

SECOND REGULAR SESSION

HOUSE BILL NO. 2189

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

6019H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 253, RSMo, by adding thereto one new section relating to historic preservation, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 253, RSMo, is amended by adding thereto one new section, to be known as section 253.414, to read as follows:

253.414. 1. This section shall be known and may be cited as the "Missouri Veterans' Heritage Protection Act".

2. As used in this section, the following terms shall mean:

(1) "Council", the Missouri advisory council on historic preservation;

(2) "Department", the department of natural resources;

(3) "Designated veteran's grave marker", any veteran's grave marker that has been determined by a majority vote of the council to be of sufficient historical military significance to be designated for inclusion in the registry;

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

(5) "Historic site of significant military history", all sites currently recognized by the department as state historic sites with designations that are based, at least in part, on their significance to Missouri military history; these may include, but shall not be limited to, the Battle of Athens state historic site, the Battle of Lexington state historical site, the Confederate Memorial state historic site, the Battle of Pilot Knob state historic site; and sites in honor of the French and Indian War, American Revolution, War of 1812, United States-Mexican War, Civil War, Spanish-American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam War, Operation Urgent

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause (Panama),**
19 **Operation Desert Shield/Desert Storm (Persian Gulf War I), Operation Enduring Freedom**
20 **(Afghanistan), and Operation Iraqi Freedom (Persian Gulf War II);**

21 **(6) "Historical marker program", the program conducted by the council that**
22 **qualifies any marker for which the design and narrative has been voluntarily submitted**
23 **and approved by the council; is erected on state, municipal, or private property under**
24 **procedures adopted by the council; and which commemorates the marking of the locations**
25 **of sites, persons, and events significant in the history of Missouri including, but not limited**
26 **to, military history;**

27 **(7) "Marker", any marker identified and recognized by the historical marker**
28 **program;**

29 **(8) "Military monument or memorial", any monument, memorial, object of**
30 **remembrance, or other designation, including a statue, portrait, plaque, seal, flag, symbol,**
31 **building name, street name, historic site, or other real estate name, that:**

32 **(a) Honors a citizen or group of citizens of Missouri; honors a person or group of**
33 **persons for military or war-related service conducted within, in the name of, or on behalf**
34 **of the state of Missouri; honors the soldiers as identified in section 253.110; or honors**
35 **military veterans of the United States of America; and**

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

38 **(9) "Park", as defined under section 253.010;**

39 **(10) "Permitted public ceremony", any act or series of acts by individuals, groups,**
40 **or organizations that have been conducted by practice or tradition or as may be requested**
41 **by individuals, groups, or organizations and approved by the council, after August 28,**
42 **2018, including temporary grave decorations, reenactments, meetings, or gatherings to**
43 **honor and recognize a citizen or group of citizens as identified in paragraph (a) of**
44 **subdivision (8) of this subsection;**

45 **(11) "Registry", a list of all state historic military monuments or memorials,**
46 **markers, and designated veterans' grave markers that are located on state, municipal,**
47 **private, or other land that have been voluntarily submitted and approved by the council**
48 **for inclusion on the registry or statutorily designated monuments or memorials adopted**
49 **by the general assembly for statutory inclusion on the registry. No site shall be designated**
50 **and included on the registry without the written consent of the landowner or landowners**
51 **in recordable form sufficiently describing the site so that it may be located on the ground.**
52 **Such consent shall be recorded in the deed records of the county in which the land is**
53 **located;**

54 (12) "Statutorily designated monument or memorial", any monument, memorial,
55 or other designation, including a statue, portrait, plaque, seal, flag, symbol, building name,
56 street name, historic site, or other real estate name that is adopted by the general assembly
57 for statutory inclusion on the registry.

58 3. No agency, political subdivision, or entity with the power of eminent domain
59 shall relocate, rename, rededicate, erect, modify, remove, conceal, or otherwise disturb any
60 state historic military monument or memorial, any marker, any designated veteran's grave
61 marker, or any statutorily designated monument or memorial on any site under the control
62 of the department or otherwise located on state lands which are listed on the registry or
63 amend any practice of permitted public ceremony on any registered state historic site
64 without holding a public hearing and without a majority vote of the council approving the
65 action to relocate, rename, rededicate, erect, modify, remove, conceal, or otherwise disturb
66 any state historic military monument or memorial, any marker, any designated veteran's
67 grave marker, or any statutorily designated monument or memorial, or any practice of
68 permitted public ceremony on any state historic site. Prior to any such public hearing and
69 vote of the council, the department shall provide public notice of the hearing, which notice
70 shall be published in the Missouri Register at least sixty days prior to any action to seek
71 the council's approval to relocate, rename, rededicate, erect, modify, remove, conceal, or
72 otherwise disturb any such state historic military monument or memorial, any marker, any
73 designated veteran's grave marker, or any statutorily designated monument or memorial
74 or amend any practice of permitted public ceremony on any state historic site, and the
75 department shall publish a notice of such hearing once a week for two consecutive weeks
76 in any newspaper qualified under section 493.050 to publish legal notices in the local area
77 containing the site. The second notice shall be published at least ten days before the
78 hearing is scheduled.

79 4. The provisions of subsection 3 of this section shall not apply to any agency,
80 political subdivision, or entity responsible for maintaining any state historic military
81 monument or memorial, any marker, any designated veteran's grave marker, or any
82 statutorily designated monument or memorial from taking proper and appropriate
83 measures and exercising proper and appropriate means for the protection, preservation,
84 care, repair, or restoration of such historic military monument or memorial, marker,
85 designated veteran's grave marker, or statutorily designated monument or memorial.

86 5. The provisions of subsection 3 of this section shall not apply to actions
87 undertaken by the Missouri department of transportation.

88 6. (1) Any decision made under this section by the council may be appealed and
89 in such instance shall be reviewed by the joint committee on administrative rules.

90 **(2) The joint committee on administrative rules may meet at any time to review**
91 **such appeal.**

92 **7. Any person who knowingly vandalizes, defaces, or otherwise damages any state**
93 **historic military monument or memorial, any marker, any designated veteran's grave**
94 **marker, or any statutorily designated monument or memorial under this section shall be**
95 **guilty of a class E felony.**

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