

1 **ALLOWANCE OF STATE MEMORIALS ON**
2 **STATE PROPERTY**

3 2006 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: _____

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 ▶ allows 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 located on land 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 **63-9-68**, Utah Code Annotated 1953



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

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

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

35 **11-42-101. Memorials by the state or state agencies.**

36 (1) As used in this section, "political subdivision" means any county, city, town, school
37 district, public transit district, special district, redevelopment agency, public corporation,
38 institution of higher education of the state, or public agency of any political subdivision.

39 (2) A political subdivision may authorize the use or donation of public land for the
40 purpose of maintaining, erecting, or contributing to the erection or maintenance of a memorial
41 to commemorate those individuals who have:

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

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

47 (3) The use or donation of public land in relation to a memorial described in
48 Subsection (2) may include:

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

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

53 (c) donating or selling public land for use in relation to a memorial; or

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

56 (4) The political subdivision may specify the form, placement, and design of a
57 memorial that is located on land subject to this section.

58 Section 2. Section **63-9-68** is enacted to read:

59 **63-9-68. Memorials by the state or state agencies.**

60 (1) As used in this section, "state agency" means each department, division, agency,
61 commission, board, council, office, committee, authority, library, unit, bureau, or other
62 administrative unit of the state.

63 (2) The state, or a state agency may authorize the use or donation of public land for the
64 purpose of maintaining, erecting, or contributing to the erection or maintenance of a memorial
65 to commemorate those individuals who have:

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

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

70 (3) The use or donation of public land in relation to a memorial described in
71 Subsection (2) may include:

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

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

76 (c) donating or selling public land for use in relation to a memorial; or

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

79 (4) The state or state agency may specify the form, placement, and design of a
80 memorial that is located on land subject to this section.

Legislative Review Note
as of 1-25-06 10:14 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0330

Allowance of State Memorials on State Property

30-Jan-06

11:02 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst