

FIRST REGULAR SESSION

# HOUSE BILL NO. 491

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES McGHEE (Sponsor), HUNTER, KUESSNER, BIVINS, WAGNER, QUINN, MAY, STEVENSON, BEAN, WRIGHT (137), KINGERY, WRIGHT (159), MOORE, MYERS, HENKE, PRATT, KRAUS, GUEST, DUSENBERG, FISHER, DEEKEN, KELLY, NANCE, DAY, FLOOK AND WELLS (Co-sponsors).

Read 1<sup>st</sup> time February 9, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1389L.01I

---

### 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 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 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 voluntarily submitted and 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 253.385;**
- (5) "Marker", any marker identified and recognized by the historical marker 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 state historic site, and the**  
14 **Fort Davidson state historic site. Each member shall be appointed by the governor, with**  
15 **the advice and consent of the senate. Each member shall serve for a term of three years,**  
16 **except for the first members appointed, which shall have three members that serve one**  
17 **year, three members that serve two years, and the remaining members that serve three**  
18 **years. Thereafter, each member shall serve three years. The director of the department**  
19 **of natural resources shall serve as chairman of the board and his or her vote shall break**  
20 **any tie vote of the board. The executive director of the state historical society of Missouri**  
21 **shall serve as an ex officio member of the board. The board shall meet when called by the**  
22 **chairman, but shall meet at least quarterly. The board shall adopt written procedures to**  
23 **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, 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, designated veterans' grave markers, and statutorily  
45 designated monuments or memorials on state private, municipal or other land which are  
46 included in the registry;

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

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

59           5. Registration fees established by the board for the historic marker program shall  
60 be utilized exclusively for the administration and management of the historic marker  
61 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, 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.