

1 **STATE MONUMENTS ACT AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: David P. Hinkins

6

LONG TITLE

7 **General Description:**

8 This bill creates the State Monuments Act.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ defines terms;
- 12 ▶ requires the Division of State Parks and Recreation to:
 - 13 • annually evaluate and report on state property for state monument status; and
 - 14 • create rules for the management of prospective state monuments;
- 15 ▶ requires the Division of State Parks and Recreation to prepare a proposal in the

16 event that the Division of State Parks and Recreation determines that a state
 17 monument designation is appropriate; and

 - 18 ▶ outlines the process for designating a state monument.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **79-4-1201**, Utah Code Annotated 1953

26 **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 the "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) owned by the state;

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 annually:

56 (i) evaluate state property for potential designation as a state monument; and

57 (ii) report the results of its evaluation to the committee before November 30 of each
58 year.

59 **(b) The division may:**
60 **(i) evaluate federal land with the potential to be transferred or leased to the state for**
61 **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 federal land for the proposed state monument, as appropriations allow.**

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

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

68 **79-4-1204. County proposal.**

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

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

72 **79-4-1205. Report.**

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

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

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

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

84 **(ii) submit the resolution to the committee.**

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

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

90 resolution, as described in Subsection (1)(c), the committee may not take action.

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

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

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

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

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

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

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

107 **79-4-1206. Designation.**

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

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

111 **79-4-1207. Management committee.**

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

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

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

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

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

120 (a) one conservationist;

- 121 (b) one recreationist;
122 (c) one cultural representative, if relevant to the particular state monument;
123 (d) one energy and mining representative, if relevant to the particular state monument;
124 (e) one small business owner, if relevant to the particular state monument;
125 (f) one farming or ranching representative, if relevant to the particular state monument;
126 (g) one county elected official; and
127 (h) one legislator whose district, in full or in part, covers the monument.
128 (4) The governor shall consider geographic diversity in appointing the members
129 described in Subsection (3), and include at least one resident from each county covered by the
130 monument, with no county having majority representation if the state monument covers two or
131 more counties.
132 (5) (a) Compensation and expenses of a member of the management committee who is
133 a legislator are governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
134 Compensation and Expenses.
135 (b) Other management committee members shall receive no compensation or expenses
136 for the members' service on the committee.
137 (6) The division shall provide staff support to the committee, except as provided in
138 Section [79-4-1208](#).
139 Section 8. Section **79-4-1208** is enacted to read:
140 **79-4-1208. Management.**
141 (1) Subject to Subsection (2), the division shall be responsible for the management of a
142 state monument.
143 (2) Upon Title 63L, Chapter 8, Utah Public Land Management Act, becoming effective
144 as described in Section [63L-8-602](#), the government entity responsible for management of the
145 public lands shall:
146 (a) be responsible for the management of a state monument; and
147 (b) provide staff support to a management committee created in Section [79-4-1207](#).