

1                   **ALLOWING STATE MEMORIALS ON STATE**  
2                                   **PROPERTY**

3                                   2007 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Wayne A. Harper**

6                                   Senate Sponsor: Carlene M. Walker

---

---

8 **LONG TITLE**

9 **General Description:**

10                   This bill modifies Title 11, Cities, Counties, and Local Taxing Units, and Title 63,  
11 Chapter 9, State Buildings and Grounds, to provide for the placement of certain  
12 memorials on public property.

13 **Highlighted Provisions:**

14                   This bill:

- 15                   ▶ provides certain definitions;
- 16                   ▶ permits the state, a state agency, or a political subdivision to authorize the use or  
17 donation of public land for the purpose of maintaining, erecting, or contributing to  
18 the erection or maintenance of a memorial to commemorate certain individuals;
- 19                   ▶ specifies certain provisions on the use or donation of public land for a memorial;
- 20 and
- 21                   ▶ allows the state, state agency, or political subdivision to specify the form,  
22 placement, and design of a memorial that is subject to this section.

23 **Monies Appropriated in this Bill:**

24                   None

25 **Other Special Clauses:**

26                   None

27 **Utah Code Sections Affected:**

28 ENACTS:

29                   **11-42-101**, Utah Code Annotated 1953

30 11-42-102, Utah Code Annotated 1953

31 63-9-68, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 11-42-101 is enacted to read:

35 **CHAPTER 42. MEMORIALS AND PUBLIC LAND**

36 **11-42-101. Title.**

37 This chapter is known as the "Memorials and Public Land Act."

38 Section 2. Section 11-42-102 is enacted to read:

39 **11-42-102. Memorials by political subdivisions.**

40 (1) As used in this section:

41 (a) "Political subdivision" means any county, city, town, or school district.

42 (b) "Political subdivision" does not mean a special district as defined under Title 17A,

43 Special Districts, or a local district as defined under Title 17B, Chapter 2, Local Districts.

44 (2) A political subdivision may authorize the use or donation of the political  
45 subdivision's land for the purpose of maintaining, erecting, or contributing to the erection or  
46 maintenance of a memorial to commemorate those individuals who have:

47 (a) participated in or have given their lives in any of the one or more wars or military  
48 conflicts in which the United States of America has been a participant; or

49 (b) given their lives in association with public service on behalf of the state or the  
50 political subdivision, including firefighters, peace officers, highway patrol officers, or other  
51 public servants.

52 (3) The use or donation of a political subdivision's land in relation to a memorial  
53 described in Subsection (2) may include:

54 (a) using or appropriating public funds for the purchase, development, improvement, or  
55 maintenance of public land on which a memorial is located or established;

56 (b) using or appropriating public funds for the erection, improvement, or maintenance  
57 of a memorial;

58 (c) donating or selling public land for use in relation to a memorial; or  
59 (d) authorizing the use of a political subdivision's land for a memorial that is funded or  
60 maintained in part or in full by another public or private entity.

61 (4) The political subdivision may specify the form, placement, and design of a  
62 memorial that is subject to this section.

63 Section 3. Section **63-9-68** is enacted to read:

64 **63-9-68. Memorials by the state or state agencies.**

65 (1) As used in this section:

66 (a) "State agency" means any of the following of the state that holds title to state land:

67 (i) a department;

68 (ii) a division;

69 (iii) a board;

70 (iv) an institution of higher education; or

71 (v) for the judicial branch, the state court administrator.

72 (b) "State agency" does not mean a special district as defined under Title 17A, Special  
73 Districts, or a local district as defined under Title 17B, Chapter 2, Local Districts.

74 (2) The Legislature, the governor, or a state agency may authorize the use or donation  
75 of state land for the purpose of maintaining, erecting, or contributing to the erection or  
76 maintenance of a memorial to commemorate those individuals who have:

77 (a) participated in or have given their lives in any of the one or more wars or military  
78 conflicts in which the United States of America has been a participant; or

79 (b) given their lives in association with public service on behalf of the state, including  
80 firefighters, peace officers, highway patrol officers, or other public servants.

81 (3) The use or donation of state land in relation to a memorial described in Subsection  
82 (2) may include:

83 (a) using or appropriating public funds for the purchase, development, improvement, or  
84 maintenance of state land on which a memorial is located or established;

85 (b) using or appropriating public funds for the erection, improvement, or maintenance

86 of a memorial;

87 (c) donating or selling state land for use in relation to a memorial; or

88 (d) authorizing the use of state land for a memorial that is funded or maintained in part  
89 or in full by another public or private entity.

90 (4) The Legislature, the governor, or a state agency may specify the form, placement,  
91 and design of a memorial that is subject to this section if the Legislature, the governor, or the  
92 state agency holds title to, has authority over, or donates the land on which a memorial is  
93 established.

94 (5) Memorials within the definition of a capital development as defined in Section  
95 63A-5-104 must be approved as provided for in Section 63A-5-104.

96 (6) Nothing in this section shall be construed as a prohibition of memorials, including  
97 those for purposes not covered by this section, which have been erected within the approval  
98 requirements in effect at the time of their erection or which may be duly authorized through  
99 other legal means.