

Representative Steve Eliason proposes the following substitute bill:

STATE MONUMENTS ACT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill creates the State Monuments Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Division of State Parks and Recreation to:
 - regularly evaluate state property for state monument status; and
 - create rules for the management of prospective state monuments;
- ▶ requires the Division of State Parks and Recreation to prepare a proposal in the event that the Division of State Parks and Recreation determines that a state monument designation is appropriate; and
- ▶ outlines the process for designating a state monument.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



- 26 [79-4-1201](#), Utah Code Annotated 1953
- 27 [79-4-1202](#), Utah Code Annotated 1953
- 28 [79-4-1203](#), Utah Code Annotated 1953
- 29 [79-4-1204](#), Utah Code Annotated 1953
- 30 [79-4-1205](#), Utah Code Annotated 1953
- 31 [79-4-1206](#), Utah Code Annotated 1953
- 32 [79-4-1207](#), Utah Code Annotated 1953
- 33 [79-4-1208](#), Utah Code Annotated 1953

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

36 Section 1. Section **79-4-1201** is enacted to read:

37 **Part 12. State Monuments Act**

38 **79-4-1201. Title.**

39 This part is known as "State Monuments Act."

40 Section 2. Section **79-4-1202** is enacted to read:

41 **79-4-1202. Definitions.**

42 As used in this section:

43 (1) "Committee" means the Natural Resources, Agriculture, and Environment Interim
44 Committee or the House or Senate Natural Resources, Agriculture, and Environment Standing
45 Committee.

46 (2) "State monument" means public land:

47 (a) ~~H~~→ (i) ~~H~~ owned by the state;

47a ~~H~~→ (ii) leased by the state; or

47b (iii) transferred to the state; ~~H~~

48 (b) designated by the state for preservation of a historic landmark, historic or
49 prehistoric structure, geologic formation, cultural site, or archeological resource; and

50 (c) confined to the smallest area compatible with proper care and management of the
51 historic landmark, historic or prehistoric structure, geologic formation, cultural site, or
52 archeological resource to be protected.

53 Section 3. Section **79-4-1203** is enacted to read:

54 **79-4-1203. Division duties.**

55 (1) (a) The division shall regularly evaluate state property for potential designation as a
56 state monument.

57 (b) The division may:

58 (i) evaluate $\hat{H} \rightarrow$ [federal] **federally controlled** $\leftarrow \hat{H}$ land with the potential to be
 58a transferred or leased to the state for
 59 potential designation as a state monument; and

60 (ii) enter into negotiations with the relevant federal agency to pursue the transfer or
 61 lease of $\hat{H} \rightarrow$ [federal] **federally controlled** $\leftarrow \hat{H}$ land for the proposed state monument, as
 61a appropriations allow.

62 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 63 Administrative Rulemaking Act, for the administration of a state monument, subject to valid
 64 existing rights and Section [79-4-1208](#).

65 Section 4. Section **79-4-1204** is enacted to read:

66 **79-4-1204. County proposal.**

67 A county may evaluate the land within the county's jurisdictional boundaries to
 68 determine if a parcel is appropriate for state monument designation.

69 Section 5. Section **79-4-1205** is enacted to read:

70 **79-4-1205. Report.**

71 (1) (a) If the division determines a state property is appropriate for state monument
 72 designation, the director shall submit a written proposal to the committee outlining the
 73 division's determination.

74 (b) If the proposed monument is greater than 25 acres in size, the division shall also
 75 submit the written proposal described in Subsection (1)(a) to the county commission or county
 76 council of any county that will contain some or all of the proposed monument within the
 77 county's geographic borders.

78 (c) Within 45 days of the day on which a county commission or county council
 79 receives a written proposal from the division, the county commission or county council shall:

80 (i) pass a resolution, stating the county commission or county council's support or
 81 opposition to the proposed monument; and

82 (ii) submit the resolution to the committee.

83 (2) (a) Within 90 days of the day on which the committee receives a written proposal,
 84 and subject to Subsections (2)(b) and (4), the committee shall vote to either recommend the
 85 proposal to the Legislature or return the proposal to the division for further study and
 86 evaluation.

87 (b) If the county commission or county council opposes the proposal through

88 resolution, as described in Subsection (2)(a), the committee ~~H→ [may not take]~~ shall consider the
88a opposition in taking ←H action.

89 (3) (a) If a county determines that a parcel within the county's jurisdictional boundaries
90 is appropriate for state monument designation, as described in Section 79-4-1204, the county
91 shall:

92 (i) pass a resolution in support of designation; and

93 (ii) submit the resolution in support of designation to the division and the committee.

94 (b) Within 45 days of the day on which the division receives a county resolution in
95 support of a state monument, the division shall prepare a report accepting or rejecting the
96 county's proposal, including an analysis of the state's financial cost of maintaining the proposed
97 state monument, and submit that report to the committee.

98 (c) Within 90 days of the day on which the committee receives the report described in
99 Subsection (3)(b), and subject to Subsection (4), the committee shall vote to either recommend
100 the proposal to the Legislature or reject the proposal.

101 (4) If a proposed state monument falls within the jurisdictional boundaries of a city or
102 town, and the city or town passes a resolution in opposition to designation of the state
103 monument, the committee may not take action.

104 Section 6. Section **79-4-1206** is enacted to read:

105 **79-4-1206. Designation.**

106 A state monument is created by the approval of the Legislature and the governor
107 through concurrent resolution.

108 Section 7. Section **79-4-1207** is enacted to read:

109 **79-4-1207. Management committee.**

110 (1) Once a state monument is created, as described in Section 79-4-1206, the governor
111 shall appoint, with the consent of the Senate, a management committee to assist the division in:

112 (a) making rules for the state monument; or

113 (b) the creation of any management plan or changes to a management plan governing
114 the state monument.

115 (2) The management committee shall represent state and local interests as well as
116 stakeholders.

117 (3) In appointing the management committee, the governor shall include:

118 (a) one conservationist;

- 119 (b) one recreationist;
- 120 (c) one cultural representative, if relevant to the particular state monument;
- 121 (d) one energy and mining representative, if relevant to the particular state monument;
- 122 (e) one small business owner, if relevant to the particular state monument;
- 123 (f) one farming or ranching representative, if relevant to the particular state monument;
- 124 (g) one county elected official; and
- 125 (h) one legislator whose district, in full or in part, covers the monument.

126 (4) The governor shall consider geographic diversity in appointing the members
127 described in Subsection (3), and include at least one resident from each county covered by the
128 monument, with no county having majority representation if the state monument covers two or
129 more counties.

130 (5) (a) Compensation and expenses of a member of the management committee who is
131 a legislator are governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
132 Compensation and Expenses.

133 (b) Other management committee members shall receive no compensation or expenses
134 for the members' service on the committee.

135 (6) The division shall provide staff support to the committee, except as provided in
136 Section [79-4-1208](#).

137 Section 8. Section **79-4-1208** is enacted to read:

138 **79-4-1208. Management.**

139 (1) Subject to Subsection (2), the division shall be responsible for the management of a
140 state monument.

141 (2) Upon Title 63L, Chapter 8, Utah Public Land Management Act, becoming effective
142 as described in Section [63L-8-602](#), the government entity responsible for management of the
143 public lands shall:

- 144 (a) be responsible for the management of a state monument; and
- 145 (b) provide staff support to a management committee created in Section [79-4-1207](#).