1	State of Arkansas As Engrossed: H3/17/17	
2	91st General Assembly A Bill	
3	Regular Session, 2017 HOUSE BILL	1297
4		
5	By: Representative Farrer	
6	By: Senator Irvin	
7		
8	For An Act To Be Entitled	
9	AN ACT TO CREATE THE ARKANSAS MILITARY HERITAGE	
10	PROTECTION ACT; AND FOR OTHER PURPOSES.	
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12		
13	Subtitle	
14	TO CREATE THE ARKANSAS MILITARY HERITAGE	
15	PROTECTION ACT.	
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18	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
19 20	CECTION 1 Automaca Cada Title 22 Chapter 2 is smalled to add on	
20 21	SECTION 1. Arkansas Code Title 22, Chapter 3, is amended to add an	
22	additional subchapter to read as follows:	
22	<u>Subchapter 21 — Arkansas Military Heritage Protection Act</u>	
24	<u>22-3-2101. Title.</u>	
25	This subchapter shall be known and may be cited as the "Arkansas	
26	Military Heritage Protection Act".	
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28	22-3-2102. Definitions.	
29	As used in this subchapter:	
30	(1) "Monument" means a statue, memorial, gravestone plate,	
31	nameplate, plaque, historic flag display, school, street, bridge, building	<u>g,</u>
32	preserve, or reserve that:	
33	(A) Has been erected for, or named or dedicated in hone	or
34	of, a historical military figure, historical military event, military	
35	organization, or military unit; and	
36	(B) Is located on public property;	



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1	(2) "Person" means an individual or entity; and
2	(3) "Public property" means all property owned or leased by the
3	state, a county, a municipality, or any other entity that is created by act
4	of the General Assembly to perform a public function.
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6	22-3-2103. Preservation of monuments.
7	(a) A monument commemorating any of the following shall not be
8	relocated, removed, altered, renamed, rededicated, or otherwise disturbed:
9	(1) French and Indian War;
10	(2) American Revolution;
11	<u>(3) War of 1812;</u>
12	(4) Mexican-American War;
13	<u>(5) Civil War;</u>
14	(6) Spanish American War;
15	(7) Border War;
16	(8) World War I;
17	<u>(9) World War II;</u>
18	(10) Korean conflict;
19	<u>(11) Vietnam War;</u>
20	(12) Operation Urgent Fury;
21	(13) Operation El Dorado Canyon;
22	(14) Operation Just Cause;
23	(15) Operation Desert Shield and Operation Desert Storm;
24	(16) Operation Enduring Freedom; and
25	(17) Operation Iraqi Freedom.
26	(b) A person shall not prevent a governmental entity having
27	responsibility for maintaining a monument from taking proper and appropriate
28	measures, and exercising proper and appropriate means, for the protection,
29	preservation, care, repair, or restoration of the monument.
30	(c)(l) An entity exercising control of public property which is a
31	monument or on which a monument described in subsection (a) of this section
32	is situated may petition the Arkansas History Commission for a waiver of the
33	requirements of subsection (a) of this section.
34	(2) A petition for a waiver authorized by subdivision (c)(l) of
35	this section shall:
36	(A) Be in writing; and

1 (B) State the reason the waiver is necessary. 2 (3) The commission may: 3 (A) Grant a petition for a waiver by a majority vote of 4 those present and voting at a regularly scheduled commission meeting; and 5 (B) Except if the monument is a city park, include 6 reasonable conditions and instructions to ensure that the monument is 7 preserved to the greatest extent possible. 8 (d) A park commemorating any of the wars or conflicts listed in 9 subsection (a) of this section shall not be renamed. 10 22-3-2104. Applicability. 11 12 (a) This subchapter does not apply to: 13 (1) A temporary exhibit; or 14 (2) Public property under the control of, or acquired by: (A) The State Highway Commission that may interfere with 15 the construction, maintenance, or operation of the public transportation 16 17 system; 18 (b) The commission shall take reasonable measures to ensure that a 19 monument is preserved to the greatest extent possible. 20 (B) The Department of Parks and Tourism that may interfere with the construction, maintenance, or operation of a public 21 22 facility; or 23 (C) The Department of Arkansas Heritage. 24 25 22-3-2105. Penalty. A person who knowingly violates this subchapter is upon conviction 26 27 guilty of a Class D Felony. 28 29 /s/Farrer 30 31 32 33 34 35 36

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