

SECOND REGULAR SESSION

# HOUSE BILL NO. 1068

96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGHEE.

4299L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 253, RSMo, by adding thereto three new sections relating to the Missouri state park board, with a penalty provision.

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

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

(5) "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 under procedures adopted by the board; and which commemorates the marking of the locations

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.

17 of sites, persons, and events significant in the history of Missouri, including but not limited  
18 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) "Park", as defined in section 253.010;

32 (9) "Permitted public ceremony", any act or series of acts by individuals, groups,  
33 or organizations, that have been conducted by practice or tradition; or as may be requested  
34 by individuals, groups, or organizations and approved by the board, after August 28, 2012,  
35 including temporary grave decorations, reenactments, meetings, or gatherings to honor  
36 and recognize a citizen or group of citizens as identified in this section;

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 regarding the addition,**  
23 **modification, or removal of any state historic military monument or memorial, marker,**  
24 **designated veterans' grave marker, or statutorily designated monument or memorial on**  
25 **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 historical marker**  
56 **program and registry shall be utilized exclusively for the administration and management**  
57 **of the historical 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 article IV, sections 43(a), 43(b), and 43(c) of the Missouri Constitution, shall**  
60 **be utilized for the historical 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 under section 493.050 to publish legal notices in the local area**  
19 **containing the site. The second notice shall be published at least ten days before the**  
20 **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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