

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/6/19

A Bill

HOUSE BILL 1029

5 By: Representative Rye
6 By: Senator M. Johnson
7

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS HERITAGE PROTECTION
9 ACT; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO CREATE THE ARKANSAS HERITAGE
12 PROTECTION ACT.
13

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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16 SECTION 1. Arkansas Code Title 22, Chapter 3, is amended to add an
17 additional subchapter to read as follows:
18

19 Subchapter 21 – Arkansas Heritage Protection Act

20 22-3-2101. Title.

21 This subchapter shall be known and may be cited as the "Arkansas
22 Heritage Protection Act".
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24 22-3-2102. Definitions.

25 As used in this subchapter:

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

29 (A) Is located on public property; and

30 (B) Has been erected for, or named or dedicated in honor
31 of a historical person, historical event, military organization, military
32 unit, a war, or other military conflict, including without limitation:
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1 (i) The French and Indian War;
2 (ii) The American Revolution;
3 (iii) The War of 1812;
4 (iv) The Mexican-American War;
5 (v) The American Civil War;
6 (vi) The Spanish American War;
7 (vii) The Border War;
8 (viii) World War I;
9 (ix) World War II;
10 (x) The Korean conflict;
11 (xi) The Vietnam War;
12 (xii) Operation Urgent Fury;
13 (xiii) Operation El Dorado Canyon;
14 (xiv) Operation Just Cause;
15 (xv) Operation Desert Shield and Operation Desert
16 Storm;

17 (xvi) Operation Enduring Freedom; and

18 (xvii) Operation Iraqi Freedom.

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

20 (3) "Public property" means all property owned or leased by the
21 state, a county, a municipality, or any other entity that is created by an
22 act of the General Assembly to perform a public function.

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24 22-3-2103. Preservation of monuments.

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

27 (2) Subdivision (a)(1) of this section does not prohibit a
28 governmental entity having responsibility for maintaining a monument from
29 taking proper and appropriate measures, and exercising proper and appropriate
30 means, for the protection, preservation, care, repair, or restoration of the
31 monument.

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

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

- 1 (A) Be in writing; and
- 2 (B) State the reason the waiver is necessary.
- 3 (3) The commission may:
- 4 (A) Grant a petition for a waiver by a majority vote of
- 5 those present and voting at a regularly scheduled commission meeting; and
- 6 (B) Unless the monument is a park, street, preserve, or
- 7 reserve, include reasonable conditions and instructions to ensure that the
- 8 monument is preserved to the greatest extent possible.

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10 22-3-2104. Applicability.

- 11 (a) This subchapter does not apply to:
- 12 (1) A temporary exhibit; or
- 13 (2) Public property under the control of, or acquired by the
- 14 State Highway Commission when the application of this subchapter would
- 15 interfere with the construction, maintenance, or operation of the public
- 16 transportations system.
- 17 (b) A petition for a waiver may be authorized under § 22-3-2103(b) if
- 18 the application of this subchapter interferes with the construction,
- 19 maintenance, or operation of a public facility owned or managed by the
- 20 Department of Parks and Tourism or the Department of Arkansas Heritage.
- 21 (C) The Department of Arkansas Heritage.

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23 22-3-2105. Penalty.

24 A person who knowingly violates this subchapter is upon conviction

25 guilty of a Class D Felony.

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27 /s/Rye

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