

Notice: The proposed amendment creates one new section of one new Article, to be known as Article XV, Section 1.

*Be it resolved by the people of the state of Missouri that the Constitution be amended:*

Article XV is created by adopting one new section to be known as Section 1.

Article XV, Section 1. The provisions of this section shall be known as the Right to Remember Amendment. Missouri has a proud heritage of leadership and volunteerism by private citizens who have helped build this state and nation, and who have ensured that the enduring lessons of our history are remembered and handed down to future generations of Missourians. It shall therefore continue to 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.

- (a) No memorial that is, or is located on, public property, may be removed, renamed, un-named, relocated, materially altered, rededicated, or de-dedicated, except in such manner and to such extent as the General Assembly may provide by law,
- (b) In making provisions by law under subsection (a), the General Assembly may pass or repeal a local or special law or repeal in part a general law, notwithstanding that a general law could have been made applicable. However, in passing or repealing such special or local law, the General Assembly shall comply with Article III, Section 42 of this Constitution.
- (c) Nothing herein shall prevent or prohibit the following acts, so long as the acting entity ensures that any memorial is preserved to the greatest extent possible;
  - (1) a public entity having responsibility for maintaining a memorial, or a nonprofit entity acting with permission of the public entity, taking proper and appropriate measures, and exercising proper and appropriate means, for the upkeep, care, preservation, protection, repair, and restoration of the memorial;
  - (2) the state relocating, removing, or materially altering a memorial located on public property if it determines that the memorial interferes with the construction, maintenance, or operation of public property or improvements to public property, so long as any such action is also taken consistent with federal historical preservation law;
  - (3) the General Assembly taking any action necessary to comply with federal law or passing general laws necessary to allow the state or persons residing in Missouri to compete for, or maintain eligibility for, federal grants, federal contracts, or other federal funding opportunities; the state from taking any act required by federal law to maintain a state historic preservation officer, as may be defined by federal law, or a state historic preservation program, as may be defined by federal law; any local government from taking any act required by federal law to seek or maintain status as a certified local government, as may be defined by federal law.
- (d) For purposes of this section:
  - (1) "Historic conflict" means any war, battle, or military conflict in which citizens of the United States or any state or territory of the United States have participated;

- (2) "Historic entity" means any entity recognized as having state, national, military, or historical significance;
- (3) "Historic event" means any event recognized as having state, national, military, or historical significance;
- (4) "Historic figure" means any individual who has been recognized as having served or participated in any historic conflict, historic event, historic entity, public office, or in public service;
- (5) "Historic organization" means any entity that has as one (1) or more of its material missions the recognition of, or preservation of sites, structures, or artifacts relating to any historic conflict, historic entity, historic event, or historic figure;
- (6) "Memorial" means:
- a. Any public real property or park, preserve, or reserve located on public property that has been named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization; or
  - b. Any stature, monument, memorial, bust, nameplate, plaque, artwork, flag, the name of any school, street, bridge, or building, or historical display that has been erected for, named, or dedicated on public property in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization; and
- (7) "Public property" means all property owned, leased, rented, managed, or maintained by or under the authority of this state, any county, municipality, metropolitan government, special district, or any other public entity that is created by act of the General Assembly to perform any public function.