

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 845
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles, May 5, 2004, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 845 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

3015L.06C

AN ACT

To amend chapters 227 and 253, RSMo, by adding thereto four new sections relating to state military memorials, with penalty provisions.

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

Section A. Chapters 227 and 253, RSMo, are amended by adding thereto four new sections, to be known as sections 227.344, 253.411, 253.413, and 253.414, to read as follows:

227.344. The portion of Interstate 44 from the intersection of Highway 100 at the city of Gray Summit west to the Franklin/Crawford county line, except where otherwise designated, shall be designated the "Grand Army of the Republic Memorial Highway". This twenty-eight mile stretch of roadway will honor Missourians who fought to preserve the Union during the Civil War and who, as members of the Grand Army of the Republic, lobbied for veterans rights, promoted patriotism, and established the annual observance of Memorial Day. The department of transportation shall erect and maintain appropriate signs commemorating said portion of Interstate 44 at its discretion. The signs shall include a graphic depicting the Grand Army of the Republic badge either on the sign itself or on separate placards, to be provided by the requesting organization, to be affixed to the sign posts. The Department of Missouri, Sons of Union Veterans of the Civil War, shall pay for all appropriate signage.

253.411. As used in sections 253.410 to 253.415, the following terms shall 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**

5 significance to be designated for inclusion in the registry;

6 (3) "Historical marker program", the program conducted by the board that
7 qualifies any marker for which the design and narrative has been voluntarily submitted
8 and approved by the board, and is erected on state, municipal, or private property
9 pursuant to procedures adopted by the board; and which commemorates the marking of
10 the locations of sites, persons, and events significant in the history of Missouri, including
11 but not limited to, military history;

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

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

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

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

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

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

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

36 (9) "Registry", a list of all state historic military monuments, memorials, markers,
37 and designated veterans' grave markers, that are located on state, municipal, private, or
38 other land that have been voluntarily submitted and approved by the board for inclusion
39 in the registry, or statutorily designated monuments or memorials adopted by the general
40 assembly for statutory inclusion on the registry. No site may be designated and included

41 on the registry without the written consent of the landowner or landowners in recordable
42 form sufficiently describing the site so that it may be located on the ground. Such consent
43 shall be recorded in the deed records of the county in which the land is located.

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 continue to
3 serve in an advisory capacity for the department of natural resources for all matters, with
4 the exception of personnel and budget, relating to the acquisition, development, and
5 operation of the Missouri state park system. The board shall be responsible for managing
6 all aspects of the historical marker program.

7 2. The board shall consist of eight members, six of which shall reside in six separate
8 Missouri congressional districts, and at least two members who shall reside in a county in
9 which a state historic site of significant military history is situated. For the purposes of this
10 section, a "historic site of significant military history" shall mean sites currently recognized
11 by the department of natural resources as state historic sites whose designations are based,
12 at least in part, on their significance to Missouri military history, these can include but
13 shall not be limited to the Battle of Athens state historic site, Battle of Lexington state
14 historical site, Confederate Memorial state historic site, and the Fort Davidson state
15 historic site. Each member shall be appointed by the governor, with the advice and consent
16 of the senate. Each member shall serve for a term of three years, except for the first
17 members appointed, which shall have three members that serve one year, three members
18 that serve two years, and the remaining members that serve three years. Thereafter, each
19 member shall serve three years. The director of the department of natural resources shall
20 serve as chairman of the board and his or her vote shall break any tie vote of the board.
21 The executive director of the state historical society of Missouri shall serve as an ex officio
22 member of the board. The board shall meet when called by the chairman, but shall meet
23 at least quarterly. The board shall adopt written procedures to govern its activities.

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

27 4. The board shall:

28 (1) Hold public meetings in accordance with chapter 536, RSMo, regarding the
29 addition, modification, or removal of any state historic military monument or memorial,
30 marker, designated veteran grave marker, or statutorily designated monument or
31 memorial on any registered site;

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

34 **(3) Consult with the department of natural resources, and maintain an inventory**
35 **to include the annual physical condition of state historic military monuments or memorials,**
36 **markers, designated veterans' grave markers, or statutorily designated monuments or**
37 **memorials on state, municipal, private or other land that are included in the registry;**

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

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

46 **(6) Establish procedures for the withdrawal from the registry of any state historic**
47 **military monument or memorial, marker, or veterans' grave marker located on municipal**
48 **or private land when requested by such municipal entity or private owner provided that**
49 **such procedures must authorize any municipal entity or private owner who voluntarily**
50 **places a state historic military monument, memorial, marker, or veteran's grave marker**
51 **on the registry to voluntarily remove at any time, such state historic military monument,**
52 **memorial, or marker from the registry. Upon such request, the commission shall remove**
53 **the state historic military monument, memorial, marker, or veteran's grave marker from**
54 **the registry within ten days;**

55 **(7) Establish procedures for the historical marker program.**

56 **5. Registration fees established by the board for the historic marker program shall**
57 **be utilized exclusively for the administration and management of the historic marker**
58 **program as established in sections 253.411 to 253.413.**

253.414. 1. The department of natural resources or other agencies of the state shall
2 **not erect, modify, or remove any state historic military monument or memorial, any**
3 **marker, or any designated veterans' grave marker on any site under the control of the**
4 **department or otherwise located on state lands which are listed on the registry; or, amend**
5 **any practice of permitted public ceremony on any registered state historic site without**
6 **holding a public hearing and without a majority vote of the Missouri state park board**
7 **approving the action to erect, modify, or remove any state historic military monument or**
8 **memorial, any marker, any designated veterans' grave marker, or any practice of**
9 **permitted public ceremony on any state historic site. Prior to any such public hearing and**
10 **vote of the Missouri state park board, the department shall provide public notice of the**
11 **hearing, which notice shall be published in the Missouri Register at least sixty days prior**

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

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

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

30 4. A registered state historic military monument or memorial, marker, designated
31 veterans' grave marker, or statutorily designated monument or memorial may be removed,
32 relocated, or altered to accommodate construction, repair, or improvements to the state
33 historic military monument or memorial, marker, designated veterans' grave marker, or
34 statutorily designated monument or memorial, or to the surrounding property on which
35 the state historic military monument or memorial, marker, designated veterans' grave
36 marker, or statutorily designated monument or memorial is located. Any state historic
37 military monument or memorial, marker, designated veterans' grave marker, or statutorily
38 designated monument or memorial shall be relocated to a prominent location.