

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 491
93RD GENERAL ASSEMBLY

Reported from the Committee on Corrections and Public Institutions March 16, 2005, with recommendation that the House Committee Substitute for House Bill No. 491 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1389L.02C

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
2 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 shall mean:

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

3 (2) "Designated veterans' grave marker", any veteran grave marker which has
4 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;

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.

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, 2005, 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) "Park", as defined in section 253.010;**

32 **(9) "Registry", a list of all state historic military monuments, memorials, markers**
33 **and designated veterans' grave markers that are located on state, municipal, private, or**
34 **other land that have been voluntarily submitted and approved by the board for inclusion**
35 **in the registry or statutorily designated monuments or memorials adopted by the general**
36 **assembly for statutory inclusion on the registry. No site may be designated and included**
37 **on the registry without the written consent of the landowner or landowners in recordable**
38 **form sufficiently describing the site so that it may be located on the ground. Such consent**
39 **shall be recorded in the deed records of the county in which the land is located;**

40 **(10) "Statutorily designated monument or memorial", any monument, memorial,**
41 **or other designation, including a statue, portrait, plaque, seal, flag, symbol, building name,**
42 **street name, historic site, or other real estate name that is adopted by the general assembly**
43 **for statutory inclusion on the registry. Such registry shall initially include the monument**
44 **of the ten commandments that is located on the grounds of the Missouri state capitol.**

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 with at least two members who shall**
8 **reside in a county in which a state historic site of significant military history is situated.**
9 **For the purposes of this section, a "historic site of significant military history" shall mean**
10 **sites currently recognized by the department of natural resources as state historic sites**
11 **whose designations are based, at least in part, on their significance to Missouri military**
12 **history, these can include but shall not be limited to the Battle of Athens state historic site,**
13 **Battle of Lexington state historical site, Confederate Memorial**
14 **state historic site, and the Fort Davidson state historic site. Each member shall be**
15 **appointed by the governor, with the advice and consent of the senate. Each member shall**
16 **serve for a term of three years, except for the first members appointed, which shall have**
17 **three members that serve one year, three members that serve two years, and the remaining**
18 **members that serve three years. Thereafter, each member shall serve three years. The**
19 **director of the department of natural resources shall serve as chairman of the board and**
20 **his or her vote shall break any tie vote of the board. The executive director of the state**
21 **historical society of Missouri shall serve as an ex officio member of the board. The board**
22 **shall meet when called by the chairman, but shall meet at least quarterly. The board shall**
23 **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 veterans' 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, and statutorily**
40 **designated monuments or memorials that are included in the registry. Data for this report**
41 **shall be provided by individual applicants or registrants and shall be submitted to the**
42 **board on an annual basis. The board shall recommend future improvements which may**

43 be necessary. The annual report shall be sent to the governor, members of the general
44 assembly, and made available to interested citizens;

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

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

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

61 5. Registration and annual fees established by the board for the historic marker
62 program and registry shall be utilized exclusively for the administration and management
63 of the historic marker program and registry as established in sections 253.411 to 253.413.
64 No funds from the state park earnings fund as established in section 253.090, or those
65 dedicated in sections 43(a), 43(b), and 43(c) of article IV of the Missouri Constitution, shall
66 be utilized for the historic marker program as it is established in sections 253.411 to
67 253.413. This shall not limit however, the general assembly's authority to appropriate
68 funds to the program from other revenue sources.

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, any designated veterans' grave marker, or any statutorily designated monument
4 or memorial on any site under the control of the department or otherwise located on state
5 lands which are listed on the registry; or, amend any practice of permitted public
6 ceremony on any registered state historic site without holding a public hearing and without
7 a majority vote of the Missouri state park board approving the action to erect, modify, or
8 remove any state historic military monument or memorial, any marker, any designated
9 veterans' grave marker, or any statutorily designated monument or memorial, or any
10 practice of permitted public ceremony on any state historic site. Prior to any such public

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

21 2. Any person who knowingly removes, defaces, or destroys any registered state
22 historic military monument or memorial, marker or designated veterans' grave marker,
23 or any statutorily designated monument or memorial without the approval of either the
24 general assembly or the Missouri state park board shall be guilty of a class A
25 misdemeanor.

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