

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/29/21

A Bill

SENATE BILL 553

5 By: Senators M. Johnson, B. Ballinger, Beckham, Caldwell, A. Clark, J. English, T. Garner, Gilmore, K.
6 Hammer, Hill, B. Johnson, Rapert, G. Stubblefield, D. Sullivan, D. Wallace
7 By: Representatives Payton, Beck, Cozart, Lowery, Ray
8

For An Act To Be Entitled

10 AN ACT TO CREATE THE ARKANSAS STATE CAPITOL AND
11 HISTORICAL MONUMENT PROTECTION ACT; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO CREATE THE ARKANSAS STATE CAPITOL AND
16 HISTORICAL MONUMENT PROTECTION ACT.
17
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

24 Subchapter 21 – Arkansas State Capitol and Historical Monument Protection Act

25
26 22-3-2101. Title.

27 This subchapter shall be known and may be cited as the "Arkansas State
28 Capitol and Historical Monument Protection Act".
29

30 22-3-2102. Definitions.

31 As used in this subchapter:

32 (1)(A) "Historical monument" means a statue, memorial,
33 gravestone plate, nameplate, plaque, or historic flag display that is
34 located:

35 (i) On public property and has been erected for, or named
36 or dedicated in honor of a historical person, historical event, military



1 organization, or military unit, including without limitation:

2 (a) The French and Indian War;

3 (b) The American Revolution;

4 (c) The War of 1812;

5 (d) The Mexican-American War;

6 (e) The American Civil War;

7 (f) The Spanish-American War;

8 (g) The Mexican Border War;

9 (h) World War I;

10 (i) World War II;

11 (j) The Korean conflict;

12 (k) The Vietnam War;

13 (l) Operation Urgent Fury;

14 (m) Operation El Dorado Canyon;

15 (n) Operation Just Cause;

16 (o) The Gulf War;

17 (p) Operation Enduring Freedom; and

18 (q) Operation Iraqi Freedom;

19 (ii) On public property and has been listed on the
20 National Register of Historic Places; or

21 (iii) In a veterans' cemetery.

22 (B) "Historical monument" does not include a:

23 (i) Temporary exhibit;

24 (ii) Temporary structure; or

25 (iii) Street sign;

26 (2) "Person" means an individual or entity;

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

31 (4) "State Capitol" means the land, parking areas, and streets
32 surrounding the State Capitol Building, the Capitol Hill Apartments building,
33 the Grounds Operations shop, and other land that is maintained by the
34 Secretary of State.

35
36 22-3-2103. Preservation of State Capitol.

1 (a) The State Capitol shall not be vandalized, damaged, destroyed, or
2 otherwise disturbed.

3 (b) Subsection (a) of this section does not prohibit a governmental
4 entity having responsibility for maintaining the State Capitol from taking
5 proper and appropriate measures, and exercising proper and appropriate means,
6 for the protection, preservation, care, repair, or restoration of the State
7 Capitol.

8
9 22-3-2104. Preservation of historical monuments.

10 (a)(1) A historical monument shall not be relocated, vandalized,
11 damaged, destroyed, removed, altered, renamed, rededicated, or otherwise
12 disturbed.

13 (2) Subdivision (a)(1) of this section does not prohibit a
14 governmental entity having responsibility for maintaining a historical
15 monument from taking proper and appropriate measures, and exercising proper
16 and appropriate means, for the protection, preservation, care, repair, or
17 restoration of the historical monument.

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

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

24 (A) Be in writing; and

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

26 (3) The Arkansas History Commission may:

27 (A) Grant a petition for a waiver by a majority vote of
28 those present and voting at a regularly scheduled Arkansas History Commission
29 meeting; and

30 (B) Include reasonable conditions and instructions to
31 ensure that the historical monument is preserved to the greatest extent
32 possible.

33 (c) Subsection (b) of this section does not apply to the Capitol Arts
34 and Grounds Commission or the office of the Secretary of State.

35 (d) A governmental entity may request an advisory opinion from the
36 Arkansas History Commission of whether a statue, memorial, gravestone plate,

1 nameplate, plaque, or historic flag display qualifies as a historical
2 monument under this section.

3
4 22-3-2105. Applicability.

5 (a) A petition for a waiver may be authorized under § 22-3-2104(b) if
6 the application of this subchapter interferes with the construction,
7 maintenance, or operation of a public facility owned or managed by the
8 Department of Parks, Heritage, and Tourism.

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

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13 22-3-2106. Penalty.

14 A person who knowingly violates this subchapter upon conviction is
15 guilty of a:

16 (1) Class A misdemeanor if:

17 (A) The value of the property is more than five hundred
18 dollars (\$500); and

19 (B) The damage or repair cost to the historical monument
20 is more than one hundred dollars (\$100); and

21 (2) Class D felony if the person has been previously convicted
22 of a Class A misdemeanor under this subchapter and:

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

25 (B) The damage or repair cost to the historical monument
26 is more than one thousand dollars (\$1,000).

27
28 */s/M. Johnson*