

FIRST REGULAR SESSION

HOUSE BILL NO. 55

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNELTING.

0524H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 184, RSMo, by adding thereto one new section relating to the Missouri monument preservation act, with penalty provisions.

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

Section A. Chapter 184, RSMo, is amended by adding thereto one new section, to be known as section 184.310, to read as follows:

184.310. 1. This section shall be known and may be cited as the "Missouri Monument Preservation Act".

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

(1) "Monument", a statue, portrait, or marker installed or displayed on public property or on private property accessible to the public that:

(a) At the time of its installation, was intended to be a permanent memorial of an event, movement, or person or of military service; and

(b) Memorializes a part of the history of the state or nation.

"Monument" shall not include any signage that bears historical or interpretive text, commonly known as a historical marker or wayside exhibit; portrait; or plaque that, at the time of its installation, was not intended to be a permanent installation.

(2) "Political subdivision", a county, city not within a county, city, town, or village;

(3) "Private entity", an association or homeowners association.

3. No political subdivision shall remove, rename, alter, disfigure, or otherwise disturb any monument owned by the political subdivision unless the voters of the political subdivision vote on and approve the action by a two-thirds majority at a general election.

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 Maintenance or refurbishment of a monument shall not be considered a disturbance of the
19 monument.

20 4. The state or an agency thereof shall not remove, rename, alter, disfigure, or
21 otherwise disturb any monument owned by the state or agency unless the state or agency
22 obtains approval from the Missouri advisory council on historic preservation established
23 under section 253.408. Maintenance or refurbishment of a monument shall not be
24 considered the disturbance of a monument. The joint committee on administrative rules
25 may review any decision by the Missouri advisory council and submit the question to
26 overturn the council's decision to the general assembly. Upon a majority vote of each of
27 the houses of the general assembly on the question, the general assembly may overturn the
28 council's decision.

29 5. No private entity that cares for or maintains a monument that was
30 commissioned, dedicated, installed, or purchased using funds from the federal government
31 or from the state or a political subdivision thereof shall remove, rename, alter, disfigure,
32 or otherwise disturb the monument unless the private entity obtains approval from the
33 Missouri advisory council on historic preservation established under section 253.408.

34 6. (1) The state or any agency or political subdivision thereof or any private entity
35 that removes, renames, alters, disfigures, or otherwise disturbs a monument in violation
36 of this section shall be subject to a fine of fifty thousand dollars, the proceeds of which shall
37 be deposited in the historic preservation revolving fund, authorized under section 253.395,
38 of the town, city, or village nearest to the disturbed monument.

39 (2) The attorney general shall enforce the provisions of this subsection.

40 (3) If the town, city, or village in which the disturbed monument is located does not
41 have a historic preservation revolving fund, it may establish a historic preservation
42 revolving fund under section 253.395 within sixty days of notice from the attorney general
43 that the town, city, or village would be eligible to receive the proceeds of a fine.

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