

1 **STATE MONUMENTS ACT AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill makes changes to the State Monuments Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ amends the procedure for considering a proposed state monument;
- 14 ▶ repeals sections related to the procedure for considering a proposed state monument

15 and the management of a state monument; and

- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **79-4-1202**, as enacted by Laws of Utah 2019, Chapter 360

24 **79-4-1203**, as enacted by Laws of Utah 2019, Chapter 360

25 **79-4-1208**, as enacted by Laws of Utah 2019, Chapter 360

26 **REPEALS:**

27 **79-4-1204**, as enacted by Laws of Utah 2019, Chapter 360

28 **79-4-1205**, as enacted by Laws of Utah 2019, Chapter 360

29 **79-4-1207**, as enacted by Laws of Utah 2019, Chapter 360

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

Section 1. Section **79-4-1202** is amended to read:

79-4-1202. Definitions.

As used in this [section] part:

(1) "Application" means a written application that an individual, non-profit corporation, government agency, county council or commission, tribal entity, historical society, preservation organization, or other interested group may submit to the division to nominate a historic landmark, historic or prehistoric structure, geologic formation, cultural site, or archaeological resource for designation as a state monument.

~~[(1)]~~ (2) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee or the House or Senate Natural Resources, Agriculture, and Environment Standing Committee.

~~[(2)]~~ (3) "State monument" means public land:

- (a) owned or managed by the state;
- (b) designated by the state for preservation of a historic landmark, historic or prehistoric structure, geologic formation, cultural site, or archeological resource; and
- (c) confined to the smallest area compatible with proper care and management of the historic landmark, historic or prehistoric structure, geologic formation, cultural site, or archeological resource to be protected.

Section 2. Section **79-4-1203** is amended to read:

79-4-1203. Division duties -- Committee duties.

~~[(1) (a) The division shall periodically:]~~

~~[(i) evaluate state property for potential designation as a state monument; and]~~

(1) (a) When the division receives a completed application, the division shall:

- (i) evaluate the application;
- (ii) as applicable, comply with the requirements described in Subsections (2) through (5); and

58 (iii) provide a written report to a committee that includes:
59 [(ii)] (A) [report] the results of the evaluation described in Subsection (1)(a)(i)
60 [to the committee.];
61 (B) all resolutions described in Subsections (2) and (3);
62 (C) all comments submitted by a legislator under Subsection (4); and
63 (D) the results of the division's consultation with a state agency under Subsection (5).

64 (b) The division may:
65 (i) evaluate private and federal land with the potential to be purchased by, transferred
66 to, or leased to, the state for potential designation as a state monument; and
67 (ii) enter into negotiations with the relevant federal agency or private entity to pursue
68 the transfer, sale, or lease of federal land for the proposed state monument, as appropriations
69 allow.

70 (2) (a) The division shall submit a completed application and the results of the
71 division's evaluation of the application to the legislative body of all counties that will contain
72 some or all of the proposed state monument within the county's geographic borders.

73 (b) No later than 45 days after the day on which a county's legislative body receives the
74 information described in Subsection (2)(a), the county legislative body shall:

75 (i) adopt a resolution stating the county's support for or opposition to the proposed state
76 monument; and
77 (ii) submit the resolution to the division.

78 (3) (a) The division shall submit a completed application and the results of the
79 division's evaluation of the application to the legislative body of any municipality that will
80 contain some or all of the proposed state monument within the municipality's geographic
81 borders.

82 (b) Within 45 days after the day on which a municipality's legislative body receives the
83 information described in Subsection (3)(a), the municipality's legislative body shall:

84 (i) adopt a resolution stating the municipality's support for or opposition to the
85 proposed state monument; and

86 (ii) submit the resolution to the division.

87 (4) The division shall:

88 (a) submit a completed application and the results of the division's evaluation of the
89 application to each legislator whose legislative district is located partially or wholly within the
90 geographic borders of the proposed state monument; and

91 (b) invite the legislators to submit comments on the proposed state monument.

92 (5) (a) If any part of a proposed state monument would fall within the jurisdictional
93 boundaries of a state agency other than the division, the division shall consult with the state
94 agency regarding the proposed state monument.

95 (b) A committee may not recommend a proposed state monument to the Legislature if
96 designating the state monument may cause a state agency to breach a fiduciary, contractual, or
97 other legal obligation governing management or use of land that would be included within the
98 geographic borders of the state monument.

99 ~~[(2)]~~ (6) [The division shall make rules, in] In accordance with Title 63G, Chapter 3,
100 Utah Administrative Rulemaking Act, the division may make rules and prescribe forms for the
101 submission of an application and for the administration of a state monument, subject to valid
102 existing rights and Section [79-4-1208](#).

103 (7) Except as provided in Subsection (8), after receiving and reviewing a report
104 described in Subsection (1)(a)(iii), a committee shall:

105 (a) recommend the proposed state monument to the Legislature pursuant to Section
106 [79-4-1206](#);

107 (b) return the proposed state monument to the division for further study and evaluation;

108 or

109 (c) reject the proposed state monument.

110 (8) If a county or municipality adopts a resolution opposing a proposed state monument
111 under Subsection (2) or (3), a committee may not recommend the proposed state monument to
112 the Legislature.

113 Section 3. Section **79-4-1208** is amended to read:

114 **79-4-1208. Management.**

115 (1) (a) Subject to Subsection (2), the division [~~may be~~] is responsible for the
116 management of a state monument [~~or~~].

117 (b) The division may contract with another organization, agency, or entity for
118 management services related to the management of a state monument.

119 (2) Upon Title 63L, Chapter 8, Utah Public Land Management Act, becoming effective
120 as described in Section [63L-8-602](#), the government entity responsible for management of the
121 public lands [~~shall: (a) be~~] is responsible for the management of a state monument[~~; and~~].

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

123 **Section 4. Repealer.**

124 This bill repeals:

125 Section [79-4-1204](#), **County proposal.**

126 Section [79-4-1205](#), **Report.**

127 Section [79-4-1207](#), **Management committee.**