

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

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.
11

Subtitle

14 TO CREATE THE ARKANSAS HERITAGE
15 PROTECTION ACT.
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17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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
23

24 22-3-2101. Title.

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

34 (ii) Has been erected for, or named or dedicated in honor
35 of a historical person, historical event, military organization, or military
36 unit, including without limitation:



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

16 Storm;

- 17 (p) Operation Enduring Freedom; and
- 18 (q) Operation Iraqi Freedom; or
- 19 (iii) Has been listed on the National Register of Historic

20 Places; and

21 (B) "Monument" does not mean a temporary exhibit or
22 temporary structure;

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

24 (3) "Public property" means all real or personal property owned
25 or leased by the state, a county, a municipality, or any other entity or
26 subdivision of a state, county, or municipal entity that is created by an act
27 of the General Assembly to perform a public function.

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29 22-3-2103. Preservation of monuments.

30 (a)(1) A monument shall not be relocated, removed, altered, renamed,
31 rededicated, vandalized, damaged, destroyed, or otherwise disturbed.

32 (2) Subdivision (a)(1) of this section does not prohibit a
33 governmental entity having responsibility for maintaining a monument from
34 taking proper and appropriate measures, and exercising proper and appropriate
35 means, for the protection, preservation, care, repair, or restoration of the
36 monument.

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

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

7 (A) Be in writing; and

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

9 (3) The commission may:

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

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

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

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19 22-3-2104. Applicability.

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

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

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28 22-3-2105. Penalty.

29 A person who knowingly violates this subchapter is upon conviction
30 guilty of a Class D Felony.

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