

1 STATE MONUMENTS ACT AMENDMENTS

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Steve Eliason

5 Senate Sponsor: David P. Hinkins

6 Cosponsors: Keven J. Stratton
7 Susan Duckworth Mike Winder
Ken Ivory

8
9 LONG TITLE

10 General Description:

11 This bill creates the State Monuments Act.

12 Highlighted Provisions:

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ requires the Division of State Parks and Recreation to:
 - 16 • periodically evaluate and report on state property for state monument status; and
 - 17 • create rules for the management of prospective state monuments;
- 18 ▶ requires the Division of State Parks and Recreation to prepare a proposal in the
19 event that the Division of State Parks and Recreation determines that a state
20 monument designation is appropriate; and
- 21 ▶ outlines the process for designating a state monument.

22 Money Appropriated in this Bill:

23 None

24 Other Special Clauses:

25 None

26 Utah Code Sections Affected:

27 ENACTS:

56 79-4-1203. Division duties.

57 (1) (a) The division shall periodically:

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

59 (ii) report the results of the evaluation described in Subsection (1)(a)(i) to the
60 committee.

61 (b) The division may:

62 (i) evaluate private and federal land with the potential to be purchased by, transferred
63 to, or leased to, the state for potential designation as a state monument; and

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

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

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

71 **79-4-1204. County proposal.**

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

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

75 **79-4-1205. Report.**

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

79 (b) The division shall submit the written proposal described in Subsection (1)(a) to the
80 county commission or county council of any county that will contain some or all of the
81 proposed monument within the county's geographic borders.

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

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

86 (ii) submit the resolution to the committee.

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

91 (b) If the county commission or county council opposes the proposal through
92 resolution, as described in Subsection (1)(c), the committee may not take action.

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

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

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

98 (b) Within 45 days of the day on which the division receives a county resolution in
99 support of a state monument, the division shall prepare a report accepting or rejecting the
100 county's proposal, including an analysis of the state's financial cost of maintaining the proposed
101 state monument, and submit that report to the committee. The financial analysis shall include
102 identifying an ongoing funding source to ensure costs associated with maintaining and
103 protecting the state monument are available.

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

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

110 (5) If a proposed state monument falls within state land managed by a state agency
111 other than the division:

112 (a) the division shall consult with the managing state agency regarding the monument
113 designation proposal; and

114 (b) the committee may not recommend the proposal to the Legislature if designating
115 the state land may cause the managing state agency to breach a fiduciary, contractual, or other
116 legal obligation governing management or use of the state land.

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

118 **79-4-1206. Designation.**

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

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

122 **79-4-1207. Management committee.**

123 (1) Once a state monument is created, as described in Section [79-4-1206](#), the board
124 shall appoint a management committee to assist the division in:

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

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

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

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

131 (a) one conservationist, if relevant to the particular state monument;

132 (b) one recreationist, if relevant to the particular state monument;

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

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

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

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

137 (g) one county elected official; and

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

139 (4) The board shall consider geographic diversity in appointing the members described

140 in Subsection (3), and include at least one resident from each county covered by the monument,
141 with no county having majority representation if the state monument covers two or more
142 counties.

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

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

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

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

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

152 (1) Subject to Subsection (2), the division may be responsible for the management of a
153 state monument or contract with another organization, agency, or entity for management
154 services.

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

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

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