

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 38

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNELTING.

5881H.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
2 known as section 184.310, to read as follows:

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

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

4 **(1) "Monument", a statue, portrait, or marker installed or displayed on public
5 property that:**

6 **(a) Has been in place for twenty years;**

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

9 **(c) Memorializes a part of the history of the state or nation.**

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

14 **(2) "Political subdivision", a county, city not within a county, city, town, or village.**

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.

15 **3. No political subdivision shall remove, rename, alter, disfigure, or otherwise**
16 **disturb any monument owned by the political subdivision unless the voters of the political**
17 **subdivision vote on and approve the action by a two-thirds majority at a general election.**
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 thereof unless the state or**
22 **agency obtains approval from the Missouri advisory council on historic preservation**
23 **established under section 253.408. Maintenance or refurbishment of a monument shall not**
24 **be 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. (1) The state or any agency or political subdivision thereof that removes,**
30 **renames, alters, disfigures, or otherwise disturbs a monument in violation of this section**
31 **shall be subject to a fine of fifty thousand dollars, the proceeds of which shall be deposited**
32 **in the historic preservation revolving fund, authorized under section 253.395, of the town,**
33 **city, or village nearest to the disturbed monument.**

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

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

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