

JOINT RESOLUTION URGING EXEMPTION FROM THE ANTIQUITIES ACT

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This joint resolution encourages Congress to pursue legislation exempting Utah from the Antiquities Act.

Highlighted Provisions:

This resolution:

- ▶ discusses the history of the Antiquities Act, including exemptions from the Act granted to Wyoming and Alaska; and
- ▶ encourages Utah's congressional delegation to pursue legislation exempting Utah from the Antiquities Act.

Special Clauses:

None

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

WHEREAS, the Antiquities Act of 1906 was signed into law by President Theodore Roosevelt;

WHEREAS, the Antiquities Act was intended to allow the President of the United States to set aside certain natural areas for "the protection of objects of historic and scientific interest" for their preservation;

WHEREAS, areas set aside by a president pursuant to the Antiquities Act are given the



28 title of "national monuments";

29 WHEREAS, the Antiquities Act stemmed from concerns that artifacts from First
30 Nations peoples were being looted or destroyed and was supported by an exhaustive report on
31 the archeological resources of the southwest;

32 WHEREAS, the Antiquities Act states that national monuments should be confined to
33 the smallest possible area that is compatible with the proper care and management of the
34 objects to be protected;

35 WHEREAS, although the Antiquities Act has been used to protect a great many of the
36 United States' natural wonders and archeological artifacts, the act has been used in a
37 progressively expansive way by presidents since its 1906 enactment;

38 WHEREAS, the scope of unilateral executive power under the Antiquities Act has been
39 reduced twice;

40 WHEREAS, Wyoming was exempted from further executive use of the Antiquities Act
41 following an unpopular designation of the Jackson Hole National Monument and Alaska was
42 exempted from further executive use of the act following the designation of 56 million acres of
43 national monuments in that state;

44 WHEREAS, the exemptions described above still allow for future monument
45 designations in Wyoming and Alaska, but only with congressional approval;

46 WHEREAS, Utah is already home to five national parks and seven national
47 monuments;

48 WHEREAS, the two most recent national monuments designated in Utah, Grand
49 Staircase-Escalante and Bears Ears, total a combined 3.2 million acres in size; and

50 WHEREAS, Utah seeks an exemption similar to that of Wyoming and Alaska, not to
51 end monument designations in the state, but to prevent future unilateral designations by the
52 executive branch:

53 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
54 strongly encourages Utah's congressional delegation to pursue legislation that would provide
55 Utah with an exemption from the Antiquities Act, similar to that of Wyoming and Alaska.

56 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Utah's
57 congressional delegation.

Legislative Review Note
Office of Legislative Research and General Counsel