



State of Tennessee

PUBLIC CHAPTER NO. 75

HOUSE BILL NO. 553

By Representatives McDaniel, Harrison, Roach, Powers, Todd, Lollar, Coley, Kent Williams, Womick, Sargent, Holt, Casada, Weaver

Substituted for: Senate Bill No. 836

By Senators Ketron, Burks

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7 and Title 12, relative to historic preservation.

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

SECTION 1. This act shall be known and may be cited as the "Tennessee Heritage Protection Act of 2013."

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

4-1-412.

(a)

(1) No statue, monument, memorial, nameplate, or plaque which has been erected for, or named or dedicated in honor of, the French and Indian War, American Revolution, War of 1812, U.S.-Mexican War, the War Between the States, Spanish American War, the Mexican border period, World War I, World War II, the Korean conflict, 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), and is located on public property, may be relocated, removed, altered, renamed, rededicated, or otherwise disturbed.

(2) No statue, monument, memorial, nameplate, plaque, historic flag display, school, street, bridge, building, park, preserve, or reserve which has been erected for, or named or dedicated in honor of, any historical military figure, historical military event, military organization, or military unit, and is located on public property, may be renamed or rededicated.

(b) No person may prevent the governmental entity having responsibility for maintaining any of the items, structures, or areas described in subsection (a) from taking proper and appropriate measures, and exercising proper and appropriate means, for the protection, preservation, care, repair, or restoration of such items, structures, or areas.

(c) For the purposes of this section, "public property" means all property owned or leased by the state of Tennessee, any county, municipality, metropolitan government, or any other entity that is created by act of the general assembly to perform any public function.

(d) Any entity exercising control of public property on which an item, structure or area described in subsection (a) is located may petition the Tennessee historical commission for a waiver to this section. A petition for waiver shall be in writing and shall state the reason, or reasons, upon which the waiver is sought. At any regularly scheduled meeting of the commission, the commission may grant a petition for waiver by a majority vote of those present and voting. The commission may include reasonable

HB 553

conditions and instructions to ensure that any items, structures, or areas are preserved to the greatest extent possible.

(e)

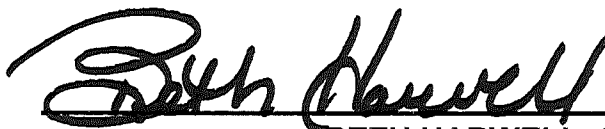
(1) This section shall apply to items, structures, or areas described in subsection (a) in existence prior to January 1, 1970, and those lawfully erected, named or dedicated on or after January 1, 1970.

(2) This section shall not apply to items, structures, or areas described in subsection (a) that are located on public property under the control of, or acquired by, the department of transportation which may interfere with the construction, maintenance, or operation of the public transportation system. The department shall strive to ensure that any such items, structures, or areas are preserved to the greatest extent possible.

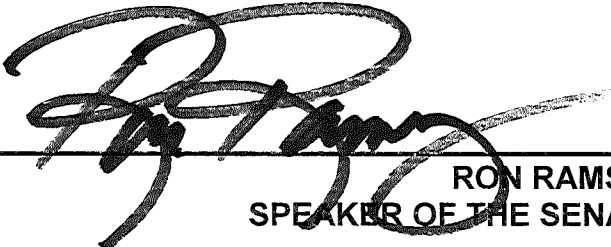
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 553

PASSED: MARCH 14, 2013

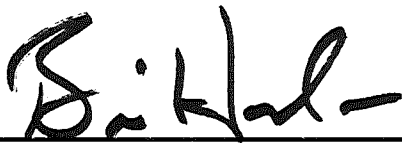


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 18 day of April 2013



BILL HASLAM, GOVERNOR