

SECOND REGULAR SESSION

HOUSE BILL NO. 999

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MCGHEE (Sponsor) AND FISHER (Co-sponsor).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3408L.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
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) "Historic property", as defined in section 253.395;**

7 **(4) "Historic site of significant military history", all sites currently recognized by**
8 **the department of natural resources as state historic sites whose designations are based,**
9 **at least in part, on their significance to Missouri military history; these may include but**
10 **shall not be limited to the Battle of Athens state historic site, Battle of Lexington state**
11 **historical site, Confederate Memorial state historic site, and the Fort Davidson state**
12 **historic site;**

13 **(5) "Historical marker program", the program conducted by the board that**
14 **qualifies any marker for which the design and narrative has been voluntarily submitted**
15 **and approved by the board, and is erected on state, municipal, or private property**

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.

16 pursuant to procedures adopted by the board; and which commemorates the marking of
17 the locations of sites, persons, and events significant in the history of Missouri, including
18 but not limited to, military history;

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

21 (7) "Military monument or memorial", any monument, memorial, or other
22 designation, including a statue, portrait, plaque, seal, flag, symbol, building name, street
23 name, historic site or other real estate name, that:

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

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

31 (8) "Permitted public ceremony", any act or series of acts by individuals, groups,
32 or organizations, that have been conducted by practice or tradition; or as may be requested
33 by individuals, groups, or organizations and approved by the board, after August 28, 2006,
34 including temporary grave decorations, reenactments, meetings, or gatherings to honor
35 and recognize a citizen or group of citizens as identified in section 253.411;

36 (9) "Park", as defined in section 253.010;

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

45 (11) "Statutorily designated monument or memorial", any monument, memorial,
46 or other designation, including a statue, portrait, plaque, seal, flag, symbol, building name,
47 street name, historic site, or other real estate name that is adopted by the general assembly
48 for statutory inclusion on the registry.

253.413. 1. The "Missouri State Park Board" is hereby established. The board
2 shall be housed in the division of state parks of the department of natural resources. The
3 board shall serve in an advisory capacity for the department of natural resources for all

4 matters, with the exception of personnel and budget, relating to the acquisition,
5 development, and operation of the Missouri state park system. The board shall have sole
6 responsibility for managing all aspects of the historical marker program.

7 2. The board shall consist of nine members with no more than one member from
8 any congressional district and no more than five members of the same political party. Each
9 member shall be appointed by the governor, with the advice and consent of the senate.
10 Each 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 chair of the
14 board and the chair's vote shall break any tie vote of the board. The executive director of
15 the state historical society of Missouri shall serve as an ex officio member of the board.
16 The board shall meet when called by the chairman, but shall meet at least quarterly. The
17 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 state historic military monument or memorial,
24 marker, designated veterans' grave marker, or statutorily designated monument or
25 memorial on any registered site;

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

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

32 (4) File and publish an annual report of the activity and status of all military
33 monuments, memorials, markers, designated veterans' grave markers, and statutorily
34 designated monuments or memorials that are included in the registry. Data for this report
35 shall be provided by individual applicants or registrants and shall be submitted to the
36 board on an annual basis. The board shall recommend future improvements which may
37 be necessary. The annual report shall be sent to the governor, members of the general
38 assembly, and made available to interested citizens;

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

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

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

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

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