

**STATE MONUMENTS ACT AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: David P. Hinkins

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**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

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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  $\hat{H} \rightarrow$  or managed  $\leftarrow \hat{H}$  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. ~~H~~→ **The financial analysis shall include**  
 102a **identifying an ongoing funding source to ensure costs associated with maintaining and**  
 102b **protecting the state monument are available.** ←~~H~~

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 ~~H~~→ [s] :

110a (a) ←~~H~~ the division shall consult with the managing state agency regarding the  
 111 monument designation proposal ~~H~~→ [s] ; and

111a **(b) the committee may not recommend the proposal to the Legislature if designating the state**  
 111b **land may cause the managing state agency to breach a fiduciary, contractual, or other legal**  
 111c **obligation governing management or use of the state land.** ←~~H~~

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 ~~H→~~ , if relevant to the particular state monument ~~←H~~ ;

127 (b) one recreationist ~~H→~~ , if relevant to the particular state monument ~~←H~~ ;

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 ~~H→~~ **[shall] may** ~~←H~~ be responsible for the  
 147a management of a  
 148 state monument ~~H→~~ **or contract with another organization, agency, or entity for management**  
 148a **services** ~~←H~~ .

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](#).