

SECOND REGULAR SESSION

HOUSE BILL NO. 896

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MAYER (Sponsor), KUESSNER, RICHARD, MYERS, BEAN, REINHART, ENGLER, SAGER, HUNTER, MUNZLINGER, DAVIS (122), WILSON (130), HARRIS (110), MOORE, WAGNER, QUINN, COOPER (120), BIVINS, WILDBERGER, LEMBKE, SMITH (14), RUESTMAN, SMITH (118), STEVENSON, WARD, KINGERY, TAYLOR, SALVA, BRUNS, HENKE, SANDER AND WASSON (Co-sponsors).

Pre-filed December 17, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3302L.011

AN ACT

To amend chapter 253, RSMo, by adding thereto three new sections relating to the Missouri state park board, 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 three new sections, to be known as sections 253.411, 253.413, and 253.414, to read as follows:

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

- (1) "Board", the Missouri state park board;**
- (2) "Designated veterans' grave marker", any veteran grave marker which has been determined by a majority vote of the board to be of sufficient historical military significance to be designated for inclusion in the registry;**
- (3) "Historical marker program", the program conducted by the board that qualifies any marker for which the design and narrative has been approved by the board, and is erected on state, municipal, or private property pursuant to procedures adopted by the board; and which commemorates the marking of the locations of sites, persons, and events significant in the history of Missouri, including but not limited to, military history;**
- (4) "Historic property", as defined in section 253.395;**
- (5) "Marker", any marker identified and recognized by the historical marker program;**
- (6) "Military monument or memorial", any monument, memorial, or other designation, including a statue, portrait, plaque, seal, flag, symbol, building name, street name, historic site or other real estate name, that:**

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

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

24 **(7) "Permitted public ceremony", any act or series of acts by individuals, groups,**
25 **or organizations, that have been conducted by practice or tradition, prior to December 21,**
26 **2002; or as may be requested by individuals, groups, or organizations and approved by the**
27 **board, after August 28, 2004, including temporary grave decorations, reenactments,**
28 **meetings, or gatherings to honor and recognize a citizen or group of citizens as identified**
29 **in section 253.411;**

30 **(8) "Registry", a list of all military monuments, memorials, markers, and**
31 **designated veterans' grave markers that are located on state land that have been approved**
32 **by the board for inclusion in the registry; and those military monuments or memorials,**
33 **markers, and designated veterans' grave markers on municipal, private, or other land, that**
34 **have been approved by the board for inclusion in the list, after submission of the board**
35 **required application.**

253.413. 1. The "Missouri State Park Board" is hereby established as created by
2 **executive order 86-26 of the governor on November 12, 1986. The board shall serve as the**
3 **authorizing authority for the department of natural resources for all matters relating to**
4 **the acquisition, development, and operation of the Missouri state park system including**
5 **state historical military monuments, memorials and markers.**

6 **2. The board shall consist of at least nine but no more than eleven members, one**
7 **of which shall reside in each of Missouri's congressional districts and at least two members**
8 **shall reside in a county in which a state historic site of significant military history is**
9 **situated, appointed by the governor, with the advice and consent of the senate. Each**
10 **member shall serve for a term of three years, except for the first members appointed,**
11 **which shall have three members that serve one year, three members that serve two years,**
12 **and the remaining members that serve three years. Thereafter, each member shall serve**
13 **three years. The director of the department of natural resources shall serve as chairman**
14 **of the board and his or her vote shall break any tie vote of the board. The executive**
15 **director of the state historical society of Missouri shall serve as an ex officio member of the**
16 **board. The board shall meet when called by the chairman, but shall meet at least twice**
17 **annually. The board shall adopt written procedures to govern its activities.**

18 **3. Members of the board shall receive no compensation for their service, but shall**
19 **be reimbursed for their actual and necessary expenses incurred in the performance of their**
20 **duties.**

21 **4. The board shall:**

22 **(1) Hold public meetings in accordance with chapter 536, RSMo, regarding the**
23 **addition, modification, or removal of any military monument or memorial, marker, or**
24 **designated veteran grave marker on any site under the control of the department;**

25 **(2) Hold public meetings to consider the approval of or the amendment of any plan**
26 **or practice, of permitted public ceremony on any historic sites managed by the**
27 **department;**

28 **(3) Consult with the department of natural resources, and maintain an inventory**
29 **to include the annual physical condition of the state park system, military monuments or**
30 **memorials, markers, or designated veterans' grave markers on state sites and on**
31 **municipal, private property or other land that are included in the registry;**

32 **(4) File and publish an annual report of the activity and status of the state park**
33 **system, all military monuments, memorials, markers, and designated veterans' grave**
34 **markers that are included in the registry, and recommend future improvements which may**
35 **be necessary. The annual report shall be sent to the governor, members of the general**
36 **assembly, and made available to interested citizens;**

37 **(5) Establish procedures for and maintain a registry of military monuments or**
38 **memorials, markers, and designated veterans' grave markers on private, municipal or**
39 **other land which are included in the registry;**

40 **(6) Establish procedures for the withdrawal from the registry of any military**
41 **monument or memorial, marker, or veterans' grave marker located on municipal or**
42 **private land when requested by such municipal entity or private owner;**

43 **(7) Establish procedures for the historical marker program;**

44 **(8) Establish procedures for inclusion in the registry those military monuments or**
45 **memorials, markers, and designated veterans' grave markers located on state land not**
46 **managed by the department.**

253.414. 1. The department of natural resources or other agencies of the state shall
2 **not erect, modify, or remove any military monument or memorial, any marker, or any**
3 **designated veterans' grave marker on any site under the control of the department or**
4 **otherwise located on state lands which are listed on the registry; or, amend any practice**
5 **of permitted public ceremony on any state historic site without holding a public hearing**
6 **and without a majority vote of the Missouri state park board approving the action to erect,**
7 **modify, or remove any military monument or memorial, any marker, or any designated**

8 veterans' grave marker or any practice of permitted public ceremony on any state historic
9 site. Prior to any such public hearing and vote of the Missouri state park board, the
10 department shall provide public notice of the hearing, which notice shall be published in
11 the Missouri Register at least sixty days prior to any action to seek the Missouri state park
12 board's approval to erect, modify, or remove any such military monument or memorial,
13 any marker, or any designated veterans' grave marker; or amend any practice of permitted
14 public ceremony on any state historic site, and the department shall publish a notice of
15 such hearing once a week for two consecutive weeks in any newspaper qualified pursuant
16 to section 493.050, RSMo, to publish legal notices in the local area containing the site. The
17 second notice shall be published at least ten days before the hearing is scheduled.

18 2. Any military monument or memorial, any marker, or any designated veterans'
19 grave marker that was in place on December 21, 2002, on any site under control of the
20 department shall be replaced on August 28, 2004, and shall remain in place unless modified
21 or removed pursuant to the procedures of subsection 1 of this section.

22 3. Any person who knowingly removes, defaces, or destroys any military monument
23 or memorial, marker or designated veterans' grave marker, without authorization by an
24 act of the general assembly or the approval of the Missouri state park board shall be guilty
25 of a class A misdemeanor.

26 4. A military monument or memorial, marker, or designated veterans' grave
27 marker may be removed, relocated, or altered to accommodate construction, repair, or
28 improvements to the military monument or memorial, marker, or designated veterans'
29 grave marker, or to the surrounding property on which the military monument or
30 memorial, marker, or designated veterans' grave marker is located. Any military
31 monument or memorial, marker, or designated veterans' grave marker must be relocated
32 to a prominent location.

33 5. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

34 (1) The provisions of the new program authorized under sections 253.411, 253.413,
35 and this section shall automatically sunset six years after the effective date of sections
36 253.411, 253.413, and this section unless reauthorized by an act of the general assembly;
37 and

38 (2) If such program is reauthorized, the program authorized under sections
39 253.411, 253.413, and this section shall automatically sunset twelve years after the effective
40 date of the reauthorization of sections 253.411, 253.413, and this section; and

41 (3) Sections 253.411, 253.413, and this section shall terminate on September first
42 of the calendar year immediately following the calendar year in which the program
43 authorized under sections 253.411, 253.413, and this section is sunset.