

1 HB283  
2 187910-1  
3 By Representatives Givan, Moore (M) and Rogers  
4 RFD: State Government  
5 First Read: 23-JAN-18

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8 SYNOPSIS: Under existing law, the Alabama Memorial  
9 Preservation Act of 2017, relating to the  
10 preservation of certain buildings, streets, and  
11 schools, does not apply to certain buildings,  
12 streets, or monuments that may interfere with the  
13 public transportation system, utility services, or  
14 port infrastructure or related activities.

15 This bill would provide that the Alabama  
16 Memorial Preservation Act of 2017 does not apply to  
17 a Class 1 municipality.

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19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
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23 To amend Section 7 of Act 2017-354, now appearing as  
24 Section 41-9-236 of the Code of Alabama 1975, relating to the  
25 Alabama Memorial Preservation Act of 2017; to provide that the  
26 act does not apply to a Class 1 municipality.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 7 of Act 2017-354, now appearing  
2 as Section 41-9-236 of the Code of Alabama 1975, is amended to  
3 read as follows:

4           "§41-9-236.

5           "This article does not apply to any of the  
6 following:

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

9           "(2) Any architecturally significant building,  
10 memorial building, memorial street, or monument that is any of  
11 the following:

12           "a. Located on public property under the control of,  
13 or acquired by, the State Department of Transportation, which  
14 may interfere with the construction, maintenance, or operation  
15 of the public transportation system. The department shall  
16 strive to ensure that any architecturally significant  
17 building, memorial building, memorial street, or monument is  
18 preserved to the greatest extent possible.

19           "b. Located on public property under the control of,  
20 or acquired by, a county or municipal body or a university,  
21 which may interfere with the construction, maintenance, or  
22 operation of the public transportation system. The governing  
23 body of the county, municipality, or university shall strive  
24 to ensure that any architecturally significant building,  
25 memorial building, memorial street, or monument is preserved  
26 to the greatest extent possible.

1            "c. Located on public property operated or used by a  
2 utility, which may interfere with providing utility service.  
3 The utility shall strive to ensure that any architecturally  
4 significant building, memorial building, memorial street, or  
5 monument is preserved to the greatest extent possible.

6            "d. Located on public property under the control of,  
7 or acquired by, the Alabama State Port Authority, which may  
8 interfere with the construction, maintenance, or operation of  
9 the port infrastructure or port related activities. The  
10 authority shall strive to ensure that any architecturally  
11 significant building, memorial building, memorial street, or  
12 monument is preserved to the greatest extent possible.

13            "e. Located on public property under the control of,  
14 or acquired by, a Class 1 municipality."

15            Section 2. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.