

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 587

4 By: Senators Ross, Canada, Walker, and Webb
5 By: Representatives Mullenix and D. Wood

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For An Act To Be Entitled

9 "AN ACT TO PROTECT CITIZENS_ RIGHT TO CELEBRATE RELIGIOUS
10 HOLIDAYS THROUGH DISPLAYS AND LIGHTING; AND FOR OTHER
11 PURPOSES."

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Subtitle

14 "TO PROTECT CITIZENS_ RIGHT TO CELEBRATE
15 RELIGIOUS HOLIDAYS THROUGH DISPLAYS AND
16 LIGHTING"

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

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SECTION 1. Purpose.

20 Religious liberty is a fundamental right guaranteed by the First
21 Amendment to the United States Constitution and by Article 2, sections 24 and
22 25, of the Arkansas Constitution. Many Arkansans celebrate religious
23 holidays by erecting or viewing religious holiday displays and lighting.
24 Governmental entities, including the courts, sometimes burden citizens_ free
25 exercise of religion by interfering with the right to erect or view religious
26 holiday displays and lighting. It is the purpose of this chapter to prohibit
27 all branches of State and local government, including courts, from burdening
28 the religious freedom of people who wish to erect or view religious holiday
29 displays or lighting by means of injunctions or other coercive or punitive
30 actions.
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SECTION 2. Definition.

33 As used in this chapter, "religious holiday display or lighting" means,
34 but is not limited to, any structure, equipment, or exhibit erected by a
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1 person with the permission of the property owner for the purpose of
2 celebrating the erector_s religious holiday. Provided the erector is
3 motivated by a sincerely held religious belief, the religious holiday display
4 or lighting need not be a compulsory form of religious observance under the
5 tenets of the erector_s faith.

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7 SECTION 3. Right to erect or view religious holiday displays or
8 lighting.

9 Every person in this State shall have the right to erect or view a
10 religious holiday display or lighting; and no court or other instrumentality
11 or officer of State, county, or municipal government shall interfere with the
12 free exercise of such right, whether by injunction or otherwise.

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14 SECTION 4. Religious holiday display or lighting not to be held a
15 nuisance.

16 No court of this State shall hold that the construction, maintenance,
17 or operation of a religious holiday display or lighting constitutes a public
18 or private nuisance unless the period of operation has exceeded thirty (30)
19 days, exclusive of the time required for erecting and dismantling the display
20 or lighting.

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22 SECTION 5. *Applicability of this chapter to displays or lighting*
23 *erected after the effective date of this chapter.*

24 *This chapter applies solely to religious holiday displays or lighting*
25 *erected after the effective date of this chapter. Any injunction which*
26 *conflicts with this chapter shall be void and unenforceable as applied to*
27 *religious holiday displays or lighting erected after the effective date of*
28 *this chapter.*

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30 SECTION 6. *Inapplicability of this chapter to enforcement of municipal*
31 *zoning ordinances.*

32 *This chapter shall not be construed as a limitation on the power of*
33 *municipalities to enforce zoning ordinances regulating the height, size, and*
34 *sound volume of holiday displays or lighting.*

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1 SECTION 7. All provisions of this act of a general and permanent
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
3 Code Revision Commission shall incorporate the same in the Code.

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5 SECTION 8. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 9. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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/s/Ross et al

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As Engrossed: 3/6/95

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