

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/17/17
A Bill

HOUSE BILL 1297

By: Representative Farrer
By: Senator Irvin

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:

Subchapter 21 – Arkansas Military Heritage Protection Act

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, memorial, gravestone plate, nameplate, plaque, historic flag display, school, street, bridge, building, 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 and Operation 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)(1) An entity exercising control of public property which is a monument or on which a monument described in subsection (a) of this section is situated may petition the Arkansas History Commission for a waiver of the requirements of subsection (a) of this section.

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

(A) Be in writing; and

(B) State the reason the waiver is necessary.

(3) The commission may:

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

(B) Except if the monument is a city park, include reasonable conditions and instructions to ensure that the monument is preserved to the greatest extent possible.

(d) A park commemorating any of the wars or conflicts listed in subsection (a) of this section shall not be renamed.

22-3-2104. Applicability.

(a) This subchapter does not apply to:

(1) A temporary exhibit; or

(2) Public property under the control of, or acquired by:

(A) The State Highway Commission that may interfere with the construction, maintenance, or operation of the public transportation system;

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

(B) The Department of Parks and Tourism that may interfere with the construction, maintenance, or operation of a public facility; or

(C) The Department of Arkansas Heritage.

22-3-2105. Penalty.

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

/s/Farrer