

FIRST REGULAR SESSION

# HOUSE BILL NO. 608

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SPENCER.

1259H.021

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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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 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 "Right to Remember Act".**

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

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

**(2) "Designated veteran's grave marker", any veteran's grave marker that a majority vote of the council determines is of sufficient historical military significance to be included in the registry;**

**(3) "Historic property", the same meaning as defined under section 253.395;**

**(4) "Historic site of significant military history", all sites recognized by the department as state historic sites with designations that are based, at least in part, on their significance to Missouri military history. The sites 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 Battle of Pilot Knob state historic site, and other sites that honor the French and Indian War, American Revolution, War of 1812, United States-Mexican War, Civil War, Spanish-American War, the Mexican border period, World War I, World War II, Korean Conflict, Vietnam War, Operation Urgent Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause (Panama),**

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 **Operation Desert Shield and Desert Storm (Persian Gulf War I), Operation Enduring**  
19 **Freedom (Afghanistan), and Operation Iraqi Freedom (Persian Gulf War II);**

20 **(5) "Historical marker program", the program conducted by the council that**  
21 **qualifies and designates sites for markers that commemorate locations, persons, or events**  
22 **significant in Missouri history, including military history. The council shall receive**  
23 **voluntarily applications for a marker design and narrative and may approve the**  
24 **applications. Markers may be erected on state, municipal, or private property pursuant**  
25 **to procedures adopted by the council;**

26 **(6) "Marker", any marker identified and recognized by the historical marker**  
27 **program;**

28 **(7) "Military monument or memorial", any monument, memorial, object of**  
29 **remembrance, or other designation including, but not limited to, a statue, portrait, plaque,**  
30 **seal, flag, symbol, building name, street name, historic site, or other real estate name, that:**

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

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

37 **(8) "Permitted public ceremony", any act or series of acts by individuals, groups,**  
38 **or organizations conducted in practice or tradition, or as may be requested by individuals,**  
39 **groups, or organizations, and approved by the council after August 28, 2019, including, but**  
40 **not limited to, temporary grave decorations, reenactments, meetings, or gatherings that**  
41 **honor and recognize a citizen or group of citizens as identified in paragraph (a) of**  
42 **subdivision (7) of this subsection;**

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

51 **(10) "Statutorily designated monument or memorial", any monument, memorial,**  
52 **or other designation including, but not limited to, a statue, portrait, plaque, seal, flag,**

53 symbol, building name, street name, historic site, or other real estate name that is  
54 statutorily designated by the general assembly for statutory inclusion on the registry.

55       3. Unless the entity holds a public hearing and receives a majority vote from the  
56 council approving the action, no agency, political subdivision, or entity with the power of  
57 eminent domain shall relocate, rename, rededicate, erect, modify, remove, conceal, or  
58 otherwise disturb any state historic military monument or memorial, marker, designated  
59 veteran's grave marker, or statutorily designated monument or memorial on any site under  
60 the control of the department or otherwise located on state lands and listed on the registry  
61 or amend any practice of permitted public ceremony on any registered state historic site.  
62 Prior to any such public hearing and vote of the council, the department shall provide  
63 public notice of the hearing, which notice shall be published in the Missouri Register at  
64 least sixty days prior to any action described under this subsection, and the department  
65 shall publish a notice of such hearing once a week for two consecutive weeks in a  
66 newspaper qualified under section 493.050 to publish legal notices in the local area  
67 containing the site. The second notice shall be published no later than ten days before the  
68 hearing is scheduled.

69       4. The provisions of subsection 3 of this section shall not apply to any agency,  
70 political subdivision, or entity responsible for maintaining any state historic military  
71 monument or memorial, marker, designated veteran's grave marker, or statutorily  
72 designated monument or memorial from taking proper and appropriate measures and  
73 exercising proper and appropriate means for the protection, preservation, care, repair, or  
74 restoration of a historic military monument or memorial, marker, designated veteran's  
75 grave marker, or statutorily designated monument or memorial.

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

78       6. (1) Any decision made under this section by the council may be appealed and,  
79 in such instance, shall be reviewed by the joint committee on administrative rules.

80       (2) The joint committee on administrative rules may meet at any time to review an  
81 appeal.

82       7. Any person who knowingly vandalizes, defaces, or otherwise damages a state  
83 historic military monument or memorial, marker, designated veteran's grave marker, or  
84 statutorily designated monument or memorial under this section shall be guilty of a class  
85 E felony.

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