

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/5/15
A Bill

HOUSE BILL 1229

By: Representative Farrer

For An Act To Be Entitled

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

Subtitle

TO CREATE THE ARKANSAS MILITARY HERITAGE
PROTECTION ACT.

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

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

22-3-2101. Title.

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

22-3-2102. Definitions.

As used in this subchapter:

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

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

(B) Is located on public property;

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

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



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

22-3-2103. Preservation of monuments.

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

- (1) French and Indian War;
- (2) American Revolution;
- (3) War of 1812;
- (4) Mexican-American War;
- (5) Civil War;
- (6) Spanish American War;
- (7) Border War;
- (8) World War I;
- (9) World War II;
- (10) Korean conflict;
- (11) Vietnam War;
- (12) Operation Urgent Fury;
- (13) Operation El Dorado Canyon;
- (14) Operation Just Cause;
- (15) Operation Desert Shield/Desert Storm;
- (16) Operation Enduring Freedom; and
- (17) Operation Iraqi Freedom.

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

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

22-3-2104. Applicability.

(a) This subchapter does not apply to:

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

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

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

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

22-3-2105. Penalty.

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

/s/Farrer