

HB0385S03 compared with HB0385S02

~~{deleted text}~~ shows text that was in HB0385S02 but was deleted in HB0385S03.

Inserted text shows text that was not in HB0385S02 but was inserted into HB0385S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Steve Eliason}~~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

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- ▶ outlines the process for designating a state monument.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

79-4-1201, Utah Code Annotated 1953

79-4-1202, Utah Code Annotated 1953

79-4-1203, Utah Code Annotated 1953

79-4-1204, Utah Code Annotated 1953

79-4-1205, Utah Code Annotated 1953

79-4-1206, Utah Code Annotated 1953

79-4-1207, Utah Code Annotated 1953

79-4-1208, Utah Code Annotated 1953

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

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

Part 12. State Monuments Act

79-4-1201. Title.

This part is known as "State Monuments Act."

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

79-4-1202. Definitions.

As used in this section:

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

(2) "State monument" means public land:

(a) (i) owned by the state;

(ii) leased by the state; or

(iii) transferred to the state;

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

79-4-1203. Division duties.

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

(b) The division may:

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

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

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

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

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

79-4-1204. County proposal.

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

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

79-4-1205. Report.

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

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

(c) Within ~~45~~90 days of the day on which a county commission or county council receives a written proposal from the division, the county commission or county council shall:

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

(ii) submit the resolution to the committee.

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

(b) If the county commission or county council opposes the proposal through resolution, as described in Subsection (~~2~~1)(~~a~~c), the committee ~~may not take~~shall consider the opposition in taking action.

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

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

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

(b) Within ~~45~~90 days of the day on which the division receives a county resolution in support of a state monument, the division shall prepare a report accepting or rejecting the county's proposal, including an analysis of the state's financial cost of maintaining the proposed state monument, and submit that report to the committee.

(c) Within ~~90~~180 days of the day on which the committee receives the report described in Subsection (3)(b), and subject to Subsection (4), the committee shall vote to either recommend the proposal to the Legislature or reject the proposal.

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

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

79-4-1206. Designation.

A state monument is created:

- (1) by the approval of the Legislature and the governor through concurrent resolution; and
- (2) upon an appropriation fully funding the cost of running and maintaining the monument.

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

79-4-1207. Management committee.

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

- (a) making rules for the state monument; or
- (b) the creation of any management plan or changes to a management plan governing the state monument.

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

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

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

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

(5) (a) Compensation and expenses of a member of the management committee who is

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a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

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

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

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

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

79-4-1208. Management.

(1) Subject to ~~{Subsection}~~ **Subsections (2) and (3)**, the division shall be responsible for the management of a state monument.

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

~~(2)~~(3) 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 responsible for the management of a state monument; and

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