

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 80

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

3918H.011

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article I of the Constitution of Missouri, by adopting one new section relating to the Right to Remember Amendment.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2020, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding one new section, to be known as Section 36, to read as follows:

Section 36. 1. The provisions of this section shall be known as the "Right to Remember Amendment". It shall be the public policy of this state to remember our nation's and state's historic conflicts, events, and figures by preserving the historical memorials and monuments in this state as provided under this section.

2. No memorial that is, or is located on, public property shall be removed, renamed, unnamed, relocated, materially altered, rededicated, or undedicated except in such manner and to such extent as the general assembly may provide by law.

3. In making provisions by law as authorized under subsection 2, the general assembly may pass or repeal a local or special law or repeal a general law in part, regardless of whether a general law could be made applicable. However, this section shall be subordinate to Article III, Section 42 of this Constitution.

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.

12 **4. Nothing in this section shall prevent or prohibit the following acts, so long as the**
13 **acting entity ensures that a memorial is preserved to the greatest extent possible:**

14 **(1) A public entity responsible for maintaining a memorial, or a nonprofit entity**
15 **acting with permission of the public entity, that takes proper and appropriate measures**
16 **and exercises proper and appropriate means for the upkeep, care, preservation, protection,**
17 **repair, and restoration of the memorial;**

18 **(2) The state relocating, removing, or materially altering a memorial located on**
19 **public property if it determines that the memorial interferes with the construction,**
20 **maintenance, or operation of the public property or improvements thereto, so long as any**
21 **such action is consistent with federal historical preservation law;**

22 **(3) The general assembly taking an action to comply with a federal law or passing**
23 **a general law necessary to allow the state or a person residing therein to compete or**
24 **maintain eligibility for a federal grant, federal contract, or other federal funding**
25 **opportunity; the state taking an action required by federal law to maintain a state historic**
26 **preservation officer or state historic preservation program, as may be defined by federal**
27 **law; or a local government from taking an act required by federal law to seek or maintain**
28 **a status as a certified local government, as may be defined by federal law.**

29 **5. As used in this section, the following terms mean:**

30 **(1) "Historic conflict", any war, battle, or military conflict in which citizens of the**
31 **United States or a state or territory thereof participated;**

32 **(2) "Historic entity", any entity recognized as having state, national, military, or**
33 **historical significance;**

34 **(3) "Historic event", any event recognized as having state, national, military, or**
35 **historical significance;**

36 **(4) "Historic figure", any individual who is recognized for serving or participating**
37 **in a historic conflict, historic event, historic entity, public office, or public service;**

38 **(5) "Historic organization", any entity with a material mission to recognize or**
39 **preserve sites, structures, or artifacts relating to any historic conflict, historic entity,**
40 **historic event, or historic figure;**

41 **(6) "Memorial", either:**

42 **(a) Any real property or park, preserve, or reserve located on public property that**
43 **is named or dedicated in honor of a historic conflict, historic entity, historic event, historic**
44 **figure, or historic organization; or**

45 **(b) Any artwork; bust; flag; historical display; memorial; monument; name of a**
46 **bridge, building, school, or street; nameplate; plaque; or statue dedicated, erected, or**

47 **named on public property in honor of a historic conflict, historic entity, historic event,**
48 **historic figure, or historic organization;**

49 **(7) "Public property", all property owned, leased, rented, managed, or maintained**
50 **by or under the authority of the state, a political subdivision thereof, or any other public**
51 **entity created by an act of the general assembly to perform a public function.**

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