

Representative Wayne A. Harper proposes the following substitute bill:

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: Carlene M. Walker

7
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 **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 political subdivisions.**

36 (1) As used in this section, "political subdivision" means any county, city, town, or
37 school district.

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

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

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

46 (3) A political subdivision's use or donation of public land in relation to a memorial
47 described in Subsection (2) may include:

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

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

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

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

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

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

58 **63-9-68. Memorials by the state or state agencies.**

59 (1) As used in this section, "state agency" means:

60 (a) any of the following of the state that holds title to state land:

61 (i) a department;

62 (ii) a division;

63 (iii) a board;

64 (iv) an authority, excluding the Utah Transit Authority; or

65 (v) an institution of higher education; or

66 (b) for the judicial branch, the state court administrator.

67 (2) The Legislature, the governor, or a state agency may authorize the use or donation

68 of state land for the purpose of maintaining, erecting, or contributing to the erection or

69 maintenance of a memorial to commemorate those individuals who have:

70 (a) participated in or have given their lives in any of the one or more wars or military

71 conflicts in which the United States of America has been a participant; or

72 (b) given their lives in association with public service on behalf of the state, including

73 firefighters, peace officers, highway patrol officers, or other public servants.

74 (3) The use or donation of state land in relation to a memorial described in Subsection

75 (2) may include:

76 (a) using or appropriating public funds for the purchase, development, improvement, or

77 maintenance of state land on which a memorial is located or established;

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

79 of a memorial;

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

81 (d) authorizing the use of state land for a memorial that is funded or maintained in part

82 or in full by another public or private entity.

83 (4) The Legislature, governor, or state agency that holds title to, has authority over, or

84 donates the land on which a memorial is established may specify the form, placement, and

85 design of a memorial that is subject to this section.

86 (5) Memorials within the definition of a capital development as defined in Subsection

87 63A-5-104(1) must be approved as provided for in Section 63A-5-104.

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

Fiscal Note

Allowance of State Memorials on State Property

07-Feb-06

Bill Number HB0330S012:16 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst