

**STATE MONUMENTS ACT AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill makes changes to the State Monuments Act.

**Highlighted Provisions:**

This bill:

- defines terms;
- amends the procedure for considering a proposed state monument;
- repeals sections related to the procedure for considering a proposed state monument and the management of a state monument; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**79-4-1202**, as enacted by Laws of Utah 2019, Chapter 360

**79-4-1203**, as enacted by Laws of Utah 2019, Chapter 360

**79-4-1208**, as enacted by Laws of Utah 2019, Chapter 360

**REPEALS:**

**79-4-1204**, as enacted by Laws of Utah 2019, Chapter 360

**79-4-1205**, as enacted by Laws of Utah 2019, Chapter 360

**79-4-1207**, as enacted by Laws of Utah 2019, Chapter 360

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

Section 1. Section **79-4-1202** is amended to read:

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

As used in this [section] part:

(1) "Application" means a written application that an individual, non-profit corporation, government agency, county council or commission, tribal entity, historical society, preservation organization, or other interested group may submit to the division to nominate a historic landmark, historic or prehistoric structure, geologic formation, cultural site, or archaeological resource for designation as a state monument.

~~[(+)]~~ (2) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee or the House or Senate Natural Resources, Agriculture, and Environment Standing Committee.

~~[(2)]~~ (3) "State monument" means public land:

(a) owned or managed by the state;

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

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

Section 2. Section **79-4-1203** is amended to read:

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

~~[(1)(a) The division shall periodically:]~~

~~[(i) evaluate state property for potential designation as a state monument; and]~~

(1) (a) When the division receives a completed application, the division shall:

(i) evaluate the application;

(ii) as applicable, comply with the requirements described in Subsections (2) through (5); and

(iii) provide a written report to a committee that includes:

~~[(ii)]~~ (A) [report] the results of the evaluation described in Subsection (1)(a)(i) ~~[to the committee.];~~

(B) all resolutions described in Subsections (2) and (3);

(C) all comments submitted by a legislator under Subsection (4); and

(D) the results of the division's consultation with a state agency under Subsection (5).

(b) The division may:

(i) evaluate private and federal land with the potential to be purchased by, transferred

to, or leased to, the state for potential designation as a state monument; and

(ii) enter into negotiations with the relevant federal agency or private entity to pursue the transfer, sale, or lease of federal land for the proposed state monument, as appropriations allow.

(2) (a) The division shall submit a completed application and the results of the division's evaluation of the application to the legislative body of all counties that will contain some or all of the proposed state monument within the county's geographic borders.

(b) No later than 45 days after the day on which a county's legislative body receives the information described in Subsection (2)(a), the county legislative body shall:

(i) adopt a resolution stating the county's support for or opposition to the proposed state monument; and

(ii) submit the resolution to the division.

(3) (a) The division shall submit a completed application and the results of the division's evaluation of the application to the legislative body of any municipality that will contain some or all of the proposed state monument within the municipality's geographic borders.

(b) Within 45 days after the day on which a municipality's legislative body receives the information described in Subsection (3)(a), the municipality's legislative body shall:

(i) adopt a resolution stating the municipality's support for or opposition to the proposed state monument; and

(ii) submit the resolution to the division.

(4) The division shall:

(a) submit a completed application and the results of the division's evaluation of the application to each legislator whose legislative district is located partially or wholly within the geographic borders of the proposed state monument; and

(b) invite the legislators to submit comments on the proposed state monument.

(5) (a) If any part of a proposed state monument would fall within the jurisdictional boundaries of a state agency other than the division, the division shall consult with the state agency regarding the proposed state monument.

(b) A committee may not recommend a proposed state monument to the Legislature if designating the state monument may cause a state agency to breach a fiduciary, contractual, or

other legal obligation governing management or use of land that would be included within the geographic borders of the state monument.

~~[(2)] (6) [The division shall make rules, in]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules and prescribe forms for the submission of an application and for the administration of a state monument, subject to valid existing rights and Section 79-4-1208.

(7) Except as provided in Subsection (8), after receiving and reviewing a report described in Subsection (1)(a)(iii), a committee shall:

(a) recommend the proposed state monument to the Legislature pursuant to Section 79-4-1206;

(b) return the proposed state monument to the division for further study and evaluation;  
or

(c) reject the proposed state monument.

(8) If a county or municipality adopts a resolution opposing a proposed state monument under Subsection (2) or (3), a committee may not recommend the proposed state monument to the Legislature.

Section 3. Section **79-4-1208** is amended to read:

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

(1) (a) Subject to Subsection (2), the division ~~[may be]~~ is responsible for the management of a state monument ~~[or]~~.

(b) The division may contract with another organization, agency, or entity for management services related to the management of a state monument.

(2) Upon Title 63L, Chapter 8, Utah Public Land Management Act, becoming effective as described in Section 63L-8-602, the government entity responsible for management of the public lands ~~[shall: (a) be]~~ is responsible for the management of a state monument~~[- and]~~.

~~[(b) provide staff support to a management committee created in Section 79-4-1207.]~~

**Section 4. Repealer.**

This bill repeals:

Section **79-4-1204, County proposal.**

Section **79-4-1205, Report.**

Section **79-4-1207, Management committee.**

