

1 **BEARS EARS VISITOR CENTER ADVISORY COMMITTEE**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Doug Owens**

5 Senate Sponsor: David P. Hinkins

6 Cosponsor:

7 Phil Lyman

8

9 **LONG TITLE**

10 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

19 **Money Appropriated in this Bill:**

20 This bill appropriates in fiscal year 2022:

- 21 ▶ to the Legislature - Senate as a one-time appropriation:
 - 22 • from the General Fund, \$2,300;
- 23 ▶ to the Legislature - House of Representatives as a one-time appropriation:
 - 24 • from the General Fund, \$4,700; and
- 25 ▶ to the Department of Heritage and Arts - Indian Affairs as a one-time appropriation:
 - 26 • from the General Fund, \$10,800.

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63I-2-209**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

32 ENACTS:

33 **9-9-112**, Utah Code Annotated 1953



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

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

37 **9-9-112. Bears Ears Visitor Center Advisory Committee.**

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

42 (2) As used in this section:

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

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

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

48 (i) five voting members as follows:

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

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

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

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

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

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

- 57 (A) one member of the Senate, appointed by the president of the Senate; and
58 (B) two members of the House of Representatives, appointed by the speaker of the
59 House of Representatives.
- 60 (b) The advisory committee is formed when all of the tribes described in Subsection
61 (1)(a)(i) have communicated to the other tribes and to the Division of Indian Affairs that the
62 tribe has appointed a member to the advisory committee.
- 63 (4) At least one of the three legislative members appointed under Subsection (3)(a)(ii)
64 shall be from a minority party.
- 65 (5) The advisory committee may select from the advisory committee members the chair
66 or other officers of the advisory committee.
- 67 (6) (a) If a vacancy occurs in the membership of the advisory committee appointed
68 under Subsection (3), the member shall be replaced in the same manner in which the original
69 appointment was made.
- 70 (b) A member appointed under Subsection (3) serves until the member's successor is
71 appointed and qualified.
- 72 (7) (a) A majority of the voting members of the advisory committee constitutes a
73 quorum.
- 74 (b) The action of a majority of a quorum constitutes an action of the advisory
75 committee.
- 76 (8) (a) The salary and expenses of an advisory committee member who is a legislator
77 shall be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
78 Compensation and Expenses.
- 79 (b) An advisory committee member who is not a legislator may not receive
80 compensation or benefits for the member's service on the advisory committee, but may receive
81 per diem and reimbursement for travel expenses incurred as an advisory committee member at
82 the rates established by the Division of Finance under:
- 83 (i) Sections [63A-3-106](#) and [63A-3-107](#); and
84 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

85 [63A-3-107](#).

86 (9) The advisory committee may invite the United States Forest Service, the Bureau of
87 Land Management, the Division of Parks and Recreation, and the Utah Office of Tourism
88 within the Governor's Office of Economic Development, to serve as technical advisors to the
89 advisory committee.

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

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

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

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

94 (i) potential locations for the visitor center;

95 (ii) purposes for the visitor center; and

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

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

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

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

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

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

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

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

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

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

111 **63I-2-209. Repeal dates -- Title 9.**

112 (1) Section [9-9-112](#), Bears Ears Visitor Center Advisory Committee, is repealed

113 December 31, 2024.

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

116 **Section 3. Appropriation.**

117 The following sums of money are appropriated for the fiscal year beginning July 1,
118 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
119 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
120 Act, the Legislature appropriates the following sums of money from the funds or accounts
121 indicated for the use and support of the government of the state of Utah.

122 ITEM 1

123 To Legislature - Senate

124 From General Fund, One-time \$2,300

125 Schedule of Programs:

126 Administration \$2,300

127 ITEM 2

128 To Legislature - House of Representatives

129 From General Fund, One-time \$4,700

130 Schedule of Programs:

131 Administration \$4,700

132 ITEM 3

133 To Department of Heritage and Arts - Indian Affairs

134 From General Fund, One-time \$10,800

135 Schedule of Programs:

136 Indian Affairs \$10,800

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

