

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: S4/1/19  
**A Bill**

SENATE BILL 515

By: Senator M. Johnson  
By: Representative Lowery

### **For An Act To Be Entitled**

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

### **Subtitle**

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

(i) Is located on public property and has been erected  
for, or named or dedicated in honor, of a historical person, historical  
event, military organization, or military unit, including without limitation:

(a) The French and Indian War;



- (b) The American Revolution;
- (c) The War of 1812;
- (d) The Mexican-American War;
- (e) The American Civil War;
- (f) The Spanish-American War;
- (g) The Border War;
- (h) World War I;
- (i) World War II;
- (j) The Korean conflict;
- (k) The Vietnam War;
- (l) Operation Urgent Fury;
- (m) Operation El Dorado Canyon;
- (n) Operation Just Cause;
- (o) Operation Desert Shield and Operation Desert

Storm;

- (p) Operation Enduring Freedom; and
- (q) Operation Iraqi Freedom; or

(ii) Is located on public property and has been listed on the National Register of Historic Places.

(B) "Monument" does not include a:

- (i) Temporary exhibit;
- (ii) Temporary structure; or
- (iii) Street sign;

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

(3) "Public property" means all real or personal property owned or leased by the state, a county, a municipality, or any other entity or subdivision of a state, county, or municipal 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 from the requirements 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;

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

(C) 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) 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.

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

22-3-2105. Penalty.

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

(1) Class A Misdemeanor if:

(A) The value of the property is more than five hundred dollars; and

(B) The damage or repair cost to the monument or memorial is more than one hundred dollars (\$100).

(2) Class D Felony if:

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

(B) The damage or repair cost to the monument or memorial is more than one thousand dollars (\$1,000); and

(C) The person has been previously convicted of a Class A Misdemeanor under this chapter.

/s/M. Johnson