

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATE MONUMENTS ACT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Scott D. Sandall

LONG TITLE

Committee Note:

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

Legislative Vote: 15 voting for 0 voting against 3 absent

General Description:

This bill makes changes to the State Monuments Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the procedure for considering a proposed state monument;
- ▶ repeals sections related to the procedure for considering a proposed state monument and the management of a state monument; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

H.B. 27



28 79-4-1203, as enacted by Laws of Utah 2019, Chapter 360

29 79-4-1208, as enacted by Laws of Utah 2019, Chapter 360

30 REPEALS:

31 79-4-1204, as enacted by Laws of Utah 2019, Chapter 360

32 79-4-1205, as enacted by Laws of Utah 2019, Chapter 360

33 79-4-1207, as enacted by Laws of Utah 2019, Chapter 360



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

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

37 **79-4-1202. Definitions.**

38 As used in this [section] part:

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

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

47 ~~[(2)]~~ (3) "State monument" means public land:

48 (a) owned or managed by the state;

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

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

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

55 **79-4-1203. Division duties -- Committee duties.**

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

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

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

59 (i) evaluate the application;
60 (ii) as applicable, comply with the requirements described in Subsections (2) through

61 (5); and

62 (iii) provide a written report to a committee that includes:

63 [(it)] (A) [report] the results of the evaluation described in Subsection (1)(a)(i)

64 [to the committee.];

65 (B) all resolutions described in Subsections (2) and (3);

66 (C) all comments submitted by a legislator under Subsection (4); and

67 (D) the results of the division's consultation with a state agency under Subsection (5).

68 (b) The division may:

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

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

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

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

79 (i) adopt a resolution stating the county's support for or opposition to the proposed state
80 monument; and

81 (ii) submit the resolution to the division.

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

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

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

90 (ii) submit the resolution to the division.

91 (4) The division shall:

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

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

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

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

103 ~~[(2)]~~ (6) [The division shall make rules, in] In accordance with Title 63G, Chapter 3,
104 Utah Administrative Rulemaking Act, the division may make rules and prescribe forms for the
105 submission of an application and for the administration of a state monument, subject to valid
106 existing rights and Section 79-4-1208.

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

109 (a) recommend the proposed state monument to the Legislature pursuant to Section
110 79-4-1206;

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

112 or

113 (c) reject the proposed state monument.

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

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

118 **79-4-1208. Management.**

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

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

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

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

127 **Section 4. Repealer.**

128 This bill repeals:

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

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

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