

Representative Steve Eliason proposes the following substitute bill:

STATE MONUMENTS ACT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

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

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

34 Section 1. Section [79-4-1201](#) is enacted to read:

35 **Part 12. State Monuments Act**

36 **[79-4-1201](#). Title.**

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

38 Section 2. Section [79-4-1202](#) is enacted to read:

39 **[79-4-1202](#). Definitions.**

40 As used in this section:

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

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

45 (a) owned by the state;

46 (b) designated by the state for preservation of a historic landmark, historic or
47 prehistoric structure, or other object of scientific interest; and

48 (c) confined to the smallest area compatible with proper care and management of the
49 historic landmark, historic or prehistoric structure, or other object of scientific interest to be
50 protected.

51 Section 3. Section [79-4-1203](#) is enacted to read:

52 **[79-4-1203](#). Division duties.**

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

55 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
56 Administrative Rulemaking Act, for the administration of a state monument.

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

58 **79-4-1204. Report.**

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

62 (b) If the proposed monument is greater than 640 acres in size, the division shall also
63 submit the written proposal described in Subsection (1)(a) to the county commission or county
64 council of any county that will contain some or all of the proposed monument within its
65 geographic borders.

66 (2) (a) Within 45 days of the day on which a county commission or county council
67 receives a written proposal, the county commission or county council shall:

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

70 (ii) submit the resolution to the committee.

71 (3) Within 90 days of the day on which the committee receives a written proposal, the
72 committee shall vote to either recommend the proposal to the Legislature or return the proposal
73 to the division for further study and evaluation.

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

75 **79-4-1205. Designation.**

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

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

79 **79-4-1206. Management committee.**

80 (1) Once a state monument is created, as described in Section [79-4-1205](#), the governor
81 shall appoint, with the consent of the senate, a management committee to assist the division in:

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

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

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

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

- 88 (a) one conservationist;
89 (b) one recreationist;
90 (c) one cultural representative, if relevant to the particular state monument;
91 (d) one energy and mining representative, if relevant to the particular state monument;
92 (e) one small business owner, if relevant to the particular state monument;
93 (f) one farming or ranching representative, if relevant to the particular state monument;
94 (g) one county elected official;
95 (h) and one legislator whose district, in full or in part, covers the monument.
96 (4) The governor shall consider geographic diversity in appointing the members
97 described in Subsection (3), and include at least one resident from each county covered by the
98 monument, with no county having majority representation if the state monument covers two or
99 more counties.
100 (5) (a) Compensation and expenses of a member of the management committee who is
101 a legislator are governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
102 Compensation and Expenses.
103 (b) Other management committee members shall receive no compensation or expenses
104 for their service on the committee.
105 (6) The division shall provide staff support to the committee.