

SB237 INTRODUCED



1 PK5FGG-1

2 By Senators Butler, Allen, Livingston, Scofield, Givhan,
3 Stutts, Melson, Orr, Smitherman, Sessions, Waggoner,
4 Albritton, Gudger, Williams, Chesteen, Roberts, Shelnut,tt,
5 Jones, Kelley, Bell, Price, Reed, Weaver, Chambliss, Beasley,
6 Stewart, Carnley

7 RFD: State Governmental Affairs

8 First Read: 20-Apr-23

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SYNOPSIS:

Under existing law, the Alabama Memorial Preservation Act of 2017 prohibits architecturally significant buildings, memorial buildings, memorial streets, and monuments that are located on public property, and have been so situated for 40 or more years, from being relocated, removed, altered, renamed, or otherwise disturbed unless the Committee on Alabama Monument Protection grants a waiver, and provides penalties for violations.

This bill would require a controlling governmental entity that replaces a memorial building to maintain the original name or erect a marker memorializing the name.

This bill would provide that a petition for waiver is deemed denied if the Committee on Alabama Monument Protection fails to act on an application for waiver within 90 days.

This bill would revise the penalties for violations and would authorize the Attorney General to commence a civil action.

This bill would also require the Alabama State Council on the Arts to oversee the design, construction, and installation of a replica of the Saturn 1B Rocket, previously located at the I-65



SB237 INTRODUCED

29 Ardmore Welcome Center in Elkmont, Alabama, at the most
30 northern I-65 rest stop in the state.

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A BILL

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TO BE ENTITLED

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AN ACT

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37 To amend Sections 41-9-233 and 41-9-235, Code of
38 Alabama 1975, relating to the Alabama Memorial Preservation
39 Act of 2017; to require a controlling governmental entity that
40 replaces a memorial building to maintain the original name or
41 erect a marker memorializing the name; to provide that a
42 petition for waiver is deemed denied if the Committee on
43 Alabama Monument Protection fails to act on an application for
44 waiver within 90 days; to revise penalties for violations; to
45 authorize the Attorney General to commence a civil action; and
46 to require the Alabama State Council on the Arts to oversee
47 the design, construction, and installation of a replica Saturn
48 1B Rocket at the most northern I-65 rest stop in the state.

49 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

50 Section 1. Sections 41-9-233 and 41-9-235 of the Code
51 of Alabama 1975, are amended to read as follows:

52 "§41-9-233

53 (a) No person may prevent the governmental entity
54 having responsibility for maintaining any architecturally
55 significant building, memorial building, memorial school,
56 memorial street, or monument from taking proper and



SB237 INTRODUCED

57 appropriate measures, and exercising proper and appropriate
58 means, for the protection, preservation, care, repair, or
59 restoration of those monuments, streets, or buildings.

60 (b) If any architecturally significant building or
61 memorial building is razed, the governmental entity
62 responsible for the building shall ensure that any replacement
63 building or resulting park or green space maintains the name
64 of the original building. If the building is not replaced, the
65 governmental entity shall erect a marker to memorialize the
66 person for whom the memorial building was originally named."

67 "§41-9-235

68 (a) (1) Any entity exercising control of public property
69 on which an architecturally significant building, memorial
70 building, memorial school, memorial street, or monument is
71 located may petition the committee for a waiver from
72 subsection (b) or subsection (c) of Section 41-9-232 through
73 an application including, at a minimum, all of the following:

74 a. A resolution by the controlling entity seeking a
75 waiver for the renaming of a memorial school or for the
76 relocation, removal, alteration, renaming, or other
77 disturbance of the architecturally significant building,
78 memorial building, memorial street, or monument and the
79 reasons therefor.

80 b. Written documentation of the origin of the
81 architecturally significant building, memorial building,
82 memorial school, memorial street, or monument, the intent of
83 the sponsoring entity at the time of dedication, and any
84 subsequent alteration, renaming, or other disturbance of the



SB237 INTRODUCED

85 architecturally significant building, memorial building,
86 memorial street, or monument.

87 c. Written commentary from any heritage, historical,
88 genealogical, or preservation organizations with interest in
89 the decision of the controlling entity, and from the general
90 public.

91 d. A written statement of any facts that were not known
92 at the time of the origin of the architecturally significant
93 building, memorial building, memorial school, memorial street,
94 or monument, but are known now, that the committee should
95 consider in granting the waiver. The absence of such facts
96 should serve as a presumption against the granting of a waiver
97 by the committee.

98 (2) ~~a.~~ If the committee grants a waiver, the committee
99 may provide reasonable conditions and instructions to ensure
100 that the architecturally significant building, memorial
101 building, memorial school, memorial street, or monument is
102 restored or preserved to the greatest extent possible.

103 ~~b.~~ (b) In the event there is a need for emergency
104 repairs or construction at the site of or to the
105 architecturally significant building, memorial building,
106 memorial street, or monument or on adjacent property, the
107 controlling entity may temporarily relocate or otherwise
108 protect the architecturally significant building, memorial
109 building, memorial street, or monument without seeking a
110 waiver under the process provided in this section; provided
111 the architecturally significant building, memorial building,
112 memorial street, or monument shall be returned to its prior



SB237 INTRODUCED

113 location or condition, or both, as soon as safely and
114 reasonably possible, and no later than one year after the
115 completion of the repair or construction. If the repair or
116 construction is expected to take more than one year, the
117 controlling entity shall seek a waiver under the process
118 specified in this section.

119 ~~e.~~ (c) If the committee fails to act on a completed
120 application for a waiver within 90 days after the application
121 is submitted to the committee, the waiver shall be deemed
122 ~~granted~~ denied.

123 ~~d.~~ (d) If the Attorney General determines that an entity
124 exercising control of public property has renamed a memorial
125 school or has relocated, removed, altered, renamed, or
126 otherwise disturbed an architecturally significant building,
127 memorial building, memorial street, or monument from that
128 public property without first obtaining a waiver from the
129 committee as required by this article, or failed to comply
130 with the conditions and instructions issued by the committee
131 upon the grant of a waiver pursuant to this section, the
132 entity shall be fined ~~twenty-five thousand dollars (\$25,000)~~
133 five thousand dollars (\$5,000) for each day that the violation
134 continues and until the entity has taken full restorative
135 action to comply with the requirements of this article. The
136 Attorney General may also commence a civil action to enjoin a
137 threatened or continuing violation of this article. Upon
138 written request of the entity and the submission of supporting
139 documentation that restoration has begun, the Attorney General
140 may stay the fine pending complete restoration. The fine shall



SB237 INTRODUCED

141 be collected by the Attorney General, forwarded by his or her
142 office to the State Treasurer, and deposited into the Alabama
143 State Historic Preservation Fund created in Section 41-9-255.

144 ~~e.~~ (e) Judicial review of the final decision of the
145 committee may be sought pursuant to the Alabama Administrative
146 Procedure Act, Chapter 22 of this title."

147 Section 2. The Alabama State Council on the Arts shall
148 commission the design and construction and provide for the
149 installation of a replica of the Saturn 1B Rocket at the
150 northern most rest stop off of Interstate 65 in the state. The
151 original Saturn 1B Rocket was donated by the National
152 Aeronautics and Space Administration and, since 1979, has
153 stood off of Interstate 65 at the Ardmore Welcome Center in
154 Elkmont, Alabama. The council may accept public or private
155 gifts, grants, and donations, including in-kind services, for
156 use in commissioning the rocket, and may also use funds
157 appropriated to the council by the Legislature for the
158 purposes provided in this section.

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