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

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

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

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

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

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

b. In the event there is a need for emergency repairs or construction at the site of or to the architecturally significant building, memorial building, memorial street, or monument or on adjacent property, the controlling entity may temporarily relocate or otherwise protect the architecturally significant building, memorial building, memorial street, or monument without seeking a waiver under the process provided in this section; provided the architecturally significant building, memorial building, memorial street, or monument shall be returned to its prior location or condition, or both, as soon as safely and reasonably possible, and no later than one year after the completion of the
repair or construction. If the repair or construction is expected to take more than one year, the controlling entity shall seek a waiver under the process specified in this section.

c. If the committee fails to act on a completed application for a waiver within 90 days after the application is submitted to the committee, the waiver shall be deemed granted.

d. If the Attorney General determines that an entity exercising control of public property has renamed a memorial school or has relocated, removed, altered, renamed, or otherwise disturbed an architecturally significant building, memorial building, memorial street, or monument from that public property without first obtaining a waiver from the committee as required by this article, or failed to comply with the conditions and instructions issued by the committee upon the grant of a waiver pursuant to this section, the entity shall be fined twenty-five thousand dollars ($25,000) for each violation. The fine shall be collected by the Attorney General, forwarded by his or her office to the State Treasurer, and deposited into the Alabama State Historic Preservation Fund created in Section 41-9-255.

e. Judicial review of the final decision of the committee may be sought pursuant to the Alabama Administrative Procedure Act, Chapter 22 of this title.

Credits
(Act 2017-354, § 6.)

Ala. Code 1975 § 41-9-235, AL ST § 41-9-235