

Representative Doug Owens proposes the following substitute bill:

BEARS EARS VISITOR CENTER ADVISORY COMMITTEE

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: David P. Hinkins

Cosponsor: Phil Lyman

LONG TITLE

General Description:

This bill provides for an advisory committee to study a Bears Ears visitor center.

Highlighted Provisions:

This bill:

- ▶ creates the advisory committee;
- ▶ specifies powers and duties of the advisory committee, including contracting with a consultant;
- ▶ provides for the repeal of the advisory committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2022:

- ▶ to the Legislature - Senate as a one-time appropriation:
 - from the General Fund, \$2,300;
- ▶ to the Legislature - House of Representatives as a one-time appropriation:
 - from the General Fund, \$4,700; and
- ▶ to the Department of Heritage and Arts - Indian Affairs as a one-time appropriation:



25 • from the General Fund, \$10,800.

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63I-2-209**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

31 ENACTS:

32 **9-9-112**, Utah Code Annotated 1953



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

35 Section 1. Section **9-9-112** is enacted to read:

36 **9-9-112. Bears Ears Visitor Center Advisory Committee.**

37 (1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the
38 Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory
39 committee for the purpose of exploring the feasibility, location, functions, and other important
40 matters surrounding the creation of a visitor center at Bears Ears.

41 (2) As used in this section:

42 (a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee
43 created by this section.

44 (b) "Bears Ears" means the Bears Ears National Monument.

45 (3) (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center
46 Advisory Committee consisting of the following eight members:

47 (i) five voting members as follows:

48 (A) a representative of the Navajo Nation, appointed by the Navajo Nation;

49 (B) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain
50 Ute Tribe;

51 (C) a representative of the Hopi Nation, appointed by the Hopi Nation;

52 (D) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and

53 (E) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute
54 Indian Tribe of the Uintah Ouray; and

55 (ii) subject to Subsection (4), three nonvoting members as follows:

56 (A) one member of the Senate, appointed by the president of the Senate; and

57 (B) two members of the House of Representatives, appointed by the speaker of the
58 House of Representatives.

59 (b) The advisory committee is formed when all of the tribes described in Subsection
60 (1)(a)(i) have communicated to the other tribes and to the Division of Indian Affairs that the
61 tribe has appointed a member to the advisory committee.

62 (4) At least one of the three legislative members appointed under Subsection (3)(a)(ii)
63 shall be from a minority party.

64 (5) The advisory committee may select from the advisory committee members the chair
65 or other officers of the advisory committee.

66 (6) (a) If a vacancy occurs in the membership of the advisory committee appointed
67 under Subsection (3), the member shall be replaced in the same manner in which the original
68 appointment was made.

69 (b) A member appointed under Subsection (3) serves until the member's successor is
70 appointed and qualified.

71 (7) (a) A majority of the voting members of the advisory committee constitutes a
72 quorum.

73 (b) The action of a majority of a quorum constitutes an action of the advisory
74 committee.

75 (8) (a) The salary and expenses of an advisory committee member who is a legislator
76 shall be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
77 Compensation and Expenses.

78 (b) An advisory committee member who is not a legislator may not receive
79 compensation or benefits for the member's service on the advisory committee, but may receive
80 per diem and reimbursement for travel expenses incurred as an advisory committee member at
81 the rates established by the Division of Finance under:

82 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

83 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
84 [63A-3-107](#).

85 (9) The advisory committee may invite the United States Forest Service, the Bureau of
86 Land Management, the Division of Parks and Recreation, and the Utah Office of Tourism

87 within the Governor's Office of Economic Development, to serve as technical advisors to the
88 advisory committee.

89 (10) The Division of Indian Affairs shall staff the advisory committee.

90 (11) The advisory committee shall study and make recommendations concerning:

91 (a) the need for a visitor center associated with Bears Ears;

92 (b) the feasibility of a visitor center associated with Bears Ears, including investigating:

93 (i) potential locations for the visitor center;

94 (ii) purposes for the visitor center; and

95 (iii) sources of funding to build and maintain the visitor center;

96 (c) whether a visitor center will increase visitorship to Bears Ears; and

97 (d) whether a visitor center at Bears Ears could function as a repository of traditional
98 knowledge and practices.

99 (12) The advisory committee may contract with one or more consultants to conduct
100 work related to the issues raised in Subsection (11) if the Legislature appropriates money
101 expressly for the purpose of the advisory committee contracting with a consultant.

102 (13) The advisory committee shall hold at least one public hearing to obtain public
103 comment on the creation of a Bears Ears visitor center.

104 (14) The advisory committee shall report the advisory committee's recommendations to
105 one or more of the following:

106 (a) the Economic Development and Workforce Services Interim Committee;

107 (b) the House Economic Development and Workforce Services Committee; or

108 (c) the Senate Economic Development and Workforce Services Committee.

109 Section 2. Section **63I-2-209** is amended to read:

110 **63I-2-209. Repeal dates -- Title 9.**

111 (1) Section [9-9-112](#), Bears Ears Visitor Center Advisory Committee, is repealed
112 December 31, 2024.

113 (2) Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program, is
114 repealed June 30, 2021.

115 Section 3. **Appropriation.**

116 The following sums of money are appropriated for the fiscal year beginning July 1,
117 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for

118 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
119 Act, the Legislature appropriates the following sums of money from the funds or accounts
120 indicated for the use and support of the government of the state of Utah.

121 ITEM 1

122 To Legislature - Senate
123 From General Fund, One-time \$2,300
124 Schedule of Programs:
125 Administration \$2,300

126 ITEM 2

127 To Legislature - House of Representatives
128 From General Fund, One-time \$4,700
129 Schedule of Programs:
130 Administration \$4,700

131 ITEM 3

132 To Department of Heritage and Arts - Indian Affairs
133 From General Fund, One-time \$10,800
134 Schedule of Programs:
135 Indian Affairs \$10,800

136 The Legislature intends that an appropriation provided under these items be used for
137 expenses relating to the per diem and reimbursement for travel expenses incurred by the Bears
138 Ears Visitor Center Advisory Committee as described in Section [9-9-112](#) and costs of staffing
139 the committee. It is the intent of the Legislature that the appropriations be nonlapsing.