

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 896

1 AN ACT

2 To amend chapter 253, RSMo, by adding thereto
3 three new sections relating to state military
4 memorials, with penalty provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
6 AS FOLLOWS:

7 Section A. Chapter 253, RSMo, is amended by adding thereto
8 three new sections, to be known as sections 253.411, 253.413, and
9 253.414, to read as follows:

10 253.411. As used in sections 253.410 to 253.415, the
11 following terms shall mean:

12 (1) "Board", the Missouri state park board;

13 (2) "Designated veterans' grave marker", any veteran grave
14 marker which has been determined by a majority vote of the board
15 to be of sufficient historical military significance to be
16 designated for inclusion in the registry;

17 (3) "Historical marker program", the program conducted by
18 the board that qualifies any marker for which the design and
19 narrative has been voluntarily submitted and approved by the
20 board, and is erected on state, municipal, or private property

1 pursuant to procedures adopted by the board; and which
2 commemorates the marking of the locations of sites, persons, and
3 events significant in the history of Missouri, including but not
4 limited to, military history;

5 (4) "Historic property", as defined in section 253.395;

6 (5) "Marker", any marker identified and recognized by the
7 historical marker program;

8 (6) "Military monument or memorial", any monument,
9 memorial, or other designation, including a statue, portrait,
10 plaque, seal, flag, symbol, building name, street name, historic
11 site or other real estate name, that:

12 (a) Honors a citizen or group of citizens of Missouri or
13 honors a person or group of persons for military or war-related
14 service conducted within or in the name of or on behalf of the
15 state of Missouri or honors the soldiers as identified in section
16 253.110, or honors military veterans of the United States of
17 America; and

18 (b) Is located and has been continuously, or repeatedly, or
19 permanently displayed in the state for a period of time exceeding
20 two years; or that has been included in the registry;

21 (7) "Permitted public ceremony", any act or series of acts
22 by individuals, groups, or organizations, that have been
23 conducted by practice or tradition, prior to December 21, 2002;
24 or as may be requested by individuals, groups, or organizations

1 and approved by the board, after August 28, 2004, including
2 temporary grave decorations, reenactments, meetings, or
3 gatherings to honor and recognize a citizen or group of citizens
4 as identified in section 253.411;

5 (8) "Statutorily designated monument or memorial", any
6 monument, memorial, or other designation, including a statue,
7 portrait, plaque, seal, flag, symbol, building name, street name,
8 historic site, or other real estate name that is adopted by the
9 general assembly for statutory inclusion on the registry. Such
10 registry shall initially include the monument of the Ten
11 Commandments that is located on the grounds of the Missouri state
12 capitol.

13 (9) "Registry", a list of all state historic military
14 monuments, memorials, markers, and designated veterans' grave
15 markers, that are located on state, municipal, private, or other
16 land that have been voluntarily submitted and approved by the
17 board for inclusion in the registry, or statutorily designated
18 monuments or memorials adopted by the general assembly for
19 statutory inclusion on the registry. No site may be designated
20 and included on the registry without the written consent of the
21 landowner or landowners in recordable form sufficiently
22 describing the site so that it may be located on the ground.
23 Such consent shall be recorded in the deed records of the county
24 in which the land is located.

1 253.413. 1. The "Missouri State Park Board" is hereby
2 established as created by executive order 86-26 of the governor
3 on November 12, 1986. The board shall continue to serve in an
4 advisory capacity for the department of natural resources for all
5 matters, with the exception of personnel and budget, relating to
6 the acquisition, development, and operation of the Missouri state
7 park system. The board shall be responsible for managing all
8 aspects of the historical marker program.

9 2. The board shall consist of eight members, six of which
10 shall reside in six separate Missouri congressional districts,
11 and at least two members who shall reside in a county in which a
12 state historic site of significant military history is situated.
13 For the purposes of this section, a "historic site of significant
14 military history" shall mean sites currently recognized by the
15 department of natural resources as state historic sites whose
16 designations are based, at least in part, on their significance
17 to Missouri military history, these can include but shall not be
18 limited to the Battle of Athens state historic site, Battle of
19 Lexington state historical site, Confederate Memorial state
20 historic site, and the Fort Davidson state historic site. Each
21 member shall be appointed by the governor, with the advice and
22 consent of the senate. Each member shall serve for a term of
23 three years, except for the first members appointed, which shall
24 have three members that serve one year, three members that serve

1 two years, and the remaining members that serve three years.
2 Thereafter, each member shall serve three years. The director of
3 the department of natural resources shall serve as chairman of
4 the board and his or her vote shall break any tie vote of the
5 board. The executive director of the state historical society of
6 Missouri shall serve as an ex officio member of the board. The
7 board shall meet when called by the chairman, but shall meet at
8 least quarterly. The board shall adopt written procedures to
9 govern its activities.

10 3. Members of the board shall receive no compensation for
11 their service, but shall be reimbursed for their actual and
12 necessary expenses incurred in the performance of their duties.

13 4. The board shall:

14 (1) Hold public meetings in accordance with chapter 536,
15 RSMo, regarding the addition, modification, or removal of any
16 state historic military monument or memorial, marker, designated
17 veteran grave marker, or statutorily designated monument or
18 memorial on any registered site;

19 (2) Hold public meetings to consider the approval of or the
20 amendment of any plan or practice, of permitted public ceremony
21 on any registered historic sites;

22 (3) Consult with the department of natural resources, and
23 maintain an inventory to include the annual physical condition of
24 state historic military monuments or memorials, markers,

1 designated veterans' grave markers, or statutorily designated
2 monuments or memorials on state, municipal, private or other land
3 that are included in the registry;

4 (4) File and publish an annual report of the activity and
5 status of all military monuments, memorials, markers, designated
6 veterans' grave markers, or statutorily designated monuments or
7 memorials that are included in the registry, and recommend future
8 improvements which may be necessary. The annual report shall be
9 sent to the governor, members of the general assembly, and made
10 available to interested citizens;

11 (5) Establish procedures for and maintain a registry of
12 state historic military monuments or memorials, markers, and
13 designated veterans' grave markers on state private, municipal or
14 other land which are included in the registry;

15 (6) Establish procedures for the withdrawal from the
16 registry of any state historic military monument or memorial,
17 marker, or veterans' grave marker located on municipal or private
18 land when requested by such municipal entity or private owner
19 provided that such procedures must authorize any municipal entity
20 or private owner who voluntarily places a state historic military
21 monument, memorial, marker, or veteran's grave marker on the
22 registry to voluntarily remove at any time, such state historic
23 military monument, memorial, or marker from the registry. Upon
24 such request, the commission shall remove the state historic

1 military monument, memorial, marker, or veteran's grave marker
2 from the registry within ten days;

3 (7) Establish procedures for the historical marker program.

4 5. Registration fees established by the board for the
5 historic marker program shall be utilized exclusively for the
6 administration and management of the historic marker program as
7 established in sections 253.411 to 253.413.

8 253.414. 1. The department of natural resources or other
9 agencies of the state shall not erect, modify, or remove any
10 state historic military monument or memorial, any marker, or any
11 designated veterans' grave marker on any site under the control
12 of the department or otherwise located on state lands which are
13 listed on the registry; or, amend any practice of permitted
14 public ceremony on any registered state historic site without
15 holding a public hearing and without a majority vote of the
16 Missouri state park board approving the action to erect, modify,
17 or remove any state historic military monument or memorial, any
18 marker, any designated veterans' grave marker, or any practice of
19 permitted public ceremony on any state historic site. Prior to
20 any such public hearing and vote of the Missouri state park
21 board, the department shall provide public notice of the hearing,
22 which notice shall be published in the Missouri Register at least
23 sixty days prior to any action to seek the Missouri state park
24 board's approval to erect, modify, or remove any such state

1 historic military monument or memorial, any marker, any
2 designated veterans' grave marker, or amend any practice of
3 permitted public ceremony on any state historic site, and the
4 department shall publish a notice of such hearing once a week for
5 two consecutive weeks in any newspaper qualified pursuant to
6 section 493.050, RSMo, to publish legal notices in the local area
7 containing the site. The second notice shall be published at
8 least ten days before the hearing is scheduled.

9 2. Any state historic military monument or memorial, any
10 marker, any designated veterans' grave marker, or any statutorily
11 designated monument or memorial that was in place on December 21,
12 2002, on any site under control of the department and has since
13 been removed, shall be replaced on August 28, 2004, and shall
14 remain in place unless modified or removed pursuant to the
15 procedures of subsection 1 of this section.

16 3. Any person who knowingly removes, defaces, or destroys
17 any statutorily designated monument or memorial without
18 authorization by an act of the general assembly or knowingly
19 removes, defaces, or destroys any registered state historic
20 military monument or memorial, marker, or designated veterans'
21 grave marker without authorization by an act of the general
22 assembly or the approval of the Missouri state park board shall
23 be guilty of a class A misdemeanor.

24 4. A registered state historic military monument or

1 memorial, marker, designated veterans' grave marker, or
2 statutorily designated monument or memorial may be removed,
3 relocated, or altered to accommodate construction, repair, or
4 improvements to the state historic military monument or memorial,
5 marker, designated veterans' grave marker, or statutorily
6 designated monument or memorial, or to the surrounding property
7 on which the state historic military monument or memorial,
8 marker, designated veterans' grave marker, or statutorily
9 designated monument or memorial is located. Any state historic
10 military monument or memorial, marker, designated veterans' grave
11 marker, or statutorily designated monument or memorial shall be
12 relocated to a prominent location.