

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 395, Page 2, Section 253.387, Line 28, by inserting after said section and
2 line the following:

3
4 "253.414. 1. This section shall be known and may be cited as the "Right to Remember Act".

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

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

7 (2) "Designated veteran's grave marker", any veteran's grave marker that a majority vote of
8 the council determines is of sufficient historical military significance to be included in the registry;

9 (3) "Historic property", the same meaning as defined under section 253.395;

10 (4) "Historic sites of significant military history", all sites recognized by the department as
11 state historic sites with designations that are based, at least in part, on their significance to Missouri
12 military history. The sites may include, but shall not be limited to, the Battle of Athens state historic
13 site, the Battle of Lexington state historic site, the Confederate Memorial state historic site, the
14 Battle of Pilot Knob state historic site, and other sites that honor the French and Indian War,
15 American Revolution, War of 1812, United States-Mexican War, Civil War, Spanish-American War,
16 Mexican border period, World War I, World War II, Korean Conflict, Vietnam War, Operation
17 Urgent Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause (Panama),
18 Operations Desert Shield and Desert Storm (Persian Gulf War I), Operation Enduring Freedom
19 (Afghanistan), and Operation Iraqi Freedom (Persian Gulf War II);

20 (5) "Historical marker program", the program conducted by the council that qualifies and
21 designates sites for markers that commemorate locations, persons, or events significant in Missouri
22 history, including military history. The council shall receive voluntarily applications for a marker
23 design and narrative and may approve the applications. Markers may be erected on state, municipal,
24 or private property pursuant to procedures adopted by the council;

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

26 (7) "Military monument or memorial", any monument, memorial, object of remembrance, or
27 other designation including, but not limited to, a statue, portrait, plaque, seal, flag, symbol, building
28 name, street name, historic site, or other real estate name that:

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

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

35 (8) "Permitted public ceremony", any act or series of acts by individuals, groups, or
36 organizations conducted in practice or tradition, or as may be requested by individuals, groups, or

Action Taken _____ Date _____

1 organizations, and approved by the council after August 28, 2021, including, but not limited to,
2 temporary grave decorations, reenactments, meetings, or gatherings that honor and recognize a
3 citizen or group of citizens as identified in paragraph (a) of subdivision (7) of this subsection;

4 (9) "Registry", a list of all state historic military monuments or memorials, markers, and
5 designated veterans' grave markers that are located on state, municipal, private, or other land and
6 were approved by the council for inclusion in the registry or were statutorily designated by the
7 general assembly for inclusion in the registry. No site shall be designated and included in the
8 registry without the written consent of the landowner or landowners in recordable form sufficiently
9 describing the site so that it may be located on the ground. Such consent shall be recorded in the
10 deed records of the county in which the land is located;

11 (10) "Statutorily designated monument or memorial", any monument, memorial, object of
12 remembrance, or other designation including, but not limited to, a statue, portrait, plaque, seal, flag,
13 symbol, building name, street name, historic site, or other real estate name that is statutorily
14 designated by the general assembly for statutory inclusion in the registry.

15 3. Unless the entity holds a public hearing and receives a majority vote from the council
16 approving the action, no agency, political subdivision, or entity with the power of eminent domain
17 shall relocate, rename, rededicate, erect, modify, remove, conceal, or otherwise disturb any state
18 historic military monument or memorial, marker, designated veteran's grave marker, or statutorily
19 designated monument or memorial on any site under the control of the department or otherwise
20 located on state lands and listed in the registry or amend any practice of permitted public ceremony
21 on any registered state historic site. Prior to any such public hearing and vote of the council, the
22 department shall provide public notice of the hearing, which notice shall be published in the
23 Missouri Register at least sixty days prior to any action described under this subsection, and the
24 department shall publish notice of such hearing once a week for two consecutive weeks in a
25 newspaper qualified under section 493.050 to publish legal notices in the local area containing the
26 site. The second notice shall be published no later than ten days before the hearing is scheduled.

27 4. The provisions of subsection 3 of this section shall not apply to any agency, political
28 subdivision, or entity responsible for maintaining any state historic military monument or memorial,
29 marker, designated veteran's grave marker, or statutorily designated monument or memorial from
30 taking proper and appropriate measures and exercising proper and appropriate means for the
31 protection, preservation, care, repair, or restoration of a historic military monument or memorial,
32 marker, designated veteran's grave marker, or statutorily designated monument or memorial.

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

35 6. Any decision made under this section by the council may be appealed and, in such
36 instance, shall be reviewed by the circuit court in the county where the historic property or site is
37 located.

38 7. Any person who knowingly vandalizes, defaces, or otherwise damages a state historic
39 military monument or memorial, marker, designated veteran's grave marker, or statutorily
40 designated monument or memorial under this section shall be guilty of a class E felony.";
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42 Further amend said bill by amending the title, enacting clause, and intersectional references
43 accordingly.