

Senator David P. Hinkins 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



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) (i) owned by the state;

48 (ii) leased by the state; or

49 (iii) transferred to the state;

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

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

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

56 **79-4-1203. Division duties.**

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

59 (b) The division may:

60 (i) evaluate federally controlled land with the potential to be transferred or leased to the
61 state for potential designation as a state monument; and

62 (ii) enter into negotiations with the relevant federal agency to pursue the transfer or
63 lease of federally controlled land for the proposed state monument, as appropriations allow.

64 (2) In evaluating state land for state monument designation, the division shall give
65 consideration to whether the land is under management by another state entity and consult with
66 that entity regarding the feasibility of state monument designation before making a written
67 proposal described in Section [79-4-1205](#).

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

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

72 **79-4-1204. County proposal.**

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

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

76 **79-4-1205. Report.**

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

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

84 (c) Within 90 days of the day on which a county commission or county council
85 receives a written proposal from the division, the county commission or county council shall:

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

88 (ii) submit the resolution to the committee.

89 (2) (a) Within 180 days of the day on which the committee receives a written proposal,
90 and subject to Subsections (2)(b) and (4), the committee shall vote to either recommend the
91 proposal to the Legislature or return the proposal to the division for further study and
92 evaluation.

93 (b) If the county commission or county council opposes the proposal through
94 resolution, as described in Subsection (1)(c), the committee shall consider the opposition in
95 taking action.

96 (3) (a) If a county determines that a parcel within the county's jurisdictional boundaries
97 is appropriate for state monument designation, as described in Section [79-4-1204](#), the county
98 shall:

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

100 (ii) submit the resolution in support of designation to the division.

101 (b) Within 90 days of the day on which the division receives a county resolution in
102 support of a state monument, the division shall prepare a report accepting or rejecting the
103 county's proposal, including an analysis of the state's financial cost of maintaining the proposed
104 state monument, and submit that report to the committee.

105 (c) Within 180 days of the day on which the committee receives the report described in
106 Subsection (3)(b), and subject to Subsection (4), the committee shall vote to either recommend
107 the proposal to the Legislature or reject the proposal.

108 (4) If a proposed state monument falls within the jurisdictional boundaries of a city or
109 town, and the city or town passes a resolution in opposition to designation of the state
110 monument, the committee shall consider the opposition in taking action.

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

112 **79-4-1206. Designation.**

113 A state monument is created:

114 (1) by the approval of the Legislature and the governor through concurrent resolution;

115 and

116 (2) upon an appropriation fully funding the cost of running and maintaining the
117 monument.

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

119 79-4-1207. Management committee.

120 (1) If a state monument is created, as described in Section 79-4-1206, and the state
121 monument is over 25 acres in size, the governor shall appoint, with the consent of the Senate, a
122 management committee to assist the division in:

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

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

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

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

129 (a) one conservationist;

130 (b) one recreationist;

131 (c) one cultural representative, if relevant to the particular state monument;

132 (d) one energy and mining representative, if relevant to the particular state monument;

133 (e) one small business owner, if relevant to the particular state monument;

134 (f) one farming or ranching representative, if relevant to the particular state monument;

135 (g) one county elected official; and

136 (h) one legislator whose district, in full or in part, covers the monument.

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

141 (5) (a) Compensation and expenses of a member of the management committee who is
142 a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative
143 Compensation and Expenses.

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

146 (6) The division shall provide staff support to the committee, except as provided in
147 Section 79-4-1208.

148 (7) If a state monument is 25 acres in size or smaller, this section does not apply to the
149 state monument.

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

151 **79-4-1208. Management.**

152 (1) Subject to Subsections (2) and (3), the division shall be responsible for the
153 management of a state monument.

154 (2) If the state monument is part of a parcel of land that is under management by
155 another state entity, the division shall coordinate management activities with that state entity.

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

159 (a) be responsible for the management of a state monument; and

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