

HOUSE BILL 1878

By Miller

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 1, Part 4; Title 4, Chapter 11; Title 5; Title 6 and Title 7, relative to historical preservation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-1-412, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 11, Part 1, is amended by adding the following language as a new section:

(a) For purposes of this section:

(1) "Commission" means the Tennessee historical commission;

(2) "Historic conflict" means any war, battle, or military conflict in which citizens of the United States or any state or territory of the United States have participated in, including, but not limited to, the French and Indian War, American Revolution, War of 1812, United States-Mexican War, the Civil War, Spanish American War, the Mexican border period, World War I, World War II, the Korean War, the Vietnam War, Operation Urgent Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause (Panama), Operation Desert Shield/Desert Storm (Persian Gulf War I), Operation Enduring Freedom (Afghanistan), and Operation Iraqi Freedom (Persian Gulf War II);

(3) "Historic entity" means any entity recognized as having state, national, military, or historical significance;

(4) "Historic event" means any event recognized as having state, national, military, or historical significance;

(5) "Historic figure" means any individual who has been recognized as having served in any historic conflict, historic event, historic entity, public office, or in public service;

(6) "Historic organization" means any entity that has as one (1) or more of its material missions the recognition or preservation of any historic conflict, historic entity, historic event, or historic figure;

(7) "Memorial" means:

(A) Any public real property or park, preserve, or reserve located on public property that has been named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization; or

(B) Any statue, monument, memorial, bust, nameplate, plaque, artwork, flag, historic display, school, street, bridge, or building that has been erected for, named, or dedicated on public property in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization; and

(8) "Public property" means all property owned, leased, rented, managed, or maintained by or under the authority of this state, any county, municipality, metropolitan government, or any other public entity that is created by act of the general assembly to perform any public function.

(b)

(1) A memorial that is, or is located on, public property may be removed, renamed, relocated, altered, or rededicated upon:

(A) A majority vote of the entire membership of the governing body of the public entity exercising control over the memorial; or

(B) After ensuring compliance with applicable federal law, a two-thirds (2/3) vote of the entire membership of the governing body of the

public entity exercising control over the memorial if the memorial is designated as a national historic landmark or listed on the national register of historic places.

(2) At least thirty (30) days prior to any vote pursuant to subdivision (b)(1), the public entity shall publish notice of its intention to remove, rename, relocate, alter, or rededicate a memorial on the website of the public entity, if any, and in at least one (1) newspaper of general circulation serving the area of the memorial. The public entity shall also provide a copy of the notice to the commission at least thirty (30) days prior to any vote.

(3) The public entity exercising control over a memorial shall strive to ensure that the memorial is preserved to the greatest extent possible in a manner consistent with the entity's determination under this section. The public entity may request guidance from the commission to effectuate this subdivision (b)(3).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.