

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 335

By: Senator J. Bryant  
By: Representative M. Berry

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS  
CAPITOL GROUNDS MONUMENT AND MEMORIAL PRESERVATION  
FUND; TO AMEND THE LAW CONCERNING THE MAINTENANCE,  
REPAIR, AND UPKEEP OF MONUMENTS AND MEMORIALS AREAS  
ON STATE CAPITOL GROUNDS; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING THE ARKANSAS  
CAPITOL GROUNDS MONUMENT AND MEMORIAL  
PRESERVATION FUND; TO AMEND THE LAW  
CONCERNING THE MAINTENANCE, REPAIR, AND  
UPKEEP OF MONUMENTS AND MEMORIALS AREAS  
ON STATE CAPITOL GROUNDS.

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

SECTION 1. Arkansas Code § 13-10-101(d), concerning the creation and duties of the Arkansas Medal of Honor Commission, is amended to read as follows:

(d) ~~State funding shall not be utilized to accomplish the purposes of this chapter~~ The commission may receive donations and contributions from individuals, state appropriations, and public and private organizations in order to carry out the responsibilities of the commission.

(e) The Secretary of State may be authorized by the Arkansas Medal of Honor Commission to perform maintenance, repair, alteration, additions, reconstruction, or upkeep of any kind on the monument.



SECTION 2. Arkansas Code § 19-5-1125 is amended to read as follows:

19-5-1125. Arkansas Capitol Grounds Monument and Memorial Preservation Fund – Definitions.

(a) As used in this section:

(1) “Memorial area” means the designated area of the State Capitol grounds for use in remembrance and honoring a person or group of persons; and

(2) “Monument” means a statue, display, or other artful fixture that is constructed to be attached to a memorial area.

(b)(1) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Arkansas Capitol Grounds Monument and Memorial Preservation Fund”.

(2) The ~~fund~~ Arkansas Capitol Grounds Monument and Memorial Preservation Fund shall consist of funds made available from:

(A) ~~private~~ Private donations received by the Capitol Arts and Grounds Commission;

(B) ~~fees~~ Fees paid by sponsors of the monuments and memorial areas, under subsection (c) of this section; and

(C) ~~any additional~~ Additional moneys appropriated to the ~~fund~~ Arkansas Capitol Grounds Monument and Memorial Preservation Fund by the General Assembly; and

(D) Accrued interest from the Arkansas Capitol Grounds Monument and Memorial Preservation Fund.

(3) The fund shall be used for the maintenance, repair, alteration, additions, reconstruction, or upkeep of any kind of any monument or memorial area on the State Capitol grounds.

(c)(1)(A) Except as provided under subdivision (c)(1)(B) of this section, following the enactment of an act authorizing the memorial area or monument and before construction, ~~improvement, or placement~~ begins, a group or organization that sponsors and pays the cost of the construction, ~~improvement, placement, or replacement~~ of a memorial area or monument on the State Capitol grounds shall pay to the Secretary of State a fee for placement, ~~improvements to, or replacement~~ of the monument or memorial area of:

(i) Ten percent (10%) of the cost of the monument;  
and

(ii) Ten percent (10%) of the construction cost of the memorial area.

(B) The Secretary of State may allow the beginning of construction of a memorial area on State Capitol grounds if:

(i) A dedicated funding source has been established for the purpose of payment of the fees under this subsection; and

(ii) The organization demonstrates that substantial funds have been raised to complete the project.

~~(2) The fee collected under subdivision (c)(1) of this section:~~  
~~(A) Shall be deposited into the fund; and~~  
~~(B) May be used for the maintenance of any monument or memorial area on the State Capitol grounds.~~

~~(3) The amount of the fee may be reviewed by the commission as to how the fee under subsection (c) of this section was calculated by the Secretary of State.~~

(d)(1) All moneys deposited into the ~~fund~~ Arkansas Capitol Grounds Monument and Memorial Preservation Fund and any accrued interest shall remain in the ~~fund to maintain, restore, and preserve all monuments and memorial areas on the State Capitol grounds~~ Arkansas Capitol Grounds Monument and Memorial Preservation Fund.

(2) The Secretary of State shall administer the ~~fund~~ Arkansas Capitol Grounds Monument and Memorial Preservation Fund.

~~(3) The accrued interest from the fund shall be appropriated to the fund.~~

~~(e)(1) The commission may receive gifts, grants, and donations from private or public sources for the fund.~~

~~(2) In addition to any other moneys appropriated or transferred by the General Assembly, the gifts, grants, and donations shall be transmitted to the Treasurer of State, who shall credit the amount to the fund~~ Except as provided in subdivision (e)(2) of this section, the Arkansas Capitol Grounds Monument and Memorial Preservation Fund shall be used for the maintenance, repair, alteration, additions, reconstruction, or upkeep of kind for any monument or memorial area on the State Capitol grounds.

(e)(2) Before the expenditure of any moneys from the Arkansas

Capitol Grounds Monument and Memorial Preservation Fund for the maintenance, repair, alteration, addition, reconstruction, or upkeep of any kind for a specific monument or memorial areas on State Capitol grounds, if there is a fund dedicated to that specific monument or memorial, the Secretary of State shall utilize the gifts, grants, and donations made to the following funds for the maintenance, repair, alteration, addition, reconstruction, or upkeep of that specific monument or memorial:

- (A) Vietnam Veterans' Monument Fund;
- (B) Arkansas Military War Veterans Monument Fund;
- (C) Ten Commandments Monument Display Act under § 22-3-

221;

- (D) Gold Star Family Memorial Monument Fund; and
- (E) Arkansas Fallen Firefighters Memorial Board under §

22-3-1704.