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3 SENATE GOVERNMENTAL AFFAIRS COMMITTEE SUBSTITUTE FOR SB60
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8 SYNOPSIS: This bill would establish the Alabama
9 Memorial Preservation Act of 2017.

10 This bill would prohibit the relocation,
11 removal, alteration, renaming, or other disturbance
12 of monuments located on public property which have
13 been in place for 50 or more years.

14 This bill would prohibit, and provide a
15 mechanism for, the relocation, removal, alteration,
16 renaming, or other disturbance of monuments located
17 on public property and which have been in place for
18 less than 50 years.

19 This bill would provide a mechanism for the
20 renaming of certain memorial streets.

21 This bill would provide a mechanism for the
22 renaming of certain memorial buildings.

23 This bill would prohibit any person from
24 preventing the governmental entity responsible for
25 maintaining a monument, memorial street, or
26 memorial building from taking proper measures to

1 protect, preserve, care for, repair, or restore the
2 monuments streets, or buildings.

3 This bill would create the Permanent Joint
4 Committee on Alabama Monument Protection and would
5 provide for the membership and duties of the
6 committee, including the granting of waivers.

7 This bill would provide for the levy of
8 fines for violations of the waiver process.

9 This bill would also provide for exemptions.

10
11 A BILL

12 TO BE ENTITLED

13 AN ACT

14
15 To create the Alabama Memorial Preservation Act of
16 2017; to prohibit the relocation, removal, alteration,
17 renaming, or other disturbance of monuments located on public
18 property which have been in place for 50 or more years; to
19 provide a mechanism for the relocation, removal, alteration,
20 renaming, or other disturbance of monuments located on public
21 property which have been in place for less than 50 years; to
22 provide a mechanism for the renaming of certain memorial
23 streets; to provide a mechanism for the renaming of certain
24 memorial buildings; to prohibit any person from preventing the
25 governmental entity responsible for maintaining the monuments,
26 memorial streets, and memorial buildings from taking proper

1 measures to protect, preserve, care for, repair, or restore
2 the monuments, streets, or buildings; to create the Permanent
3 Joint Committee on Alabama Monument Protection; to provide for
4 the membership of the committee; to provide for the duties of
5 the committee; to authorize the committee to grant waivers; to
6 provide for the levy of fines for violations of the waiver
7 process; and to exempt certain art and artifacts, the
8 Department of Transportation, local governments, universities,
9 and utilities under certain limited circumstances.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This act shall be known and may be cited
12 as the Alabama Memorial Preservation Act of 2017.

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

15 (1) COMMITTEE. The Permanent Joint Committee on
16 Alabama Monument Protection created by this act.

17 (2) MEMORIAL BUILDING. A building that is located on
18 public property and has been erected for, or named or
19 dedicated in honor of, an event, a person, a group, a
20 movement, or military service.

21 (3) MEMORIAL STREET. A street that is located on
22 public property and has been erected for, or named or
23 dedicated in honor of, an event, a person, a group, a
24 movement, or military service.

25 (4) MONUMENT. A statue, image, or marker intended at
26 the time of dedication to be a permanent memorial to an event,

1 a person, a group, a movement, or military service that is
2 part of the history of the state. The term does not include
3 signed bearing historical or interpretive text, commonly known
4 as a historical marker or wayside exhibit, or portraits or
5 plaques installed by temporary means, and not intended to be
6 permanent at the time of installation.

7 (5) PUBLIC PROPERTY. All property owned or leased by
8 the State of Alabama; any county, municipal, or metropolitan
9 government in the state; or any other entity created by act of
10 the Legislature to perform any public function.

11 Section 3. (a) (1) No monument which is located on
12 public property and has been so situated for more than 50
13 years may be relocated, removed, altered, renamed, or
14 otherwise disturbed.

15 (2) No monument which is located on public property
16 and has been so situated for less than 50 years may be
17 relocated, removed, altered, renamed, or otherwise disturbed
18 except as provided in Section 6.

19 (b) No memorial street which has held such status
20 for more than 15 years may be renamed, except as provided in
21 Section 6.

22 (c) (1) No memorial building which has held such
23 status for more than 50 years and, by its very nature, design,
24 or structure, constitutes a monument, may not be relocated,
25 removed, altered, renamed, or otherwise disturbed.

1 (2) No memorial building which has held such status
2 for less than 50 years and, by its very nature, design, or
3 structure, constitutes a monument, may not be relocated,
4 removed, altered, renamed, or otherwise disturbed except as
5 provided in Section 6.

6 (3) A memorial building may be improved, renovated,
7 rebuilt, relocated, or otherwise maintained; however, the name
8 of the memorial building may not be changed except as provided
9 in Section 6.

10 Section 4. No person may prevent the governmental
11 entity having responsibility for maintaining any monument,
12 memorial street, or memorial building from taking proper and
13 appropriate measures, and exercising proper and appropriate
14 means, for the protection, preservation, care, repair, or
15 restoration of those monuments, streets, or buildings.

16 Section 5. (a) There is created the Permanent Joint
17 Committee on Alabama Monument Protection.

18 (b) The membership of the committee shall be
19 appointed and reappointed at the beginning of each legislative
20 quadrennium. The appointing authorities shall coordinate their
21 appointments to assure committee membership is inclusive and
22 reflects the racial, gender, geographic, urban, rural, and
23 economic diversity of the state. The membership of the
24 committee shall include all of the following:

25 (1) Two members of the general public, appointed by
26 the Governor.

1 (2) Two members of the Legislature and one member of
2 the general public, appointed by the Lieutenant Governor.

3 (3) One member of the House of Representatives and
4 one member of the general public, appointed by the Speaker of
5 the House of Representatives.

6 (4) One member of the Senate and one member of the
7 general public, appointed by the President Pro Tempore of the
8 Senate from the membership .

9 (c) At the organizational meeting of the committee,
10 the membership of the committee shall select a chair and a
11 vice chair. The chair of the committee may create advisory
12 subcommittees and appoint members thereto, which may include
13 members of the committee, representatives from governmental
14 agencies, and members of the public with interest and
15 expertise in the objectives of the committee. The committee
16 shall create no more than two active advisory subcommittees at
17 any given time unless the committee votes unanimously for
18 additional subcommittees.

19 (d) The committee shall thereafter meet at the call
20 of the chair or any majority of the members thereof; provided,
21 that the committee shall meet at least once each quadrennium.
22 The committee shall have a continuing existence and may meet,
23 act, and conduct its business at any place within this state
24 during the sessions of the Legislature or any recess thereof,
25 and in the interim period between sessions.

1 (e) The committee shall perform all duties
2 prescribed by this act.

3 (f) Each legislative member of the committee or any
4 subcommittee, if created, shall be entitled to the legislative
5 compensation, per diem, and travel as provided in Amendment
6 871 to the Constitution of Alabama of 1901, now appearing as
7 Section 49.01 of the Official Recompilation of the
8 Constitution of Alabama of 1901, as amended.

9 Section 6. (a) (1) Any entity exercising control of
10 public property on which a monument is located may petition
11 the committee for a waiver from subsection (a) of Section 3
12 through an application including, at a minimum, all of the
13 following:

14 a. A resolution by the controlling entity seeking a
15 waiver for the relocation, removal, alteration, renaming, or
16 other disturbance of the monument, and the reasons therefor.

17 b. Written documentation of the monument's origin,
18 the intent of the sponsoring entity at the time of dedication,
19 and any subsequent alteration, renaming, or other disturbance
20 of the monument.

21 c. Written commentary from any heritage, historical,
22 genealogical, or preservation organizations with interest in
23 the controlling entity's decision, and from the general
24 public.

25 d. A written statement of any facts that were not
26 known at the time of the monument's origin but are known now

1 that the committee should consider in granting the waiver. In
2 the absence of such facts, the committee should seek to
3 preserve the monument as it was at the time of the dedication
4 of the monument.

5 (2) If the committee grants a waiver, it may
6 provide reasonable conditions and instructions to ensure that
7 the monument is preserved to the greatest extent possible.

8 (b) Any entity exercising control of public property
9 on which a memorial street is located may petition the
10 committee for a waiver from subsection (b) of Section 3
11 through an application including, at a minimum, all of the
12 following:

13 (1) A resolution by the controlling entity seeking a
14 waiver for the renaming of the memorial street and the reasons
15 therefor.

16 (2) Written documentation of the circumstances of
17 the prior naming or dedication of the memorial street.

18 (3) Written commentary from any heritage,
19 historical, genealogical, or preservation organizations with
20 interest in the controlling entity's decision, and from the
21 general public.

22 (4) A written statement of any facts that were not
23 known at the time of the origin of the memorial street, but
24 are known now, that the committee should consider in granting
25 the waiver. In the absence of such facts, the committee should

1 seek to preserve the memorial street as it was at the time of
2 the dedication of the memorial street.

3 (c) Any entity exercising control of public property
4 on which a memorial building is located may petition the
5 committee for a waiver from subsection (c) of Section 3
6 through an application including, at a minimum, all of the
7 following:

8 (1) A resolution by the controlling entity seeking a
9 waiver for the renaming of the memorial street and the reasons
10 therefor.

11 (2) Written documentation of the circumstances of
12 the prior naming or dedication of the memorial building.

13 (3) Written commentary from any heritage,
14 historical, genealogical, or preservation organizations with
15 interest in the controlling entity's decision, and from the
16 general public.

17 (4) A written statement of any facts that were not
18 known at the time of the origin of the memorial building, but
19 are known now, that the committee should consider in granting
20 the waiver. In the absence of such facts, the committee should
21 seek to preserve the memorial building as it was at the time
22 of the dedication of the memorial building.

23 (d) If the Attorney General determines that an
24 entity exercising control of public property has removed a
25 protected monument from that public property without first
26 obtaining a waiver from the committee pursuant to this

1 section, the entity shall be fined one hundred thousand
2 dollars (\$100,000) for each violation. The fine shall be
3 collected by the Attorney General, forwarded by his or her
4 office to the State Treasurer, and deposited into the State
5 General Fund.

6 Section 7. This act does not apply to any of the
7 following:

8 (1) Art and artifacts in the collections of museums,
9 archives, and libraries.

10 (2) Monuments described in Section 3 that are
11 located on public property under the control of, or acquired
12 by, the State Department of Transportation, which may
13 interfere with the construction, maintenance, or operation of
14 the public transportation system. The department shall strive
15 to ensure that any such monuments are preserved to the
16 greatest extent possible.

17 (3) Monuments described in Section 3 that are
18 located on public property under the control of, or acquired
19 by, a county or municipal body or a university, which may
20 interfere with the construction, maintenance, or operation of
21 the public transportation system. The governing body of the
22 county, municipality, or university shall strive to ensure
23 that any such monuments are preserved to the greatest extent
24 possible.

25 (4) Monuments described in Section 3 that are
26 located on public property operated or used by a utility,

1 which may interfere with providing utility service. The
2 utility shall strive to ensure that any monuments are
3 preserved to the greatest extent possible.

4 Section 8. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.