishment of public school libraries and in the

1 improvement and strengthening of those already in existence;  
2 and

3           "(7) The provision of advice and assistance to  
4 libraries and library workers in library administration,  
5 methods and economy.

6           "(8) To promote and increase knowledge and  
7 understanding of the history of this state from the earliest  
8 time to the present, including the archaeological, Indian,  
9 Spanish, British, French, Colonial, Confederate and American  
10 eras, by adopting and executing general plans, methods and  
11 policies for permanently preserving and marking objects,  
12 sites, structures and ruins.

13           "(9) To promote and assist in the publicizing of the  
14 historic resources of the state by preparing and furnishing  
15 information to public mass media and to governmental agencies  
16 charged with publicity and to coordinate any of its  
17 objectives, efforts or functions with any agency or agencies  
18 of the federal government, of the State of Alabama and of  
19 other states or local governments having objectives similar or  
20 related to those of the department;

21           "(10) To accept for renovation, maintenance,  
22 restoration, preservation or management and operation any  
23 building or site within the State of Alabama owned by the  
24 United States, the State of Alabama or any agency or  
25 subdivision thereof or by the National Trust for Historic  
26 Preservation or by natural or corporate persons, public or  
27 private, upon such terms and conditions as to the Board of

1 Trustees of the Department of Archives and History shall be  
2 deemed in the best interest of the State of Alabama in  
3 conformity with the purposes of the State Historic  
4 Preservation Office;

5 "(11) To acquire, by exercise of the power of  
6 eminent domain, historic structures of paramount or  
7 exceptional importance, such as those Alabama landmarks  
8 eligible for nomination to or recorded in the National  
9 Register of Historic Places; provided, that at least  
10 two-thirds of the members of the Board of Trustees of the  
11 Department of Archives and History shall vote to acquire such  
12 structures by the exercise of this measure;

13 "(12) To charge admissions at the various buildings  
14 and sites under the control of the department throughout the  
15 state and to sell booklets, pamphlets and souvenirs at said  
16 locations and to retain and use the proceeds of said sales and  
17 admissions for the furtherance of the purposes of the  
18 department;

19 "(13)a. To acquire, receive and take title to, by  
20 purchase, gift, lease, devise or otherwise, and to own, to  
21 hold, keep and develop, and to sell, transfer, convey, lease,  
22 and assign to any person or otherwise dispose of property of  
23 every kind and character, whether real, personal or mixed,  
24 whether tangible or intangible, whether in trust or otherwise,  
25 together with any and every interest therein, in furtherance  
26 of the lawful objectives of the department;



1           "b. To administer such property or trusts, whenever  
2 any such property is received or held to be used for the  
3 benefit of the historical heritage of the State of Alabama,  
4 for preservation of historic sites, buildings and objects, or  
5 for other lawful objectives of the department, as it deems in  
6 the best interest of historical preservation or in furtherance  
7 of the objective for which the property is held or the  
8 donation or gift is made; and to convert such property or any  
9 portion thereof into securities or other forms of property and  
10 use the proceeds therefrom, including any interest on  
11 investments, as it deems will best promote the objectives of  
12 the department;

13           "c. To accept as trustee, beneficiary, or both, any  
14 interest in such property, together with any proceeds from its  
15 investment, for the benefit of historical preservation or  
16 other purposes of the department, upon such conditions as may  
17 be acceptable to the donor and the department. No such  
18 undertaking entered into by the department or its agent or  
19 agents shall bind the state to pay any state moneys to anyone;  
20 provided, however, that nothing herein shall prevent the  
21 department from undertaking payments out of the proceeds from  
22 such trust funds as a condition of the acceptance of the  
23 donation. All trust funds administered pursuant to this act  
24 may be required by the department to pay the expenses of  
25 administering the same. Such gifts shall be deductible from  
26 Alabama state income tax by the donor or donors;

1           "(14) To make and publish a survey of the buildings,  
2 ruins and sites of historic, architectural or archaeological  
3 significance within the State of Alabama and to make available  
4 such survey to individuals, institutions and governmental  
5 bodies desiring copies of same;

6           "(15) To determine from such survey the buildings,  
7 ruins and sites listed therein which are considered worthy of  
8 permanent preservation, to certify same as being worthy and to  
9 publish said list;

10          "(16) To establish criteria for the certification,  
11 selection and acquisition of historic properties for state  
12 ownership and for state aid to local historic site projects;

13          "(17) To nominate selected landmarks with historic,  
14 architectural and archaeological significance to the National  
15 Register of Historic Places using priorities established by  
16 the department;

17          "(18) To establish and maintain an Alabama state  
18 historic preservation depository into which may be deposited  
19 antiques, relics, artifacts, mementos, paintings and other  
20 objects contributed to or acquired by the state or the  
21 department. The department shall have the authority to restore  
22 these objects and to use them for the furnishing of its own  
23 historic buildings and other selected landmarks in Alabama;

24          "(19) To rent or lease any of its acquisitions to  
25 public or private agencies;

26          "(20) To produce and publish technical ("how to")  
27 manuals on historic preservation

1           "(21) To improve, restore, preserve, renovate,  
2 maintain, exhibit, repair, rebuild, recreate and reconstruct  
3 its acquisitions, and the department shall have jurisdiction  
4 over the same and the exhibits located thereon;

5           "(22) To purchase or otherwise acquire and to erect  
6 and maintain "historic markers" on such buildings, roads,  
7 trails, routes and sites as it shall designate and to  
8 cooperate with and assist local, regional and state historical  
9 groups in selecting and erecting such markers; and

10           "(23) To accept the gift of money and real and  
11 personal property from any and all public and private sources.  
12 Such gifts shall be deductible from Alabama state income tax  
13 by the donor.

14           "(b) The department shall bring together and arrange  
15 for ready consultation a reference collection of materials for  
16 the use of members of the Legislature, state officers and  
17 others on all subjects which may, from time to time, be deemed  
18 of public interest and importance to the people of the state.

19           "(c) The department shall perform such other acts  
20 and requirements as may be enjoined by law.

21           "§41-7-3.

22           "(a) There is established the Advisory Board to the  
23 Alabama Tourism Department to advise and assist the director.  
24 The board shall be composed of 21 members who shall be  
25 appointed as follows:

26           "(1) Two members who shall be appointed by the  
27 Governor from a list of three persons for each board position

1 which shall be submitted to the Governor by the Alabama Travel  
2 Council, or its successor organization.

3 "(2) Two members who shall be appointed by the  
4 Governor from a list of three persons for each board position  
5 which shall be submitted to the Governor by the Alabama  
6 Hospitality Association, or its successor organization.

7 "(3) Two members who shall be appointed by the  
8 Governor from a list of three persons for each board position  
9 which shall be submitted to the Governor by the Alabama  
10 Association of Convention and Visitor Bureaus, or its  
11 successor organization.

12 "(4) Two members who shall be appointed by the  
13 Governor from a list of three persons for each board position  
14 which shall be submitted to the Governor from the Alabama  
15 Restaurant Association, or its successor organization.

16 "(5) Two members who shall be appointed by the  
17 Governor from a list of three persons for each board position  
18 which shall be submitted to the Governor from the Alabama  
19 Cooperative Extension System who shall be representatives of  
20 the private sector rural tourism industry.

21 "(6) Two members who shall be appointed by the  
22 Governor from a list of three persons for each board position  
23 which shall be submitted to the Governor from the Economic  
24 Development Association of Alabama, or its successor  
25 organization.

26 "(7) Three members appointed by the Governor who are  
27 not current full-time public officials or public employees,

1 but who are representatives of the private sector of the  
2 tourism industry in Alabama.

3 "(8) The Director of the Alabama State Parks who  
4 shall serve as an ex officio member.

5 "(9) The Director of the ~~Alabama Historical~~  
6 ~~Commission~~ Department of Archives and History who shall serve  
7 as an ex officio member.

8 "(10) The Director of the Alabama State Council on  
9 the Arts who shall serve as an ex officio member.

10 "(11) The Director of the Alabama Cooperative  
11 Extension Service who shall serve as an ex officio member.

12 "(12) The Director of the Alabama Department of  
13 Public Safety who shall serve as an ex officio member.

14 "(13) The Director of the Alabama Department of  
15 Transportation who shall serve as an ex officio member.

16 "(b) Ex officio members of the board shall be voting  
17 members, but shall serve as a member of the board only as long  
18 as the ex officio member holds his or her respective office.  
19 Each member not serving in an ex officio capacity shall be  
20 appointed to a six-year term except for the initial  
21 appointments of one of the members for each of the positions  
22 designated in subsection (a), subdivisions (1) to (5),  
23 inclusive, which shall be appointed to initial three-year  
24 terms. Members shall serve until their successors are  
25 appointed and qualified. Vacancies which occur other than by  
26 expiration of the term shall be filled for the unexpired term  
27 only.

1           "(c) The members of the board shall serve without  
2 compensation but shall be entitled to reimbursement for actual  
3 and necessary expenses incurred in the performance of their  
4 duties as members.

5           "(d) The director shall be a nonvoting member of the  
6 board.

7           "(e) Members of the board shall be residents of the  
8 State of Alabama, and to the extent possible, appointments to  
9 the board shall be made from all geographic regions of the  
10 State of Alabama in order to promote economic diversity from  
11 throughout the state. Appointments to the board shall include  
12 Black and other minority representation, and to the extent  
13 possible, the appointments shall reflect the percentage of  
14 minority population of the state and the gender and urban and  
15 rural diversity of the state. Those members of the board not  
16 serving in an ex officio capacity shall be actively employed  
17 in the tourism industry throughout the term of their  
18 appointment, and if the member ceases to be so employed, that  
19 person shall immediately cease to be a member of the board,  
20 and the appointing authority shall promptly appoint a new  
21 member in the manner consistent with the initial appointment  
22 procedure to fill the remainder of the term.

23           "(f) All members shall be notified in writing of the  
24 time and place of any regular or special meeting. Any member  
25 who misses four consecutive regularly scheduled meetings shall  
26 immediately cease to be a member of the board, and the  
27 appointing authority shall promptly appoint a new member in

1 the manner consistent with the initial appointment procedure  
2 to fill the remainder of the term. Such meeting requirements  
3 shall not apply to the director nor to ex officio members.

4 "(g) The board shall meet at least quarterly, and  
5 shall perform the following duties:

6 "(1) Serve as a body to advise the director and  
7 private persons on the development and implementation of state  
8 policies and programs relating to tourism and recreation and  
9 to assist in the coordination of these activities.

10 "(2) Adopt bylaws, elect officers, including a  
11 chairperson, and establish procedures for its operation.

12 "(3) Advise and review marketing and annual  
13 advertising plans developed by the department. The  
14 comprehensive marketing plan shall be directed toward the  
15 accomplishment of at least the following purposes:

16 "a. Maximizing the return on public and private  
17 investment and tourism.

18 "b. Encouraging longer stays by visitors to Alabama.

19 "c. Assisting local entities in attracting  
20 conferences and conventions.

21 "d. Reducing season fluctuations in travel and  
22 tourist related industries.

23 "e. Encouraging visitors to be destination oriented  
24 in this state.

25 "f. Encouraging visitors from foreign countries to  
26 visit Alabama.

27 "g. Encouraging Alabamians to vacation in Alabama.

1           "(h) Seek and review the views of all levels of  
2 government and the private sector with respect to state  
3 programs and policies for the promotion and assistance of  
4 tourism.

5           "(i) Cooperate and provide expertise for communities  
6 and tourism marketing associations in the development and  
7 promotion of their tourism attractions and businesses.

8           "(j) Establish working committees to advise the  
9 department with specific areas of operation including  
10 marketing, advertising, regional issues, administration of  
11 grant and co-op programs, and product and service development.

12           "§41-9-222.

13           "The Richmond Pearson Hobson Memorial Board as  
14 established in Section 41-9-221 is abolished. All property,  
15 real and personal, under the management and control of the  
16 memorial board, including but not limited to "Magnolia Grove,"  
17 the Richmond Pearson Hobson home and lands located in  
18 Greensboro, Alabama, and all powers, authority and  
19 jurisdiction over such property, are hereby transferred to the  
20 ~~Alabama Historical Commission~~ Historic Magnolia Grove  
21 Foundation, Inc., a nonprofit corporation; and any right,  
22 title or interest which the state has in the above described  
23 property is also transferred to the ~~Alabama Historical~~  
24 ~~Commission~~ Historic Magnolia Grove Foundation, Inc. The  
25 ~~Alabama Historical Commission~~ Historic Magnolia Grove  
26 Foundation, Inc. shall have full authority to develop,  
27 renovate, restore, preserve, maintain, operate, exhibit and



1 publicize such property in accordance with the powers and  
2 responsibilities of the ~~Alabama Historical Commission~~ Historic  
3 Magnolia Grove Foundation, Inc.

4 "§41-9-249.1.

5 "(a) Notwithstanding any provision of law to the  
6 contrary, the ~~Alabama Historical Commission~~ Department of  
7 Archives and History may enter into contracts with any group  
8 or person for the recovery or salvage of archaeological  
9 treasure, sunken or abandoned ships and wrecks of the sea, or  
10 parts thereof or their contents, which are determined to be  
11 located on state owned lands, or on private land if the  
12 written consent of the owner thereof is first obtained. Such  
13 contracts shall be on forms approved by the ~~commission~~  
14 department and may provide for fair compensation to the  
15 salvager, and owner of the private land where applicable, in  
16 terms of a percentage of the reasonable cash value of the  
17 objects recovered or at the discretion of the ~~commission~~  
18 department, of a fair share of the objects recovered. The  
19 amount constituting a fair share shall be determined by the  
20 ~~commission~~ department, taking into consideration the  
21 circumstances of each operation, and the reasonable cash value  
22 may be determined by contractual agreement for appraisal by  
23 qualified experts or by representatives of the contracting  
24 parties. Each contract shall provide for the termination of  
25 any right in the salvager thereunder upon the violation of any  
26 of the terms thereof. Each contract shall be approved by both  
27 the state Finance Director and the Governor. The distribution

1 of the state's share of the recovery or salvage shall be as  
2 follows:

3 "(1) All archaeological treasure and artifacts shall  
4 be placed in the custody and control of the ~~Alabama Historical~~  
5 ~~Commission~~ Department of Archives and History.

6 "(2) All monetary proceeds from the sale of any  
7 recovered or salvaged archaeological treasure or artifacts  
8 including but not limited to gold, silver or other precious  
9 metal shall be deposited with the State Treasurer to the  
10 credit of the State General Fund.

11 "(b) The provisions of this section are  
12 supplemental. It shall be construed in pari materia with other  
13 laws regulating salvage and excavation of antiquities;  
14 however, those laws or parts of laws which are in direct  
15 conflict or inconsistent herewith are hereby repealed.

16 "§41-9-250.

17 "(a) The following historic properties and sites  
18 shall be under the jurisdiction and control of the ~~Alabama~~  
19 ~~Historical Commission~~ Department of Conservation and Natural  
20 Resources:

21 "~~(1) Fort Mims, Stockton, Baldwin County;~~

22 "~~(2)~~ (1) Fort Toulouse, Wetumpka, Elmore County; and

23 "~~(3) Gaineswood, Demopolis, Marengo County; and~~

24 "~~(4)~~ (2) Confederate Memorial Cemetery, Mountain  
25 Creek, Chilton County.

26 "(b) Fort Mims, Stockton, Baldwin County, shall be  
27 under the jurisdiction and control of the State Archeologist

1 within the State Historic Preservation Office, located in the  
2 Alabama Department of Archives and History.

3 "(b) (c) The Alabama Historical Commission  
4 Department of Conservation and Natural Resources and  
5 Department of Archives and History shall have full authority  
6 to develop, renovate, restore, preserve, maintain, operate,  
7 exhibit and publicize such properties in accordance with the  
8 powers and responsibilities of the said commission  
9 departments.

10 "(d) All property associated with Gaineswood  
11 National Historic Landmark, real and personal, under the  
12 management and control of the Alabama Historical Commission,  
13 including but not limited to the home and lands located in  
14 Demopolis, Alabama, and all powers, authority and jurisdiction  
15 over such property, are hereby transferred to the Friends of  
16 Gaineswood Inc., a nonprofit corporation; and any right, title  
17 or interest which the state has in the above described  
18 property is also transferred to the Friends of Gaineswood Inc.  
19 The Friends of Gaineswood Inc. shall have full authority to  
20 develop, renovate, restore, preserve, maintain, operate,  
21 exhibit and publicize such property in accordance with the  
22 powers and responsibilities of the Friends of Gaineswood Inc.

23 "§41-9-251.

24 "The Cahawba Historical Site, a property on the  
25 National Register of Historic Places, Dallas County, Alabama,  
26 shall be under the jurisdiction and control of the ~~Alabama~~  
27 ~~Historical Commission~~ Department of Conservation and Natural

1 Resources, which shall have full authority to develop,  
2 renovate, preserve, maintain, operate, exhibit, and publicize  
3 the Cahawba Historical Site in accordance with the powers and  
4 responsibilities of the ~~commission~~ department.

5 "§41-9-252.

6 "(a) (1) There is established an advisory committee  
7 to be known as the Cahawba Advisory Committee, composed of 16  
8 members, 15 of whom shall be appointed by the Governor. The  
9 Judge of Probate of Dallas County shall be the sixteenth  
10 member but shall be a member ex officio and shall not be  
11 entitled to a vote on the advisory committee. The members  
12 shall serve for terms of seven years each, and the judge of  
13 probate shall serve throughout his or her term of office.  
14 Members of the advisory committee shall be appointed so that  
15 each congressional district is represented by one appointed  
16 member on the advisory committee; except, that the  
17 congressional district in which Cahawba is situated shall be  
18 represented by eight appointed members, five of whom shall be  
19 residents of Dallas County and three of whom shall be from  
20 some other county in the congressional district. The  
21 membership of the advisory committee shall reflect the racial,  
22 ethnic, gender, urban/rural, and economic diversity of the  
23 state.

24 "(2) The chair shall establish and maintain a bank  
25 account on behalf of the advisory committee and draw warrants  
26 for any lawful expenditures.

1           "(3) The advisory committee shall advise the ~~Alabama~~  
2 ~~Historical Commission~~ Department of Conservation and Natural  
3 Resources regarding the restoration and the development of the  
4 Old Cahawba Capital Site.

5           "(4) The advisory committee shall chose biennially  
6 one of its members as chair, one as vice chair, and one as  
7 secretary-treasurer.

8           "(5) Advisory committee members shall receive a per  
9 diem compensation sum to be fixed by the advisory committee,  
10 but the sum shall not be less than one hundred fifty dollars  
11 (\$150), for attending official meetings of the advisory  
12 committee. The chair may approve the payment for an advisory  
13 committee member authorized to perform official duties at  
14 other times. Advisory committee members shall receive per diem  
15 allowance and travel expenses incurred in attending official  
16 meetings or in performing any actual service under the  
17 direction of the advisory committee and shall be paid in  
18 accordance with Article 2, commencing with Section 36-7-20, of  
19 Chapter 7 of Title 36, after approval by the chair.

20           "(6) The secretary-treasurer shall receive such  
21 compensation as may be fixed by the advisory committee, which  
22 shall be in addition to his or her per diem compensation and  
23 payments made under Article 2, commencing with Section  
24 36-7-20, of Chapter 7 of Title 36. The secretary-treasurer  
25 shall be paid a sum for clerical expenses fixed by the  
26 advisory committee.

1           "(b) The chair of the advisory committee, with the  
2 approval of a majority of the committee members, may appoint  
3 an executive director. The executive director shall not be a  
4 member of the state classified service.

5           "(c) The executive director shall be compensated by  
6 a salary payable from any funds available to the advisory  
7 committee. The exact amount of the executive director's salary  
8 shall be set by the advisory committee, but in no event shall  
9 the salary be less than 60 percent nor more than 75 percent of  
10 the amount set as the standard compensation for cabinet level  
11 officials of the state.

12           "(d) The executive director may hire an assistant  
13 director and such staff, at the pleasure of the executive  
14 director, as deemed necessary, with the approval of the  
15 advisory committee, but without regard to the state Merit  
16 System. The advisory committee shall approve all staff members  
17 hired and their job descriptions, and shall set the rate of  
18 pay or compensation due the assistant director and other  
19 staff.

20           "(e) The advisory committee may permit any employee  
21 of the advisory committee to be treated as a state employee  
22 for the purpose of participating in any insurance programs and  
23 other fringe benefits provided other nonclassified state  
24 employees.

25           "(f) It is the duty of the advisory committee,  
26 acting through its executive director, assistant director, and  
27 staff to perform the following duties:

1           "(1) To provide statewide public awareness, public  
2 information, and education services regarding the Old Cahawba  
3 Capital Site.

4           "(2) To solicit, collect, and receive funds from the  
5 public and private sectors for the support, maintenance, and  
6 preservation of the Old Cahawba Capital Site.

7           "(3) To promote and encourage public and private  
8 efforts to benefit the Old Cahawba Capital Site project.

9           "(4) To appropriate and expend funds, make grants,  
10 contract, cooperate financially or otherwise with the ~~Alabama~~  
11 ~~Historical Commission~~ Department of Conservation and Natural  
12 Resources, Dallas County, and any historical organization,  
13 nonprofit corporation, or governmental agency to acquire,  
14 establish, maintain, reconstruct, and preserve historical  
15 sites in and around Alabama's first permanent Capital at  
16 Cahawba, as may be deemed beneficial by the ~~Alabama Historical~~  
17 ~~Commission~~ Department of Conservation and Natural Resources.

18           "(5) To acquire title, possession, or control of  
19 properties and also objects of historic interest associated  
20 with or representative of the era of the Old Cahawba Capital  
21 Site, but only those located beyond the Old Cahawba Capital  
22 Site.

23           "(6) To make grants to the ~~Alabama Historical~~  
24 ~~Commission~~ Department of Conservation and Natural Resources,  
25 Dallas County, and any historical organization, nonprofit  
26 corporation, or governmental agency to acquire title,  
27 possession, or control of properties or for their

1 preservation, maintenance, reconstruction in, or relocation to  
2 Alabama's first permanent Capital at Cahawba.

3 "(7) To lease, gift, sell, or otherwise dispose of  
4 any surplus, duplicate, or unused properties.

5 "(g) The executive director, assistant director, and  
6 staff shall perform those duties required by the advisory  
7 committee necessary to implement this section.

8 "§41-9-253.

9 "~~The Alabama Historical Commission~~ Department of  
10 Conservation and Natural Resources may acquire title,  
11 possession, or control of such properties and also of objects  
12 of historic interest at the Cahawba Historical Site as it may  
13 deem necessary or proper to be maintained, preserved, and  
14 protected on behalf of the State of Alabama and may acquire,  
15 by purchase, construction, lease, gift, condemnation, or  
16 otherwise, lands and rights in land, including leaseholds and  
17 easements, and water rights in the rivers and lands adjacent  
18 to or in the immediate vicinity of Cahawba. The ~~commission's~~  
19 department's power of eminent domain may be exercised under  
20 Title 18 and any amendments thereto, or pursuant to any other  
21 general statutory provision enacted for the exercise of the  
22 power of eminent domain. The ~~commission~~ department may mark in  
23 suitable manner the places or locations of historic interest  
24 at such point and prepare and publish for distribution  
25 pamphlets or other printed matter with respect thereto. The  
26 expenses incurred for such purposes by the ~~historical~~  
27 ~~commission~~ department shall be paid out of any appropriation



1 made to the ~~commission~~ department, upon warrant drawn by the  
2 Comptroller, supported by an itemized account thereof approved  
3 by the board of trustees and by the Governor.

4 "§41-9-260.

5 "All of that part of the Fort Morgan Military  
6 Reservation lying within the Fort Morgan Military Reservation  
7 conveyed from the United States of America to the State of  
8 Alabama by quitclaim deed executed May 26, 1927, and on which  
9 Fort Morgan itself is located, and also a certain part of the  
10 Fort Morgan Military Reservation conveyed by the United States  
11 of America to the State of Alabama by deed executed December  
12 16, 1946, including all that area south of the outer south  
13 face of the east-west sea wall and west of the north-south sea  
14 wall, is hereby transferred to the ~~Alabama Historical~~  
15 ~~Commission~~ Department of Conservation and Natural Resources.

16 All other property, both real and personal, including  
17 structures and objects located on either of said tracts of  
18 land, owned by the Fort Morgan Historical Commission and all  
19 of its powers, authority and jurisdiction over said property  
20 are also hereby transferred to the ~~Alabama Historical~~  
21 ~~Commission~~ Department of Conservation and Natural Resources,  
22 ~~and any right, title or interest which the state Department of~~  
23 ~~Conservation and Natural Resources has in the above described~~  
24 ~~property is also hereby transferred to the Alabama Historical~~  
25 ~~Commission~~.

26 "Such ~~commission~~ The department shall have full  
27 authority to develop, renovate, restore, preserve, maintain,

1 operate, exhibit and publicize the above described properties  
2 in accordance with the powers and responsibilities of ~~said~~  
3 ~~Alabama Historical Commission~~ the Department of Conservation  
4 and Natural Resources.

5 "Any right, title or interest of ~~the Department of~~  
6 ~~Conservation and Natural Resources in all that part~~ of the  
7 Fort Morgan Military Reservation ~~not hereinabove transferred~~  
8 ~~to the Alabama Historical Commission shall continue to be held~~  
9 by the state Department of Conservation and Natural Resources,  
10 and all such property may be used as a public park for  
11 recreation, such as camping, boating, fishing and any other  
12 purposes for which the Department of Conservation and Natural  
13 Resources is authorized to maintain and operate a public park.  
14 The paved road that runs south at the sea wall shall, however,  
15 be open for use by vehicles for ingress and egress to the  
16 beach, and the Department of Conservation and Natural  
17 Resources shall not prohibit camping on any part of the  
18 reservation under their jurisdiction and control.

19 "§41-9-261.

20 "(a) The primary restoration, planning and  
21 preservation responsibility for the State Capitol of Alabama  
22 and its contiguous historic grounds, designated by the United  
23 States government as a national historic landmark, is hereby  
24 delegated to the ~~Alabama Historical Commission~~ Department of  
25 Archives and History.

26 "(b) The ~~Alabama Historical Commission~~ Department of  
27 Archives and History is instructed to protect the historic and

1 architectural integrity of this historic Greek revival  
2 masterpiece which served as the first Capitol of the  
3 Confederacy in 1861 and has served as the Capitol of Alabama  
4 for more than 120 years.

5 "(c) The agencies of the State of Alabama charged  
6 with architectural, engineering, maintenance and alteration  
7 responsibilities for the State Capitol shall submit plans and  
8 specifications to the ~~Alabama Historical Commission~~ Department  
9 of Archives and History which shall review them for the  
10 retention of the historic merit and architectural integrity of  
11 the landmark prior to any adaptive or construction activities.

12 "(d) The ~~commission~~ department shall be authorized  
13 and empowered to promote and preserve the historic character  
14 and architectural purity of the Capitol building and grounds  
15 and, to that end, it shall exercise its authority, control and  
16 general supervisory jurisdiction over the Capitol grounds,  
17 including walkways and driveways, and over all public areas  
18 within the Capitol building, including the outer office of the  
19 executive suite. Such authority shall specifically include,  
20 but not be limited to, the corridors, rotundas, lobbies,  
21 entranceways, stairways, restrooms, porticos, steps and  
22 elevators. The ~~commission~~ department shall have no  
23 jurisdiction over the areas used for private office space,  
24 except as to structural modifications, but shall have  
25 jurisdiction over all areas specified in this section, and any  
26 and all changes contemplated, whether they be architectural in  
27 nature or merely the moving or replacement of furniture and

1 furnishings, shall first require the approval of the  
2 ~~commission~~ department.

3 "With respect to the legislative chambers,  
4 legislative lounges and legislative meeting rooms, the  
5 ~~commission~~ department shall be authorized and empowered to  
6 advise and consult with the Clerk of the House and the  
7 Secretary of the Senate and the presiding officer,  
8 respectively, and to suggest and recommend changes and  
9 renovations within such spaces that would be appropriate and  
10 in keeping with the preservation of the historic value and  
11 architectural purity therein; provided, however, that no  
12 changes or renovations to the said chambers, lounges or  
13 meeting rooms shall be undertaken or initiated without the  
14 approval of the Clerk of the House and the Secretary of the  
15 Senate and the presiding officer, respectively; provided  
16 further, that no changes or renovations to the Capitol  
17 building and grounds as defined in this section, other than  
18 the legislative chambers, legislative lounges and legislative  
19 meeting rooms provided for in the preceding provisions of this  
20 sentence, shall be undertaken or initiated without the  
21 approval of the Governor.

22 "(e) Nothing in this section shall be construed as  
23 to supersede any authority of the state Building Commission  
24 and, if so, that portion is expressly repealed.

25 "§41-9-291.

26 "As used in this division, the following terms shall  
27 have the following meanings:

1           "(1) ~~COMMISSION~~ DEPARTMENT. The ~~Alabama Historical~~  
2 ~~Commission~~ Department of Archives and History, acting as the  
3 custodian of cultural resources for the State of Alabama.

4           "(2) CONTRACTOR. Any individual, company,  
5 corporation, or private or public institution determined by  
6 the ~~commission~~ department to be appropriately qualified, that  
7 has applied for and received a permit or contract from the  
8 ~~commission~~ department to begin exploration or excavation  
9 activities in state-owned waters.

10           "(3) CULTURAL RESOURCES. All abandoned shipwrecks or  
11 remains of those ships and all underwater archaeological  
12 treasures, artifacts, treasure troves, or other cultural  
13 articles and materials, whether or not associated with any  
14 shipwreck, that are contained in or on submerged lands  
15 belonging to the State of Alabama and the sea within the  
16 jurisdiction of the state, and that have remained unclaimed  
17 for more than 50 years, excluding therefrom sunken logs,  
18 cants, and timber resources of any other type not associated  
19 as part of a shipping vessel, and are eligible for, or listed  
20 in, the National Register of Historic Places or the Alabama  
21 Register of Landmarks and Heritage.

22           "(4) EXCAVATION. The study and intentional removal  
23 from submerged land belonging to the state, by accepted  
24 scientific methods, of any objects recognized as cultural  
25 resources.

26           "(5) EXPLORATION. The systematic examination by  
27 actual survey of an area of submerged land belonging to the

1 state for the purpose of locating and recognizing cultural  
2 resources.

3 "(6) SUBMERGED LANDS. Lands under navigable  
4 waterways owned or controlled by the State of Alabama.

5 "(7) TREASURE TROVE. Any gold bullion, gold ingots,  
6 gold dust, silver bars, and other precious metals or stones.

7 "§41-9-292.

8 "(a) All cultural resources as defined herein are  
9 declared to be state cultural resources subject to the  
10 exclusive dominion and control of the State of Alabama.

11 "(b) Cultural resources shall not be taken, damaged,  
12 destroyed, salvaged, excavated, or otherwise altered without a  
13 prior contract or permit obtained through the ~~commission~~  
14 department, which is designated as the official custodian of  
15 state cultural resources within the jurisdiction of the State  
16 of Alabama; provided, however, that issuance of any contract  
17 or permit shall also be subject to the prior written approval  
18 of the Commissioner of Conservation and Natural Resources.

19 "§41-9-293.

20 "(a) The ~~commission~~ department, in coordination with  
21 the Department of Conservation and Natural Resources, shall  
22 develop and implement a management plan for cultural  
23 resources. The ~~commission~~ department may appoint an advisory  
24 committee to assist the ~~commission~~ department in the  
25 development and implementation of a management plan for  
26 cultural resources, and to advise the ~~commission~~ department  
27 with respect to needed rules or regulations. The ~~commission~~

1 department, in coordination with the Department of  
2 Conservation and Natural Resources, may promulgate, in  
3 accordance with the state Administrative Procedure Act and in  
4 the best interest of the state, any rule or regulation  
5 necessary to implement this division; provided however, that  
6 the rules and regulations shall be subject to the approval of  
7 the director of the ~~commission~~ department and the Commissioner  
8 of Conservation and Natural Resources. The rules and  
9 regulations shall have the force and effect of law.

10 "(b) These regulations shall include, but not be  
11 limited to, any of the following:

12 "(1) The classification of historic maritime and  
13 submerged resources.

14 "(2) Contracting or permitting for various  
15 activities.

16 "(3) Establishing a repository or repositories for  
17 holding the ships, artifacts, treasure troves, or other  
18 cultural artifacts and materials recovered in the areas  
19 stipulated in this division.

20 "(4) Methods of enforcement of this division and  
21 rules and regulations promulgated hereunder.

22 "§41-9-294.

23 "(a) Any qualified individual, company, corporation,  
24 or public institution desiring to conduct any type of  
25 exploration or excavation of cultural resources shall first  
26 make application to the ~~commission~~ department for a permit or  
27 contract to conduct the operation. If the ~~commission~~

1 department finds that the granting of a permit or contract is  
2 in the best interest of the state, it may, subject to the  
3 other provisions of this division, grant the applicant a  
4 permit or contract for a period of time and under those terms  
5 and conditions as the ~~commission~~ department considers to be in  
6 the best interest of the state.

7 "(b) Holders of permits or contracts shall be  
8 responsible for obtaining permission of any federal agencies  
9 having jurisdiction, including, but not limited to, the United  
10 States Department of the Navy and the United States Army Corps  
11 of Engineers, prior to conducting those activities.

12 "(c) Permits or contracts may be issued or made for  
13 any of the following activities, without limitation:

14 "(1) Recreational diving permit or contract.

15 "(2) Exploration and evaluation permit or contract.

16 "(3) Excavation and recovery permit or contract.

17 "§41-9-295.

18 "The ~~commission~~ department may restrict, when  
19 necessary, as determined in writing in the sole discretion of  
20 the Commissioner of Conservation and Natural Resources, the  
21 activities of commercial fishing vessels in or around known  
22 underwater cultural resources when the likelihood of damage to  
23 or any alterations of the cultural resources is deemed  
24 evident. The restricted area shall encompass only the  
25 immediate area of the resource so as not to unduly disrupt  
26 fishing operations.

27 "§41-9-296.



1           "(a) Any funds received by the ~~commission~~ department  
2 under the terms and conditions of permits or contracts made  
3 pursuant to this division shall be placed in funds maintained  
4 in the State Treasury.

5           "(b) The ~~commission~~ department shall, pursuant to  
6 its rulemaking power, provide a procedure for the sale at  
7 public auction of any articles seized pursuant to this  
8 division, with the proceeds going to the State General Fund to  
9 be appropriated by the Legislature.

10           "§41-9-297.

11           "(a) A person commits the crime of theft or  
12 disturbance of a cultural resource protected by the ~~commission~~  
13 department if the person does either of the following:

14           "(1) Intentionally and knowingly removes, alters,  
15 disturbs, or destroys any cultural resource without the prior  
16 written authorization of the ~~commission~~ department by permit  
17 or contract.

18           "(2) Knowingly buys, receives, conceals, aids in the  
19 concealment of, or possesses any illegally obtained cultural  
20 resources.

21           "(b) Intentional and knowing theft or disturbance of  
22 a cultural resource having a value of less than one thousand  
23 dollars (\$1,000) shall constitute a Class A misdemeanor and be  
24 punishable, upon conviction, as provided by law.

25           "(c) Intentional and knowing theft or disturbance of  
26 a cultural resource with a value of one thousand dollars

1 (\$1,000) or more shall constitute a Class C felony and shall  
2 be punishable, upon conviction, as provided by law.

3 "§41-9-299.1.

4 "(a) Notwithstanding any other provisions of this  
5 division to the contrary, no contract with or permit from or  
6 fee paid to the ~~commission~~ department shall be required for  
7 activities performed pursuant to United States Army Corps of  
8 Engineers' permits, including general permits.

9 "(b) Notwithstanding any other provisions of this  
10 division to the contrary, any violation of this division  
11 caused by activities conducted for purposes not related to the  
12 exploration, excavation, or salvaging of cultural resources  
13 may be cured and any otherwise applicable crimes, penalties,  
14 or seizures will no longer apply if the activities in  
15 violation of this division are halted as soon as practicable  
16 after notice from the ~~commission~~ department and an application  
17 for any contract or permit determined to be necessary is  
18 submitted to the ~~commission~~ department.

19 "§41-9-321.

20 "The commission shall be composed of 18 members, one  
21 of whom shall be appointed by the Board of Trustees of the  
22 University of Alabama, one of whom shall be appointed by the  
23 Board of Trustees of the University of Montevallo, and one of  
24 whom shall be a member of the ~~Alabama Historical Commission~~  
25 Department of Archives and History, chosen by such commission  
26 in the manner prescribed by it. Fourteen members shall be  
27 appointed by the Governor and the remaining member who shall

1 by virtue of historical background be knowledgeable about the  
2 early Alabama iron industry, be chosen by the commission  
3 membership and designated "historian." Four of the first  
4 members appointed by the Governor shall be appointed for  
5 eight-year terms, four shall be appointed for six-year terms,  
6 four shall be appointed for four-year terms, and two shall be  
7 appointed for two-year terms. Beginning in 1990, future  
8 appointments by the Governor shall include no less than three  
9 seats each to persons legally residing in Jefferson,  
10 Tuscaloosa and Bibb Counties. The first members appointed by  
11 the Board of Trustees of the University of Alabama and the  
12 University of Montevallo and the first member representative  
13 of the ~~Alabama Historical Commission~~ Department of Archives  
14 and History shall be appointed for two-year terms. Successors  
15 to these first members shall all be appointed for eight-year  
16 terms. The term of the historian shall be set by the  
17 commission.

18 "Vacancies on the board during a term shall be  
19 filled for the unexpired portion of the term in the same  
20 manner and by the same appointing authority as the member  
21 whose place is being filled.

22 "§41-9-335.

23 "(a) A board of trustees to be known as the St.  
24 Stephens Historical Commission is hereby authorized to be  
25 appointed and established for the purpose of acquiring,  
26 maintaining, protecting, and promoting certain properties of  
27 historical interest at St. Stephens, in Washington County, in

1 the general vicinity of the site of the first territorial  
2 capital of Alabama. The board shall be comprised of 11  
3 members, and the first five enumerated appointees designated  
4 herein shall serve for terms of two, three, four, five, and  
5 six years, respectively, with subsequent appointees serving  
6 for terms of six years. The four board members appointed by  
7 the legislative delegation representing Washington County  
8 pursuant to subsection (b), including the initial appointees,  
9 shall serve terms of six years. At least one of the four new  
10 members appointed by the Washington County Legislative  
11 Delegation shall be African American. The ex officio board  
12 member shall serve a term on the board concurrent with the  
13 serving of the term of the elected public office.

14 "(b) The Board of Trustees of the St. Stephens  
15 Historical Commission shall consist of the following members:

16 "(1) Two members appointed by the Governor.

17 "(2) One member appointed by the ~~Alabama Historical~~  
18 ~~Commission~~ Department of Archives and History.

19 "(3) Two members appointed by the Washington County  
20 Historical Society.

21 "(4) One member appointed by the Washington County  
22 Commission.

23 "(5) Four members appointed by the legislative  
24 delegation representing Washington County.

25 "(6) One ex officio, full member who shall be the  
26 member of the Alabama House of Representatives representing

1 the geographical community of St. Stephens in Washington  
2 County.

3 "(c) The trustees shall serve without compensation  
4 other than payment of a per diem allowance and travel expenses  
5 in attending meetings of the board or in performing any actual  
6 service under the direction of the board. The expenses shall  
7 be paid in amounts prescribed in Article 2 of Chapter 7 of  
8 Title 36, and shall be payable out of any appropriation,  
9 donation, or grant, by a check drawn upon a bank account of  
10 the commission, after payment for the expenses has been  
11 approved by the board of trustees or the treasurer thereof.

12 "(d) The board, within its discretion, may acquire  
13 title, possession, or control of properties and also of  
14 objects of historic interest at St. Stephens as it may deem  
15 necessary or proper to be constructed, reconstructed,  
16 maintained, preserved, and protected on behalf of the State of  
17 Alabama, mark in a suitable manner the places or locations of  
18 historic interest at such point, and prepare and publish for  
19 distribution pamphlets or other printed matter with respect  
20 thereto. The expenses incurred for these purposes by the board  
21 of trustees shall be paid out of the appropriation upon a  
22 check drawn on the bank account of the commission, supported  
23 by an itemized account thereof approved by the board of  
24 trustees or the treasurer thereof.

25 "(e) The board shall hold an annual meeting at St.  
26 Stephens in Washington County each September on a day  
27 designated by the chair. Six members shall constitute a quorum

1 for the transaction of business. Additional meetings may be  
2 held at such times and places within the state as may be  
3 necessary, desirable, or convenient, upon call of the chair  
4 or, in the case of his or her absence or incapacity, of the  
5 vice chair, or on the call of any five members of the board.

6 "(f) The board shall determine and establish its own  
7 procedure in accordance with this division, and shall have an  
8 official seal.

9 "(g) The board shall elect its chair, its vice  
10 chair, its secretary, and its treasurer, and these officers  
11 shall hold office for a period of two years or until a  
12 successor is elected. The board may require that the treasurer  
13 be bonded in an amount to be determined by the board.

14 "(h) The board may appropriate and expend funds and  
15 cooperate financially and otherwise with the Washington County  
16 Historical Society, the County of Washington, and any other  
17 historical organization, county, or municipality in this state  
18 to acquire, establish, maintain, and promote historical sites  
19 in and around the present community of St. Stephens, in the  
20 vicinity of the first territorial capital of Alabama.

21 "(i) The board shall promulgate rules and  
22 regulations having the force and effect of law governing its  
23 operations and activities, including, but not limited to, the  
24 management of any real property under its jurisdiction and  
25 providing for fines for certain violations. Violations of  
26 specified rules and regulations shall be a Class C  
27 misdemeanor. The board is further authorized to hire law

1 enforcement officers to enforce the rules and regulations, as  
2 well as enforce all other laws and regulations as necessary or  
3 appropriate. The law enforcement officers shall have the  
4 general law enforcement authority of other peace officers of  
5 the State of Alabama and shall be required to meet the minimum  
6 standards of law enforcement officers as provided by the  
7 Alabama Peace Officers Standards and Training Commission or  
8 other standards as may be hereafter provided by law.

9 "§41-9-542.

10 "(a) The authority shall be composed of the  
11 following members or their designees:

12 "(1) The Director of the Alabama Department of  
13 Archives and History.

14 "(2) The Director of the Technical Staff of the  
15 Alabama Building Commission.

16 "(3) The Director of Finance of the State of  
17 Alabama.

18 "~~(4) The Executive Director of the Alabama  
19 Historical Commission.~~

20 "~~(5)~~ (4) The senior collections curator of the  
21 Alabama Department of Archives and History.

22 "~~(6) The chief architectural historian of the  
23 Alabama Historical Commission.~~

24 "~~(7)~~ (5) The President of the Alabama Trust for  
25 Historic Preservation.

26 "~~(8)~~ (6) The President of the Friends of the Alabama  
27 Governor's Mansion.

1           "~~(9)~~ (7) The President of the Business Council of  
2 Alabama.

3           "~~(10)~~ (8) The Chairman of the Black Heritage  
4 Council.

5           "~~(11)~~ (9) The Executive Director of the Landmarks  
6 Foundation of Montgomery.

7           "~~(12)~~ (10) A history teacher to be appointed by the  
8 State Superintendent of Education, having demonstrated  
9 proficiency and interest in preservation of state history.

10          "~~(13)~~ (11) The Director of the State Black Archives  
11 Research Center and Museum.

12          "~~(14)~~ (12) The Director of the Historic Mobile  
13 Preservation Society.

14          "~~(15)~~ (13) The President of the Alabama Historical  
15 Association.

16          "~~(16)~~ (14) The spouse of the Governor of Alabama.

17          "~~(17)~~ (15) The Executive Director of the Eufaula  
18 Heritage Association.

19          "(b) At its first meeting each year, the members of  
20 the authority shall elect a chair, a vice chair, and a  
21 secretary, each of whom shall serve two-year terms. The vice  
22 chair shall act in the place of the chair in the chair's  
23 absence or disability. The vice chair and secretary shall not  
24 serve more than two consecutive terms. The authority shall  
25 meet at such times as designated by the authority at a place  
26 as is deemed necessary or convenient, but the chair shall call  
27 a meeting once a year. The chair may also call a special



1 meeting at any time the chair deems it advisable or necessary.  
2 A quorum shall be a simple majority of the authority  
3 membership or their designees. Members of the authority or any  
4 committee thereof may participate in meetings of the authority  
5 or such committees by telephone conference or similar  
6 communications equipment through which all persons  
7 participating in the meeting can hear each other at the same  
8 time, and such participation by the members shall constitute  
9 presence at a meeting for all purposes. Members and their  
10 designees shall serve without compensation.

11 "(c) Except as specified by subsection (a), the  
12 authority shall strive, when applicable, to select designees  
13 that reflect the racial, geographic, and economic diversity of  
14 the state.

15 "§41-9-992.

16 "(a) There is created an International Voting Rights  
17 Trail Commission. The commission shall be responsible for  
18 educating people about the significant historical events  
19 associated with the trail and the voting rights movement and  
20 promoting economic development and tourism in connection with  
21 the trail inclusive of counties and cities that were sites of  
22 significant events that impacted the trail's inception. The  
23 commission may receive funds from any legal source and  
24 disburse those funds in furtherance of its mission.

25 "(b) The commission shall coordinate its efforts  
26 with the ~~Alabama Historical Commission~~ Department of Archives  
27 and History, the Alabama Department of Transportation, the

1 Alabama Development Office, the Alabama Department of Economic  
2 and Community Affairs, the State Department of Tourism and  
3 Travel, the Department of Conservation and National Resources,  
4 and the National Park Service.

5 "(c) The commission shall perform all of the  
6 following duties:

7 "(1) Work with the National Park Service, Department  
8 of Conservation and Natural Resources, and the ~~Alabama~~  
9 ~~Historical Commission~~ Department of Archives and History in  
10 the coordination of projects and activities to promote the  
11 historical significance of the trail.

12 "(2) Work with the Department of Tourism and Travel  
13 to promote tourism in, on, around, and in conjunction with the  
14 trail.

15 "(3) Work with the Alabama Department of Economic  
16 and Community Affairs, the Alabama Development Office, county  
17 commissions, and local city officials to encourage businesses  
18 and tourist attractions located in the vicinity of the trail.

19 "(4) Work with the Alabama Department of  
20 Transportation on any purpose included in this article.

21 "(d) The commission shall consist of 28 members who  
22 shall be appointed in the following manner:

23 "(1) Three members appointed by the Governor.

24 "(2) One member appointed by the Member of Congress  
25 representing the Seventh Congressional District.

26 "(3) One member appointed by the members of the  
27 Southern Christian Leadership Conference.

1                   "(4) One member appointed by the members of the  
2 ~~Alabama Historical Commission~~ Department of Archives and  
3 History.

4                   "(5) One member appointed by the members of the  
5 Montgomery City Council.

6                   "(6) One member of the Montgomery County Commission.

7                   "(7) One member appointed by the members of the  
8 Montgomery Improvement Association.

9                   "(8) One member appointed by the members of St. Jude  
10 of Montgomery.

11                  "(9) One member appointed by the members of Mt. Zion  
12 Church of Montgomery.

13                  "(10) One member appointed by the members of the  
14 Lowndes County Commission.

15                  "(11) One member appointed by the members of the  
16 Hayneville Town Council.

17                  "(12) One member appointed by the members of the  
18 Lowndes County Christian Movement.

19                  "(13) One member appointed by the members of the  
20 White Hall Town Council.

21                  "(14) One member appointed by the members of the  
22 Dallas County Commission.

23                  "(15) One member appointed by the members of the  
24 Dallas County Voters League.

25                  "(16) One member appointed by the Board of Directors  
26 of the National Voting Rights Museum and Institute.

1           "(17) One member appointed by the members of the  
2 Selma City Council.

3           "(18) One member appointed by the members of the  
4 Perry County Commission.

5           "(19) One member appointed by the members of the  
6 Marion Town Council.

7           "(20) One member appointed by the members of the  
8 Perry County Civic League.

9           "(21) One member appointed by the members of Brown  
10 Chapel A.M.E. Church.

11           "(22) One member appointed by the members of the  
12 Dexter Avenue King Memorial Church.

13           "(23) One member appointed by the members of the  
14 First Baptist Church located on Martin Luther King Street in  
15 Selma.

16           "(24) One member appointed by the Macon County  
17 Commission.

18           "(25) One member appointed by the Tuskegee City  
19 Council.

20           "(26) One member appointed by the City Council of  
21 Shorter.

22           "(e) The members of the commission shall serve  
23 staggered three-year terms. The initial terms of the members  
24 shall be determined by lot, one-third for one year, one-third  
25 for two years, and one-third for three years. Membership on  
26 the commission shall, as nearly as possible, equally represent

1 each county with appointing authorities appointed in each of  
2 the years of the staggered terms.

3 "(f) The commission shall have the power to  
4 establish an executive committee of seven persons and  
5 establish its duties, responsibilities, and authorities  
6 consistent with the provisions of this article.

7 "§41-10-136.

8 "The following words and phrases used in this  
9 article and others evidently intended as the equivalent  
10 thereof shall, in the absence of clear implication in this  
11 article otherwise, be given the following respective  
12 interpretations:

13 "(1) APPLICANT. A natural person who files a written  
14 application with the Governor in accordance with the  
15 provisions of Section 41-10-138.

16 "(2) AREA OF OPERATION. The area specified in the  
17 certificate of incorporation of an authority, within which the  
18 authority is empowered to carry on its business and activities  
19 under this article.

20 "(3) AUTHORITY. A public corporation organized  
21 pursuant to the provisions of this article.

22 "(4) BOARD. The board of directors of an authority.

23 "(5) BONDS. Includes bonds, notes, debentures and  
24 certificates representing an obligation to pay money.

25 "(6) ~~COMMISSION~~ DEPARTMENT. The ~~Alabama Historical~~  
26 ~~Commission~~ Department of Archives and History, ~~an agency of~~  
27 ~~the state established under Section 41-9-240.~~

1           "(7) COUNTY. Any county in this state.

2           "(8) DIRECTOR. A member of the board of directors of  
3 an authority.

4           "(9) INCORPORATORS. The persons who form an  
5 authority pursuant to this article.

6           "(10) MUNICIPALITY. Any incorporated city or town in  
7 this state.

8           "(11) NATIONAL REGISTER OF HISTORIC PLACES. The  
9 national register of districts, sites, buildings, structures  
10 and objects significant in American history, architecture,  
11 archaeology and culture maintained by the Secretary of the  
12 Interior pursuant to the laws of the United States of America,  
13 including particularly the National Historic Preservation Act  
14 of 1966, as amended.

15           "(12) PERSON. Unless limited to a natural person by  
16 the context in which it is used, such term includes a public  
17 or private corporation, a partnership, an association, a  
18 municipality, a county or an agency, department or  
19 instrumentality of this state or of a county or municipality.

20           "(13) PROPERTY. Includes real, personal and mixed  
21 property and interests therein.

22           "(14) STATE. The State of Alabama.

23           "(15) VICINITY IMPROVEMENTS. Buildings, facilities  
24 and improvements for the accommodation of visitors to any  
25 facility owned by an authority which is registered in the  
26 National Register of Historic Places including, without  
27 limitation, motels, restaurants, coffee shops, stores to

1 provide gifts and souvenir items, picnic areas, camp sites,  
2 trailer sites, cabins, lodges, parking lots, museums,  
3 exhibition and lecture rooms and areas, comfort stations,  
4 meeting halls, pavilions, centers for cultural entertainment,  
5 exhibitions and exhibits and administrative or office  
6 buildings; provided that nothing contained in this article is  
7 intended to authorize any authority itself to operate as a  
8 commercial enterprise any such motel, restaurant, shop or  
9 store; and provided further that all such buildings,  
10 facilities and improvements are located within one-fourth of  
11 one mile of the facility registered in the National Register  
12 of Historic Places which is owned or operated or controlled by  
13 an authority, and within the area of operation of such  
14 authority.

15 "§41-10-138.

16 "(a) In order to form a public corporation under the  
17 provisions of this article, any number of natural persons, not  
18 less than three, shall first file a written application with  
19 the Governor. Such application shall:

20 "(1) Contain a statement that such public  
21 corporation proposes to undertake and carry out one or more or  
22 all of the purposes defined in Section 41-10-137 with respect  
23 to public corporations formed under this article;

24 "(2) Contain a description by county name or  
25 otherwise of the area of operation in which the public  
26 corporation proposes to carry on its activities;

1           "(3) State that land, buildings, houses or other  
2 structures, facilities or property located in the area of  
3 operation of the public corporation and listed in the National  
4 Register of Historic Places are in need of restoration,  
5 renovation, preservation, improvement, protection or  
6 maintenance;

7           "(4) State that the proposed activities of the  
8 public corporation within the area of operation will promote  
9 the preservation of and interest in property listed in the  
10 National Register of Historic Places;

11           "(5) State that each of the applicants is a person  
12 of good moral character and is a duly qualified elector of the  
13 state who resides in the proposed area of operation; and

14           "(6) Request that the Governor issue an executive  
15 order declaring that he has reviewed the contents of the  
16 application and has found the statements of fact contained  
17 therein to be true and authorizing the persons filing the  
18 application to proceed to form such public corporation. Every  
19 such application shall be accompanied by such supporting  
20 documents or evidence as the applicants may deem appropriate.

21           "(b) As promptly as is practicable after the  
22 application is filed as provided in this section, the Governor  
23 shall review the contents of the application and shall find  
24 and determine whether the statements of fact contained in the  
25 application are true. If the Governor finds and determines  
26 that any of the statements of fact contained in the  
27 application are not true, the Governor shall forthwith issue



1 an executive order denying the application; but, if the  
2 Governor finds and determines that the statements of fact  
3 contained in the application are true, the Governor shall  
4 forthwith issue an executive order declaring that he has  
5 reviewed the contents of the application and has found and  
6 determined that the statements of fact contained in the  
7 application are true, declaring that the proposed activities  
8 of such public corporation in the area of operation described  
9 will promote the restoration, renovation, preservation,  
10 improvement, protection or maintenance of, and public interest  
11 in, land, buildings, houses or other structures, facilities or  
12 property listed in the National Register of Historic Places  
13 and that, for such reason, it is wise, expedient and necessary  
14 that such public corporation be formed and authorizing the  
15 persons filing the application to proceed to form such public  
16 corporation.

17 "In finding and determining whether the statements  
18 of fact contained in the application are true, the Governor  
19 may, without investigation or further consideration, assume  
20 that the statements made pursuant to subdivisions (1) and (2)  
21 of subsection (a) of this section are true and, upon such  
22 assumption, so find and determine. It shall be sufficient to  
23 establish the truth of the statement made pursuant to  
24 subdivision (3) of subsection (a) of this section if there  
25 accompanies the application a resolution by the ~~commission~~  
26 department that land, buildings, houses or other structures,  
27 facilities or property located in the proposed area of

1 operation of the public corporation and listed in the National  
2 Register of Historic Places are in need of restoration,  
3 renovation, preservation, improvement, protection or  
4 maintenance; provided, however, that such means of  
5 establishing the truth of said statements are not to be taken  
6 as being exclusive. If the statement of fact made pursuant to  
7 subdivision (3) of subsection (a) of this section is found and  
8 determined to be true, then the Governor may without  
9 investigation or further consideration assume that the  
10 statement of fact made pursuant to subdivision (4) of  
11 subsection (a) of this section is true and, upon such  
12 assumption, so find and determine.

13 "Notwithstanding the preceding provisions of this  
14 subsection, the Governor shall notify the respective county  
15 governing bodies of any requests to form an authority in an  
16 area comprising two or more counties. Such notice must precede  
17 any executive order relating to the request by 20 days.

18 "§41-10-235.

19 "The State of Alabama, in recognition of the  
20 Africatown, U.S.A. settlement, to American history and  
21 culture, hereby authorizes and empowers the City of Prichard  
22 to enter into negotiations for the acquisition of, and to  
23 acquire, by conveyance, gift or bequest, rights to place  
24 commemorative markers and plaques to commemorate historical  
25 and cultural sites and landscapes, including natural wetlands,  
26 which bear significance to the cultural history of Africatown,  
27 U.S.A. as associated with the historical events relating to

1 the Clotilde as recognized by the ~~Alabama Historical~~  
2 ~~Commission in Montgomery~~ Department of Archives and History.

3 "§41-10-236.

4 "There is hereby established a state advisory  
5 committee to the Africatown, U.S.A. State Park which shall  
6 include the Director of the ~~state Historical Commission~~  
7 Department of Archives and History, the Director of the  
8 Department of Conservation and Natural Resources, the Director  
9 of the state Department of Tourism, the Mayor of the City of  
10 Prichard, Alabama, a member selected by the Black Heritage  
11 Council, the state representative and state senator  
12 representing the legislative districts in which the  
13 Africatown, U.S.A. State Park is located, and the senators and  
14 representatives representing the legislative districts in  
15 which the commemorative sites are located, a member of the  
16 Africatown, U.S.A. Historic Preservation Authority, and five  
17 other persons to be appointed by the Governor, at least one of  
18 whom shall be a descendent of the Africans brought over on the  
19 Clotilde and at least one of whom shall be a representative of  
20 the corporate community of Mobile County to be selected by the  
21 Mobile Area Chamber of Commerce and three persons appointed  
22 from the State of Alabama at large who shall have a  
23 demonstrated concern for protecting the historical and  
24 cultural resources of this state.

25 "The duties of the advisory committee shall include  
26 coordination with the ~~state Historical Commission~~ Department  
27 of Archives and History, the state Department of Conservation

1 and Natural Resources and the City of Prichard to assure the  
2 most advantageous development and interpretation of Alabama's  
3 cultural resources and the most efficient management of the  
4 park.

5 "§45-17-220.

6 "(a) The LaGrange Historical Site in Colbert County,  
7 owned by the Alabama Historical Commission, is transferred to  
8 the LaGrange Living Historical Association, a nonprofit  
9 corporation, which shall have full authority to develop,  
10 renovate, preserve, maintain, operate, exhibit, and publicize  
11 the LaGrange Historical Site in accordance with the powers and  
12 responsibilities of the association. The Executive Director of  
13 the Alabama Historical Commission shall cause an appropriate  
14 deed or conveyance to be executed in accordance with the  
15 provisions of this section.

16 "(b) The ~~Alabama Historical Commission~~ Alabama  
17 Department of Archives and History shall continue to assist  
18 the LaGrange Living Historical Association in the preservation  
19 and maintenance of the LaGrange Historical Site. Any funds  
20 appropriated to the ~~Alabama Historical Commission~~ Alabama  
21 Department of Archives and History for the preservation and  
22 maintenance of the LaGrange Historical Site, including any  
23 unencumbered and unexpended funds for the current fiscal year,  
24 shall continue to be appropriated to the ~~Alabama Historical~~  
25 ~~Commission~~ Alabama Department of Archives and History for the  
26 preservation and maintenance of the LaGrange Historical Site  
27 by the LaGrange Living Historical Association.

1           "§45-17A-80.02.

2           "(a) An historic preservation commission created by  
3 an ordinance enacted pursuant to this part shall be composed  
4 of not less than seven members, who shall have demonstrated  
5 training or experience in the fields of history, architecture,  
6 architectural history, urban planning, archaeology, or law, or  
7 who shall be residents of an historic district designated  
8 pursuant to that ordinance. A majority of the members of the  
9 commission shall be bona fide residents of the territorial  
10 jurisdiction of Tuscumbia. Not more than one-fifth of the  
11 members of the commission shall be public officials.

12           "(b) Members of the commission shall be nominated by  
13 the chief executive officer of Tuscumbia and appointed by the  
14 legislative body of Tuscumbia. Nomination and appointment of  
15 members of the commission shall be made so as to ensure that  
16 the commission will be composed of persons with as much of the  
17 training and experience specified in subsection (a) as is  
18 possible.

19           "(c) Except for the original members of the  
20 commission, members of the commission shall serve three-year  
21 terms and shall be appointed in such a manner so as to serve  
22 overlapping terms. Two of the original members of the  
23 commission shall be appointed to serve one-year terms, two of  
24 the original members of the commission shall be appointed to  
25 serve two-year terms, and the remainder of the original  
26 members of the commission shall be appointed to serve

1 three-year terms. Members of the commission may be  
2 reappointed.

3 "(d) Members of the commission may be removed for  
4 cause by the legislative body of Tuscumbia.

5 "(e) Vacancies on the commission shall be filled by  
6 persons nominated by the chief executive officer of Tuscumbia  
7 and appointed by the legislative body of Tuscumbia. Such  
8 appointments shall be for the unexpired term of the member  
9 replaced.

10 "(f) Members of the commission shall elect a chair  
11 and a vice chair and such other officers as the members deem  
12 necessary. The commission shall adopt rules of procedure and  
13 bylaws to govern its operations and shall communicate those  
14 rules of procedure and bylaws to the elected officials of  
15 Tuscumbia. The rules of procedure and bylaws of the commission  
16 shall specify what number of members of the commission  
17 constitutes a quorum.

18 "(g) Members of the commission shall serve without  
19 compensation but may be reimbursed for expenses incurred on  
20 behalf of the commission in accordance with the rules and  
21 regulations for the reimbursement of expenses adopted by the  
22 commission.

23 "(h) The commission may employ such professional,  
24 technical, office, and other personnel as may be necessary to  
25 carry out the purposes and responsibilities of the ordinance  
26 enacted pursuant to this part.

1           "(i) The commission shall prepare and file with the  
2 elected officials of Tuscumbia and with the ~~Alabama Historical~~  
3 ~~Commission~~ Department of Archives and History an annual report  
4 of its activities.

5           "(j) Meetings of the commission shall be public  
6 meetings and shall be held at times and places and pursuant to  
7 such notices specified in the ordinance creating the  
8 commission.

9           "§45-17A-80.05.

10          "(a) On recommendation of the historic preservation  
11 commission, the City of Tuscumbia may designate historic  
12 properties and historic districts within the territorial  
13 jurisdiction of Tuscumbia.

14          "(b) The commission shall not recommend designation  
15 of an historic property or historic district unless such  
16 recommendation is based on finding of a survey of such  
17 property or district conducted by or for the commission in  
18 accordance with the rules and regulations of the ~~Alabama~~  
19 ~~Historical Commission~~ Department of Archives and History.

20          "(c) The commission shall not recommend designation  
21 of an historic property or historic district unless it finds  
22 that the building, structures, site, or district is identified  
23 with or represents a significant aspect of the cultural,  
24 political, economic, military, or social history of the  
25 locality, region, state, or nation or has had significant  
26 relationship with the life of an historic person or event,  
27 representing a major aspect of the history of the locality,

1 region, state, or nation, or is a part of the historic,  
2 architectural, archaeological, or aesthetic heritage of the  
3 locality, region, state, or nation. In the case of an  
4 individual building or structure, the commission may recommend  
5 designation as an historic property if the commission finds  
6 that the building or structure is an example of an  
7 architectural style, or combination of architectural styles,  
8 which is representative of Tuscumbia or which is unique to  
9 Tuscumbia. In the case of a district, the commission may  
10 recommend designation as an historic district if the  
11 commission finds that the district contains vernacular  
12 structures which contribute to an overall character and sense  
13 of place which is representative of Tuscumbia.

14 "§45-26A-70.02.

15 "(a) An historic preservation commission created by  
16 an ordinance enacted pursuant to this article shall be  
17 composed of not less than seven members, who shall have  
18 demonstrated training or experience in the fields of history,  
19 architecture, architectural history, urban planning,  
20 archaeology, or law, or who shall be residents of an historic  
21 district designated pursuant to that ordinance. A majority of  
22 the members of the commission shall be bona fide residents of  
23 the territorial jurisdiction of Wetumpka. Not more than  
24 one-fifth of the members of the commission shall be public  
25 officials.

26 "(b) Members of the commission shall be nominated by  
27 the chief executive officer of Wetumpka and appointed by the



1 legislative body of Wetumpka. Nomination and appointment of  
2 members of the commission shall be made so as to ensure that  
3 the commission will be composed of persons with as much of the  
4 training and experience specified in subsection (a) as is  
5 possible.

6 "(c) Except for the original members of the  
7 commission, members of the commission shall serve three-year  
8 terms and shall be appointed in such a manner so as to serve  
9 overlapping terms. Two of the original members of the  
10 commission shall be appointed to serve one-year terms, two of  
11 the original members of the commission shall be appointed to  
12 serve two-year terms, and the remainder of the original  
13 members of the commission shall be appointed to serve  
14 three-year terms. Members of the commission may be  
15 reappointed.

16 "(d) Members of the commission may be removed for  
17 cause by the legislative body of Wetumpka.

18 "(e) Vacancies on the commission shall be filled by  
19 persons nominated by the chief executive officer of Wetumpka  
20 and appointed by the legislative body of Wetumpka. Such  
21 appointments shall be for the unexpired term of the member  
22 replaced.

23 "(f) Members of the commission shall elect a chair  
24 and a vice chair and such other officers as the members deem  
25 necessary. The commission shall adopt rules of procedure and  
26 bylaws to govern its operations and shall communicate those  
27 rules of procedure and bylaws to the elected officials of

1 Wetumpka. The rules of procedure and bylaws of the commission  
2 shall specify what number of members of the commission  
3 constitutes a quorum.

4 "(g) Members of the commission shall serve without  
5 compensation but may be reimbursed for expenses incurred on  
6 behalf of the commission in accordance with the rules and  
7 regulations for the reimbursement of expenses adopted by the  
8 commission.

9 "(h) The commission may employ such professional,  
10 technical, office, and other personnel as may be necessary to  
11 carry out the purposes and responsibilities of the ordinance  
12 enacted pursuant to this article.

13 "(i) The commission shall prepare and file with the  
14 elected officials of Wetumpka and with the ~~Alabama Historical~~  
15 ~~Commission~~ Department of Archives and History an annual report  
16 of its activities.

17 "(j) Meetings of the commission shall be public  
18 meetings and shall be held at times and places and pursuant to  
19 such notices specified in the ordinance creating the  
20 commission."

21 Section 2. (a) The operations, responsibilities, and  
22 duties of the following are hereby under the authority of the  
23 Department of Archives and History:

24 (1) The State Historic Preservation Office and

25 (2) The State Archeologist.

1           Section 3. (a) After January 1, 2016, the State  
2           Treasurer shall allocate all monies remaining in the Alabama  
3           State Historic Preservation Fund in accordance with this act.

4           (b) (1) The State Parks Fund of the Department of  
5           Conservation and Natural Resources shall consist of all monies  
6           appropriated for support of the functions of the Department of  
7           Conservation and Natural Resources, including funds  
8           transferred pursuant to Section 4. Any monies in the fund from  
9           a source that restricts the use of the funds to a certain  
10          purpose or that are appropriated for a particular purpose may  
11          be expended only for that purpose. All monies shall be  
12          appropriated to the Department of Conservation and Natural  
13          Resources for these purposes.

14          (2) In addition, all funds in the Alabama State  
15          Historic Preservation Fund from oil and gas royalties shall be  
16          transferred to the State Parks Fund of the Department of  
17          Conservation and Natural Resources for the purpose of  
18          maintaining and preserving historical sites.

19          (c) There is hereby created the Alabama State  
20          Historical Preservation Fund in the State Treasury. The fund  
21          consists of all monies appropriated for support of the  
22          functions of the Alabama Department of Archives and History,  
23          including funds transferred pursuant to Section 4. Any monies  
24          in the fund from a source that restricts the use of the funds  
25          to a certain purpose or that are appropriated for a particular  
26          purpose may be expended only for that purpose. All monies

1 shall be appropriated to the Department of Archives and  
2 History for these purposes.

3 Section 4. (a) All powers, duties, functions, books,  
4 records, supplies, equipment, personnel, all contractual  
5 rights, obligations, and unexpended balances of appropriations  
6 and other funds or allocations to and of the corresponding  
7 properties transferred from the Alabama Historical Commission  
8 shall be transferred to the Department of Archives and History  
9 to the extent that the books, records, supplies, funds,  
10 equipment, and personnel, are related to the functions  
11 transferred to the succeeding department.

12 (b) All powers, duties, functions, books, records,  
13 supplies, equipment, personnel, all contractual rights,  
14 obligations, and unexpended balances of appropriations and  
15 other funds or allocations to and of the corresponding  
16 properties transferred from the Alabama Historical Commission  
17 shall be transferred to the Department of Conservation and  
18 Natural Resources to the extent that the books, records,  
19 supplies, funds, equipment, and personnel, are related to the  
20 functions transferred to the succeeding department.

21 Section 5. Notwithstanding any other provision of  
22 law, whenever any act, section of the Code of Alabama 1975, or  
23 any other provision of law makes reference, either direct or  
24 in context, to the "Alabama Historical Commission," it shall  
25 be deemed a reference to the "Department of Archives and  
26 History" or "Department of Conservation and Natural

1 Resources," dependent upon the duties and responsibilities  
2 undertaken as a result of the provisions of this bill.

3 Section 6. There shall be full cooperation of the  
4 Alabama Historical Commission, Alabama Department of Archives  
5 and History, Alabama Department of Conservation and Natural  
6 Resources, and all other state agencies and departments, and  
7 their officers, directors, and employees, to carry out the  
8 provisions of this act. The Executive Director of the  
9 Historical Commission shall cooperate with the Director of the  
10 Department of Archives and History as well as the Commissioner  
11 of Conservation and Natural Resources in developing a staffing  
12 plan during the interim period after passage of this act and  
13 before the effective date described in Section 8 of this act.  
14 Upon passage of this bill, the Governor may appoint a  
15 transition coordinator as the primary point of contact between  
16 all impacted agencies and departments, and their employees to  
17 ensure full implementation.

18 Section 7. Sections 29-1-23, 41-9-240, 41-9-241,  
19 41-9-242, 41-9-243, 41-9-244, 41-9-245, 41-9-246, 41-9-247,  
20 41-9-248, 41-9-249, 41-9-254, 41-9-255, 41-9-256, 41-9-257,  
21 41-9-258, 41-9-259, 41-9-262, 41-9-263, 41-9-510, 41-9-511,  
22 41-9-512, and 41-9-513 of the Code of Alabama 1975 are hereby  
23 repealed.

24 Section 8. This act shall become effective on  
25 January 1, 2016 following its passage and approval by the  
26 Governor, or its otherwise becoming law.