

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 531

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MONUMENTS AND MEMORIALS; AMENDING CHAPTER 1, TITLE 73, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 73-123, IDAHO CODE, TO PROVIDE  
3 FOR THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, TO PROVIDE CER-  
4 TAIN EXCEPTIONS, AND TO PROVIDE THAT THE IDAHO STATE HISTORICAL SOCIETY  
5 SHALL NOT BE HELD LIABLE OR RESPONSIBLE FOR CERTAIN COSTS; AND DECLARING  
6 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 1, Title 73, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 73-123, Idaho Code, and to read as follows:

12 73-123. PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS. (1) Notwith-  
13 standing any other provision of Idaho law, no historical monuments or memo-  
14 rials in place prior to January 1, 2022, erected on public property of the  
15 state or any of its political subdivisions may be relocated or permanently  
16 removed without a two-thirds (2/3) majority vote by the board of trustees  
17 of the Idaho state historical society. No school, bridge, structure, park,  
18 preserve, reserve, or other public area of the state or any of its politi-  
19 cal subdivisions in place prior to January 1, 2022, dedicated in memory of  
20 or named for any historic figure or historic event may be renamed or reded-  
21 icated without a two-thirds (2/3) majority vote by the board of trustees of  
22 the Idaho state historical society. No later than ten (10) days prior to a  
23 vote conducted pursuant to this subsection, notification of the coming vote  
24 shall be provided to the governor, the speaker of the house of representa-  
25 tives, the president pro tempore of the senate, the minority leader of the  
26 house of representatives, and the minority leader of the senate. No later  
27 than January 1 of each year following such vote, the board of trustees shall  
28 notify the governor, the speaker of the house of representatives, the presi-  
29 dent pro tempore of the senate, the minority leader of the house of represen-  
30 tatives, and the minority leader of the senate of the results, and any member  
31 of the board of trustees may be required to testify before the state affairs  
32 committees of the house of representatives and the senate on such vote during  
33 the next regular session of the legislature.

34 (2) Notwithstanding any other limitations provided in this section, a  
35 monument, memorial, or nameplate may be removed, relocated, or altered in  
36 a manner otherwise provided by Idaho Code as necessary to accommodate con-  
37 struction, repair, or improvements to the monument, memorial, or nameplate  
38 or to the surrounding public property on which the monument, memorial, or  
39 nameplate is located.

40 (3) Notwithstanding any other limitations provided in this section, a  
41 monument, memorial, or nameplate may be permanently relocated to a location  
42 of similar prominence.

1           (4) Nothing in this section shall be construed to hold the Idaho state  
2 historical society responsible for any costs associated with a removal,  
3 relocation, or alteration as provided in this section or liable for a vote  
4 denying any such removal, relocation, or alteration.

5           SECTION 2. An emergency existing therefor, which emergency is hereby  
6 declared to exist, this act shall be in full force and effect on and after  
7 July 1, 2022.