

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/5/15

A Bill

HOUSE BILL 1229

5 By: Representative Farrer
6

For An Act To Be Entitled

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

Subtitle

11 TO CREATE THE ARKANSAS MILITARY HERITAGE
12 PROTECTION ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 22, Chapter 3, is amended to add an
20 additional subchapter to read as follows:
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22 22-3-2101. Title.

23 This subchapter shall be known and may be cited as the "Arkansas
24 Military Heritage Protection Act".
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26 22-3-2102. Definitions.

27 As used in this subchapter:

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

31 (A) Has been erected for, or named or dedicated in honor
32 of, a historical military figure, historical military event, military
33 organization, or military unit; and

34 (B) Is located on public property;

35 (2) "Person" means an individual or entity; and

36 (3) "Public property" means all property owned or leased by the



1 state, a county, a municipality, or any other entity that is created by act
2 of the General Assembly to perform a public function.

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4 22-3-2103. Preservation of monuments.

5 (a) A monument commemorating any of the following shall not be
6 relocated, removed, altered, renamed, rededicated, or otherwise disturbed:

7 (1) French and Indian War;

8 (2) American Revolution;

9 (3) War of 1812;

10 (4) Mexican-American War;

11 (5) Civil War;

12 (6) Spanish American War;

13 (7) Border War;

14 (8) World War I;

15 (9) World War II;

16 (10) Korean conflict;

17 (11) Vietnam War;

18 (12) Operation Urgent Fury;

19 (13) Operation El Dorado Canyon;

20 (14) Operation Just Cause;

21 (15) Operation Desert Shield/Desert Storm;

22 (16) Operation Enduring Freedom; and

23 (17) Operation Iraqi Freedom.

24 (b) A person shall not prevent a governmental entity having
25 responsibility for maintaining a monument from taking proper and appropriate
26 measures, and exercising proper and appropriate means, for the protection,
27 preservation, care, repair, or restoration of the monument.

28 (c) This section does not preclude a museum from moving or relocating
29 an interior monument or an artifact to provide increased visibility, or to
30 repair or restore the monument if the original intent and structure of the
31 monument or artifact is maintained.

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33 22-3-2104. Applicability.

34 (a) This subchapter does not apply to:

35 (1) A monument that is located on public property under the
36 control of, or acquired by, the State Highway Commission that may interfere

1 with the construction, maintenance, or operation of the public transportation
2 system; or

3 (2) A state, county, or municipality that is temporarily
4 relocating a monument for the purpose of conducting necessary repair,
5 construction, improvement, renovation, or maintenance of a utility, public
6 park, public facility, or public transportation system as long as the
7 monument is returned to the same position that maintains the original intent
8 of the display and the structural integrity of the monument.

9 (b) The commission shall take reasonable measures to ensure that a
10 monument is preserved to the greatest extent possible.

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12 22-3-2105. Penalty.

13 Upon conviction, a person that knowingly violates this subchapter is
14 guilty of a Class D Felony.

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16 /s/Farrer
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