

SECOND REGULAR SESSION

# HOUSE BILL NO. 2476

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVE.

4346H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To amend chapter 253, RSMo, by adding thereto one new section relating to historic preservation.

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

Section A. Chapter 253, RSMo, is amended by adding thereto one new section, to be known as section 253.414, to read as follows:

**253.414. 1. This section shall be known and may be cited as the "Missouri Heritage Protection Act of 2016".**

**2. As used in this section, the following terms shall mean:**

**(1) "Council", the Missouri advisory council on historic preservation;**

**(2) "Department", the department of natural resources;**

**(3) "Designated veterans' grave marker", any veteran grave marker that has been determined by a majority vote of the council to be of sufficient historical military significance to be designated for inclusion in the registry;**

**(4) "Historic property", as defined under section 253.395;**

**(5) "Historic site of significant military history", all sites currently recognized by the department 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, the Battle of Lexington state historical site, the Confederate Memorial state historic site, the Fort Davidson state historic site, and sites in honor of the French and Indian War, American Revolution, War of 1812, United States-Mexican War, the War Between the States, Spanish American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam War, Operation**

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.

18 Urgent Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause  
19 (Panama), Operation Desert Shield/Desert Storm (Persian Gulf War I), Operation  
20 Enduring Freedom (Afghanistan), or Operation Iraqi Freedom (Persian Gulf War II);

21 (6) "Historical marker program", the program conducted by the council that  
22 qualifies any marker for which the design and narrative has been voluntarily submitted  
23 and approved by the council; is erected on state, municipal, or private property under  
24 procedures adopted by the council; and which commemorates the marking of the locations  
25 of sites, persons, and events significant in the history of Missouri including, but not limited  
26 to, military history;

27 (7) "Marker", any marker identified and recognized by the historical marker  
28 program;

29 (8) "Military monument or memorial", any monument, memorial, object of  
30 remembrance, or other designation, including a statue, portrait, plaque, seal, flag, symbol,  
31 building name, street name, historic site, or other real estate name, that:

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

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

38 (9) "Park", as defined under section 253.010;

39 (10) "Permitted public ceremony", any act or series of acts by individuals, groups,  
40 or organizations that have been conducted by practice or tradition or as may be requested  
41 by individuals, groups, or organizations and approved by the council, after August 28,  
42 2016, including temporary grave decorations, reenactments, meetings, or gatherings to  
43 honor and recognize a citizen or group of citizens as identified in paragraph (a) of  
44 subdivision (8) of this subsection;

45 (11) "Registry", a list of all state historic military monuments or memorials,  
46 markers, and designated veterans' grave markers that are located on state, municipal,  
47 private, or other land that have been voluntarily submitted and approved by the council  
48 for inclusion on the registry or statutorily designated monuments or memorials adopted  
49 by the general assembly for statutory inclusion on the registry. No site shall be designated  
50 and included on the registry without the written consent of the landowner or landowners  
51 in recordable form sufficiently describing the site so that it may be located on the ground.  
52 Such consent shall be recorded in the deed records of the county in which the land is  
53 located;

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

58           3. No agency, political subdivision, or entity with the power of eminent domain  
59 shall relocate, rename, rededicate, erect, modify, remove, or otherwise disturb any state  
60 historic military monument or memorial, any marker, any designated veterans' grave  
61 marker, or any statutorily designated monument or memorial on any site under the control  
62 of the department or otherwise located on state lands which are listed on the registry or  
63 amend any practice of permitted public ceremony on any registered state historic site  
64 without holding a public hearing and without a majority vote of the council approving the  
65 action to relocate, rename, rededicate, erect, modify, remove, or otherwise disturb any state  
66 historic military monument or memorial, any marker, any designated veterans' grave  
67 marker, or any statutorily designated monument or memorial, or any practice of permitted  
68 public ceremony on any state historic site. Prior to any such public hearing and vote of the  
69 council, the department shall provide public notice of the hearing, which notice shall be  
70 published in the Missouri Register at least sixty days prior to any action to seek the  
71 council's approval to relocate, rename, rededicate, erect, modify, remove, or otherwise  
72 disturb any such state historic military monument or memorial, any marker, any  
73 designated veterans' grave marker, or any statutorily designated monument or memorial  
74 or amend any practice of permitted public ceremony on any state historic site, and the  
75 department shall publish a notice of such hearing once a week for two consecutive weeks  
76 in any newspaper qualified under section 493.050 to publish legal notices in the local area  
77 containing the site. The second notice shall be published at least ten days before the  
78 hearing is scheduled.

79           4. The provisions of subsection 3 of this section shall not apply to any agency,  
80 political subdivision, or entity responsible for maintaining any state historic military  
81 monument or memorial, any marker, any designated veterans' grave marker, or any  
82 statutorily designated monument or memorial from taking proper and appropriate  
83 measures and exercising proper and appropriate means for the protection, preservation,  
84 care, repair, or restoration of such historic military monument or memorial, marker,  
85 designated veterans' grave marker, or statutorily designated monument or memorial.

86           5. The provisions of subsection 3 of this section shall not apply to actions  
87 undertaken by the Missouri department of transportation.

88           6. (1) Any decision made under this section by the council may be appealed and in  
89 such instance shall be reviewed by the joint committee on administrative rules.

90           (2) The joint committee on administrative rules may meet at any time to review  
91 such appeal.

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