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3 SENATE GOVERNMENTAL AFFAIRS COMMITTEE SUBSTITUTE FOR SB13
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8 SYNOPSIS: This bill would create the Alabama Heritage
9 Preservation Act of 2016.

10 This bill would prohibit the relocation,
11 removal, alteration, renaming, or other disturbance
12 of certain monuments which are located on public
13 property.

14 This bill would prohibit any person from
15 preventing the governmental entity having
16 responsibility for maintaining the monuments from
17 taking proper measures to protect, preserve, care
18 for, repair, or restore the monuments.

19 This bill would create the Permanent Joint
20 Committee on Alabama Monument Protection.

21 This bill would authorize the Permanent
22 Joint Committee on Alabama Monument Protection to
23 grant waivers under certain circumstances and would
24 provide for the levy of fines against governmental
25 entities that act without approval of the Permanent
26 Joint Committee on Alabama Monument Protection.

1 This bill would also exempt certain art and
2 artifacts, the Department of Transportation, and
3 local highway departments under certain limited
4 circumstances.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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10 To create the Alabama Heritage Preservation Act of
11 2016; to prohibit the relocation, removal, alteration,
12 renaming, or other disturbance of monuments located on public
13 property; to prohibit any person from preventing the
14 governmental entity responsible for maintaining the monuments
15 from taking proper measures to protect, preserve, care for,
16 repair, or restore the monuments; to create the Permanent
17 Joint Committee on Alabama Monument Protection; to provide for
18 the membership of the committee; to provide for the duties of
19 the committee; to authorize the committee to grant waivers; to
20 provide for the levy of fines for violations of the waiver
21 process; and to exempt certain art and artifacts, the
22 Department of Transportation, and local highway departments
23 under certain limited circumstances.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be known and may be cited
26 as the Alabama Heritage Preservation Act of 2016.

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

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

5 (2) MONUMENT. A statue or marker intended at the
6 time of dedication to be permanent memorial to an event, a
7 person, a group, a movement, or military service that is part
8 of the history of the state.

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

13 Section 3. (a) No monument which is located on
14 public property may be relocated, removed, altered, renamed,
15 or otherwise disturbed except as provided in Section 6.

16 (b) No school, street, bridge, building, park,
17 preserve, or reserve which is located on public property and
18 has been erected for, or named, or dedicated in honor of an
19 event, a person, a group, a movement, or military service may
20 be renamed, except as provided in Section 6.

21 Section 4. No person may prevent the governmental
22 entity having responsibility for maintaining any of the
23 monuments described in Section 3 from taking proper and
24 appropriate measures, and exercising proper and appropriate
25 means, for the protection, preservation, care, repair, or
26 restoration of those monuments.

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

3 (b) The membership of the committee shall be
4 appointed and reappointed at the beginning of each legislative
5 quadrennium and shall reflect the racial, gender, geographic,
6 urban/rural, and economic diversity of the state and shall
7 include all of the following:

8 (1) Three members of the Legislature, appointed by
9 the Governor.

10 (2) Two members of the Legislature, appointed by the
11 Lieutenant Governor.

12 (3) One member appointed by the Speaker of the House
13 of Representatives from the membership of the House of
14 Representatives.

15 (4) One member appointed by the President Pro
16 Tempore of the Senate from the membership of the Senate.

17 (c) At the organizational meeting of the committee,
18 the membership of the committee shall select a chair and a
19 vice chair. The chair of the committee may create advisory
20 subcommittees and appoint members thereto, which may include
21 members of the committee, representatives from governmental
22 agencies, and members of the public with interest and
23 expertise in the objectives of the committee. The committee
24 shall create no more than two active advisory subcommittees at
25 any given time unless the committee votes unanimously for
26 additional subcommittees.

1 (d) The committee shall thereafter meet at the call
2 of the chair or any majority of the members thereof; provided,
3 that the committee shall meet at least once each four months.
4 The committee shall have a continuing existence and may meet,
5 act, and conduct its business at any place within this state
6 during the sessions of the Legislature or any recess thereof,
7 and in the interim period between sessions.

8 (e) The committee shall perform all duties
9 prescribed by this act.

10 (f) Each legislative member of the committee or any
11 subcommittee, if created, shall be entitled to the legislative
12 compensation, per diem, and travel as provided in Amendment
13 871 to the Constitution of Alabama of 1901, now appearing as
14 Section 49.01 of the Official Recompilation of the
15 Constitution of Alabama of 1901, as amended.

16 Section 6. (a) (1) Any entity exercising control of
17 public property on which a monument is located may petition
18 the committee for a waiver from subsection (a) of Section 3 in
19 a deliberative process established by administrative rule and
20 certified by the Alabama Historical Commission. At a minimum,
21 the deliberative process shall include all of the following:

22 a. A resolution by the controlling entity expressing
23 its intent to seek a waiver for the relocation, removal,
24 alteration, renaming, or other disturbance of a monument. The
25 resolution shall provide the dates, times, and locations of
26 two public hearings and the date, time, and location of the
27 controlling entity's consideration of public input.

1 b. Public notice of the resolution on the website of
2 the controlling entity for eight consecutive weeks, and
3 advertisement of the resolution in a newspaper of local
4 circulation on four occasions within the eight-week period, to
5 be placed at the expense of the controlling entity.

6 c. Signage providing the text of the resolution at
7 the site of the monument for eight consecutive weeks, to be
8 placed at the expense of the controlling entity.

9 d. Two hearings, conducted by the controlling
10 entity, for the collection of input from heritage, historical,
11 genealogical, and preservation organizations, and from the
12 general public.

13 e. Consideration and discussion of input from
14 organizations and the general public by the controlling entity
15 in a regular or called public meeting.

16 f. A petition in writing by the controlling entity,
17 stating the reason or reasons upon which the waiver is sought
18 and summarizing the input received from organizations and the
19 general public.

20 g. Certification by the Alabama Historical
21 Commission to the committee that the controlling entity
22 completed the required deliberative process.

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

26 (b) Any entity exercising control of public property
27 on which a school, street, bridge, building, park, preserve,

1 or reserve is located may petition the committee for a waiver
2 from subsection (b) of Section 3 in a deliberative process to
3 be established through administrative rule and certified by
4 the Alabama Historical Commission. At a minimum, the
5 deliberative process shall include all of the following:

6 (1) A resolution by the controlling entity
7 expressing its intent to seek a waiver for the renaming of the
8 school, street, bridge, building, park, preserve, or reserve.
9 The resolution shall provide the dates, times, and locations
10 of two public hearings and the date, time, and location of the
11 controlling entity's consideration of public input.

12 (2) Public notice of the resolution on the website
13 of the controlling entity for eight consecutive weeks, and
14 advertisement of the resolution in a newspaper of local
15 circulation on four occasions within the eight-week period, to
16 be placed at the expense of the controlling entity.

17 (3) Signage providing the text of the resolution at
18 the site of the school, street, bridge, building, park,
19 preserve, or reserve for eight consecutive weeks, to be placed
20 at the expense of the controlling entity.

21 (4) Two hearings, conducted by the controlling
22 entity, for the collection of input from heritage, historical,
23 genealogical, and preservation organizations, and from the
24 general public.

25 (5) Consideration and discussion of input from
26 organizations and the general public by the controlling entity
27 in a regular or called public meeting.

1 (6) A petition in writing by the controlling entity,
2 stating the reason or reasons upon which the waiver is sought
3 and summarizing the input received from organizations and the
4 general public.

5 (7) Certification by the Alabama Historical
6 Commission to the committee that the controlling entity
7 completed the required deliberative process.

8 (c) The Alabama Historical Commission, by
9 administrative rule, shall establish reasonable fees for
10 services performed as required by this act.

11 (d) If the Attorney General determines that an
12 entity exercising control of public property has removed a
13 monument from that public property without first obtaining a
14 waiver from the committee pursuant to this section, the entity
15 shall be fined one hundred thousand dollars (\$100,000) for
16 each violation. The fine shall be collected by the Attorney
17 General, forwarded by his or her office to the State
18 Treasurer, and deposited into the State General Fund.

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

21 (1) Art, artifacts, and other property under the
22 control of museums, archives, libraries, and universities.

23 (2) Monuments described in Section 3 that are
24 located on public property under the control of, or acquired
25 by, the State Department of Transportation, which may
26 interfere with the construction, maintenance, or operation of
27 the public transportation system. The department shall strive

1 to ensure that any such monuments are preserved to the
2 greatest extent possible.

3 (3) Monuments described in Section 3 that are
4 located on public property under the control of, or acquired
5 by, a county or municipal body, which may interfere with the
6 construction, maintenance, or operation of the public
7 transportation system. The governing body of the county,
8 municipality, or university shall strive to ensure that any
9 such monuments are preserved to the greatest extent possible.

10 (4) Monuments described in Section 3 that are
11 located on public property operated or used by a utility,
12 which may interfere with providing utility service. The
13 utility shall strive to ensure that any monuments are
14 preserved to the greatest extent possible.

15 Section 8. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.