

1 HB8
2 207622-2
3 By Representatives Givan and Daniels
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 07/17/2020

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8 SYNOPSIS: This bill would authorize a county or
9 municipality to remove any monument located on
10 public property under the jurisdiction and control
11 of the county or municipality and would require the
12 transfer of ownership of the monument to the
13 Department of Archives and History or the Alabama
14 Historical Commission for maintenance and
15 appropriate public display.

16 This bill would also repeal the Alabama
17 Memorial Preservation Act of 2017.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to historical monuments; to authorize a
24 county or municipality to remove any monument under the
25 jurisdiction of the county or municipality; to require the
26 Department of Archives and History or the Alabama Historical
27 Commission to accept the transfer of ownership of the

1 monument, to maintain the monument, and provide appropriate
2 public display; and to repeal Article 9A, commencing with
3 Section 41-9-230, of Chapter 9, Title 41, Code of Alabama
4 1975, the Alabama Memorial Preservation Act of 2017.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) For the purposes of this section, the
7 following terms shall have the following meanings:

8 (1) MONUMENT. A statue, portrait, or marker intended
9 at the time of dedication to be a permanent memorial to an
10 event, a person, a group, a movement, or military service that
11 is part of the history of the people or geography now
12 comprising the State of Alabama. The term does not include
13 signage bearing historical or interpretive text, commonly
14 known as a historical marker or wayside exhibit, or portraits
15 or plaques installed by temporary means and not intended to be
16 permanent at the time of installation.

17 (2) PUBLIC PROPERTY. All property owned or leased by
18 the State of Alabama; any county, municipal, or metropolitan
19 government in the state; or any other entity created by act of
20 the Legislature to perform any public function.

21 (b) Any monument located on public property under
22 the jurisdiction and control of a county or municipality may
23 be removed by the governing body of that county or
24 municipality. Ownership of any removed monument shall be
25 transferred to either the Department of Archives and History
26 or the Alabama Historical Commission for maintenance and
27 public display of the monument in an appropriate location in a

1 manner accessible to the public at large. All costs associated
2 with the removal and relocation of the monument shall be paid
3 out of the general funds of the county or municipality.

4 (c) No person may prevent a governmental entity
5 having responsibility for maintaining any monument from taking
6 proper and appropriate measures, and exercising proper and
7 appropriate means, for the protection, preservation, care,
8 repair, or restoration of the monument.

9 Section 2. Article 9A, commencing with Section
10 41-9-230, of Chapter 9, Title 41, Code of Alabama 1975, the
11 Alabama Memorial Preservation Act of 2017, is repealed.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.