

STATE MONUMENTS ACT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: David P. Hinkins

LONG TITLE

Committee Note:

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

General Description:

This bill creates the State Monuments Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Division of State Parks and Recreation to:
 - periodically evaluate and report on 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:



28 ENACTS:

29 **79-4-1201**, Utah Code Annotated 1953

30 **79-4-1202**, Utah Code Annotated 1953

31 **79-4-1203**, Utah Code Annotated 1953

32 **79-4-1204**, Utah Code Annotated 1953

33 **79-4-1205**, Utah Code Annotated 1953

34 **79-4-1206**, Utah Code Annotated 1953

35 **79-4-1207**, Utah Code Annotated 1953

36 **79-4-1208**, Utah Code Annotated 1953



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

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

40 **Part 12. State Monuments Act**

41 **79-4-1201. Title.**

42 This part is known as the "State Monuments Act."

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

44 **79-4-1202. Definitions.**

45 As used in this section:

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

49 (2) "State monument" means public land:

50 (a) owned by the state;

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

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

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

57 **79-4-1203. Division duties.**

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

59 (i) evaluate state property for potential designation as a state monument; and
60 (ii) report the results of the evaluation described in subsection (1)(a)(i) to the
61 committee.

62 (b) The division may:

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

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

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

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

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

87 (ii) submit the resolution to the committee.

88 (2) (a) Within 90 days of the day on which the committee receives a written proposal,
89 and subject to Subsections (2)(b) and (4), the committee shall vote to either recommend the

90 proposal to the Legislature or return the proposal to the division for further study and
91 evaluation.

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

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

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

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

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

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

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

109 (5) If a proposed state monument falls within state land managed by a state agency
110 other than the division, the division shall consult with the managing state agency regarding the
111 monument designation proposal.

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

113 **79-4-1206. Designation.**

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

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

117 **79-4-1207. Management committee.**

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

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

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

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

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

126 (a) one conservationist;

127 (b) one recreationist;

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

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

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

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

132 (g) one county elected official; and

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

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

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

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

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

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

146 **79-4-1208. Management.**

147 (1) Subject to Subsection (2), the division shall be responsible for the management of a
148 state monument.

149 (2) Upon Title 63L, Chapter 8, Utah Public Land Management Act, becoming effective
150 as described in Section 63L-8-602, the government entity responsible for management of the
151 public lands shall:

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

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