

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/6/19
A Bill

HOUSE BILL 1029

By: Representative Rye
By: Senator M. Johnson

For An Act To Be Entitled

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

Subtitle

AN ACT TO CREATE THE ARKANSAS 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 Heritage Protection Act

22-3-2101. Title.

This subchapter shall be known and may be cited as the "Arkansas
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) Is located on public property; and

(B) Has been erected for, or named or dedicated in honor
of a historical person, historical event, military organization, military
unit, a war, or other military conflict, including without limitation:



- (i) The French and Indian War;
- (ii) The American Revolution;
- (iii) The War of 1812;
- (iv) The Mexican-American War;
- (v) The American Civil War;
- (vi) The Spanish American War;
- (vii) The Border War;
- (viii) World War I;
- (ix) World War II;
- (x) The Korean conflict;
- (xi) The Vietnam War;
- (xii) Operation Urgent Fury;
- (xiii) Operation El Dorado Canyon;
- (xiv) Operation Just Cause;
- (xv) Operation Desert Shield and Operation Desert

Storm;

- (xvi) Operation Enduring Freedom; and
- (xvii) Operation Iraqi Freedom.

(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 an act of the General Assembly to perform a public function.

22-3-2103. Preservation of monuments.

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

(2) Subdivision (a)(1) of this section does not prohibit 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.

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

(2) A petition for a waiver authorized by subdivision (b)(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) Unless the monument is a park, street, preserve, or reserve, include reasonable conditions and instructions to ensure that the monument is preserved to the greatest extent possible.

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 the State Highway Commission when the application of this subchapter would interfere with the construction, maintenance, or operation of the public transportations system.

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

(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/Rye