

Representative Steve Eliason proposes the following substitute bill:

STATE MONUMENTS ACT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill creates the State Monuments Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Division of State Parks and Recreation to:
 - annually 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:

ENACTS:



- 26 [79-4-1201](#), Utah Code Annotated 1953
- 27 [79-4-1202](#), Utah Code Annotated 1953
- 28 [79-4-1203](#), Utah Code Annotated 1953
- 29 [79-4-1204](#), Utah Code Annotated 1953
- 30 [79-4-1205](#), Utah Code Annotated 1953
- 31 [79-4-1206](#), Utah Code Annotated 1953
- 32 [79-4-1207](#), Utah Code Annotated 1953
- 33 [79-4-1208](#), Utah Code Annotated 1953

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

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

37 **Part 12. State Monuments Act**

38 **79-4-1201. Title.**

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

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

41 **79-4-1202. Definitions.**

42 As used in this section:

43 (1) "Committee" means the Natural Resources, Agriculture, and Environment Interim
44 Committee or the House or Senate Natural Resources, Agriculture, and Environment Standing
45 Committee.

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

47 (a) owned by the state;

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

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

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

54 **79-4-1203. Division duties.**

55 (1) (a) The division shall annually:

56 (i) evaluate state property for potential designation as a state monument; and

57 (ii) report the results of its evaluation to the committee before November 30 of each
 58 year.

59 (b) The division may:

60 (i) evaluate private ~~H→~~ **land, school and institutional trust land,** ~~←H~~ and federal land
 60a with the potential to be purchased by, transferred
 61 to, or leased to, the state for potential designation as a state monument; and

62 (ii) enter into negotiations with the relevant federal agency ~~H→~~ , **School and Institutional**
 62a **Trust Lands Administration,** ~~←H~~ or private entity to pursue
 63 the transfer, sale, or lease of federal land for the proposed state monument, as appropriations
 64 allow.

65 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 66 Administrative Rulemaking Act, for the administration of a state monument, subject to valid
 67 existing rights and Section [79-4-1208](#).

68 Section 4. Section **79-4-1204** is enacted to read:

69 **79-4-1204. County proposal.**

70 A county may evaluate the land within the county's jurisdictional boundaries to
 71 determine if a parcel is appropriate for state monument designation.

72 Section 5. Section **79-4-1205** is enacted to read:

73 **79-4-1205. Report.**

74 (1) (a) If the division determines a state property is appropriate for state monument
 75 designation, the director shall submit a written proposal to the committee outlining the
 76 division's determination.

77 (b) ~~H→~~ [~~If the proposed monument is greater than 25 acres in size, the]~~ The ~~←H~~ division
 77a shall also
 78 submit the written proposal described in Subsection (1)(a) to the county commission or county
 79 council of any county that will contain some or all of the proposed monument within the
 80 county's geographic borders.

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

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

85 (ii) submit the resolution to the committee.

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

88 proposal to the Legislature or return the proposal to the division for further study and
 89 evaluation.

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

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

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

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

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

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

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

107 (5) If a proposed state monument falls within state land managed by a state agency
 108 other than the division ~~H~~→ [] :

108a (a) ~~H~~ the division shall consult with the managing state agency regarding the
 109 monument designation proposal ~~H~~→ [] ; and

109a (b) the committee may not take action to designate the state land when doing so may
 109b cause the managing state agency to breach a fiduciary, contractual, or other legal obligation
 109c governing management or use of the state land. ~~H~~

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

111 **79-4-1206. Designation.**

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

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

115 **79-4-1207. Management committee.**

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

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

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

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

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

124 (a) one conservationist;

125 (b) one recreationist;

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

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

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

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

130 (g) one county elected official; and

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

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

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

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

141 (6) The division shall provide staff support to the committee, except as provided in
142 Section [79-4-1208](#).

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

144 **79-4-1208. Management.**

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

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

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

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