

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/1/19

A Bill

SENATE BILL 515

5 By: Senator M. Johnson
6 By: Representative Lowery
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS HERITAGE PROTECTION
10 ACT; AND FOR OTHER PURPOSES.

Subtitle

14 TO CREATE THE ARKANSAS HERITAGE
15 PROTECTION ACT.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code Title 22, Chapter 3, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 21 – Arkansas Heritage Protection Act

24 22-3-2101. Title.

25 This subchapter shall be known and may be cited as the "Arkansas
26 Heritage Protection Act".

28 22-3-2102. Definitions.

29 As used in this subchapter:

30 (1)(A) "Monument" means a statue, memorial, gravestone plate,
31 nameplate, plaque, historic flag display, school, street, bridge, building,
32 preserve, or reserve that:

33 (i) Is located on public property and has been erected
34 for, or named or dedicated in honor, of a historical person, historical
35 event, military organization, or military unit, including without limitation:

36 (a) The French and Indian War;



- 1 (b) The American Revolution;
- 2 (c) The War of 1812;
- 3 (d) The Mexican-American War;
- 4 (e) The American Civil War;
- 5 (f) The Spanish-American War;
- 6 (g) The Border War;
- 7 (h) World War I;
- 8 (i) World War II;
- 9 (j) The Korean conflict;
- 10 (k) The Vietnam War;
- 11 (l) Operation Urgent Fury;
- 12 (m) Operation El Dorado Canyon;
- 13 (n) Operation Just Cause;
- 14 (o) Operation Desert Shield and Operation Desert

15 Storm;

- 16 (p) Operation Enduring Freedom; and
- 17 (q) Operation Iraqi Freedom; or
- 18 (ii) Is located on public property and has been listed on
- 19 the National Register of Historic Places.

20 (B) "Monument" does not include a:

- 21 (i) Temporary exhibit;
- 22 (ii) Temporary structure; or
- 23 (iii) Street sign;
- 24 (2) "Person" means an individual or entity; and
- 25 (3) "Public property" means all real or personal property owned
- 26 or leased by the state, a county, a municipality, or any other entity or
- 27 subdivision of a state, county, or municipal entity that is created by an act
- 28 of the General Assembly to perform a public function.

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30 22-3-2103. Preservation of monuments.

31 (a)(1) A monument shall not be relocated, removed, altered, renamed,

32 rededicated, vandalized, damaged, destroyed, or otherwise disturbed.

33 (2) Subdivision (a)(1) of this section does not prohibit a

34 governmental entity having responsibility for maintaining a monument from

35 taking proper and appropriate measures, and exercising proper and appropriate

36 means, for the protection, preservation, care, repair, or restoration of the

1 monument.

2 (b)(1) An entity exercising control of public property that is itself
3 a monument or on which a monument is situated may petition the Arkansas
4 History Commission for a waiver from the requirements of subdivision (a)(1)
5 of this section.

6 (2) A petition for a waiver authorized by subdivision (b)(1) of
7 this section shall:

8 (A) Be in writing; and

9 (B) State the reason the waiver is necessary.

10 (3) The commission may:

11 (A) Grant a petition for a waiver by a majority vote of
12 those present and voting at a regularly scheduled commission meeting;

13 (B) Grant a petition for a waiver requested by a school
14 district for the reconstruction, renovation, or rebuilding of a school that
15 is a monument if the name of the school is maintained; and

16 (C) Unless the monument is a park, street, preserve, or
17 reserve, include reasonable conditions and instructions to ensure that the
18 monument is preserved to the greatest extent possible.

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20 22-3-2104. Applicability.

21 (a) A petition for a waiver may be authorized under § 22-3-2103(b) if
22 the application of this subchapter interferes with the construction,
23 maintenance, or operation of a public facility owned or managed by the
24 Department of Parks and Tourism or the Department of Arkansas Heritage.

25 (b) A court of competent jurisdiction may enjoin any violation of or
26 noncompliance with the provisions of this subchapter upon petition by a
27 resident of the State of Arkansas or by the Arkansas History Commission.

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29 22-3-2105. Penalty.

30 A person who knowingly violates this subchapter upon conviction
31 is guilty of a:

32 (1) Class A Misdemeanor if:

33 (A) The value of the property is more than five
34 hundred dollars; and

35 (B) The damage or repair cost to the monument or
36 memorial is more than one hundred dollars (\$100).

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(2) Class D Felony if:

(A) The value of the property is more than one thousand dollars (\$1,000); and

(B) The damage or repair cost to the monument or memorial is more than one thousand dollars (\$1,000); and

(C) The person has been previously convicted of a Class A Misdemeanor under this chapter.

/s/M. Johnson