

Representative Bradley T. Johnson proposes the following substitute bill:

**FEDERAL GOVERNMENT ACQUISITION OF
REAL PROPERTY IN THE STATE**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

This act modifies the duties of the Attorney General to include pursuing legal action to further the state's policy of reducing the amount of federally owned public land in the state.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

67-5-1, as last amended by Chapters 212 and 316, Laws of Utah 2000

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

Section 1. Section **67-5-1** is amended to read:

67-5-1. General duties.

The attorney general shall:

(1) perform all duties in a manner consistent with the attorney-client relationship under Section 67-5-17;

(2) except as provided in Sections 10-3-928 and 17-18-1, attend the Supreme Court and the Court of Appeals of this state, and all courts of the United States, and prosecute or defend all causes to which the state, or any officer, board, or commission of the state in an official capacity is a party; and take charge, as attorney, of all civil legal matters in which the state is interested;

(3) after judgment on any cause referred to in Subsection (2), direct the issuance of process as necessary to execute the judgment;

(4) account for, and pay over to the proper officer, all moneys that come into the attorney general's possession that belong to the state;

(5) keep a file of all cases in which the attorney general is required to appear, including



26 any documents and papers showing the court in which the cases have been instituted and tried, and
27 whether they are civil or criminal, and:

28 (a) if civil, the nature of the demand, the stage of proceedings, and when prosecuted to
29 judgment, a memorandum of the judgment and of any process issued whether satisfied, and if not
30 satisfied, the return of the sheriff;

31 (b) if criminal, the nature of the crime, the mode of prosecution, the stage of proceedings,
32 and when prosecuted to sentence, a memorandum of the sentence and of the execution, if the
33 sentence has been executed, if not executed, of the reason of the delay or prevention; and

34 (c) deliver this information to the attorney general's successor in office;

35 (6) exercise supervisory powers over the district and county attorneys of the state in all
36 matters pertaining to the duties of their offices, and from time to time require of them reports of
37 the condition of public business entrusted to their charge;

38 (7) give the attorney general's opinion in writing and without fee to the Legislature or
39 either house, and to any state officer, board, or commission, and to any county attorney or district
40 attorney, when required, upon any question of law relating to their respective offices;

41 (8) when required by the public service or directed by the governor, assist any district or
42 county attorney in the discharge of his duties;

43 (9) purchase in the name of the state, under the direction of the state Board of Examiners,
44 any property offered for sale under execution issued upon judgments in favor of or for the use of
45 the state, and enter satisfaction in whole or in part of the judgments as the consideration of the
46 purchases;

47 (10) when the property of a judgment debtor in any judgment mentioned in Subsection (9)
48 has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking
49 precedence of the judgment in favor of the state, redeem the property, under the direction of the
50 state Board of Examiners, from the prior judgment, lien, or encumbrance, and pay all money
51 necessary for the redemption, upon the order of the state Board of Examiners, out of any money
52 appropriated for these purposes;

53 (11) when in his opinion it is necessary for the collection or enforcement of any judgment,
54 institute and prosecute on behalf of the state any action or proceeding necessary to set aside and
55 annul all conveyances fraudulently made by the judgment debtors, and pay the cost necessary to
56 the

57 prosecution, when allowed by the state Board of Examiners, out of any money not otherwise
58 appropriated;

59 (12) discharge the duties of a member of all official boards of which the attorney general
60 is or may be made a member by the Utah Constitution or by the laws of the state, and other duties
61 prescribed by law;

62 (13) institute and prosecute proper proceedings in any court of the state or of the United
63 States, to restrain and enjoin corporations organized under the laws of this or any other state or
64 territory from acting illegally or in excess of their corporate powers or contrary to public policy,
65 and in proper cases forfeit their corporate franchises, dissolve the corporations, and wind up their
66 affairs;

67 (14) institute investigations for the recovery of all real or personal property that may have
68 escheated or should escheat to the state, and for that purpose, subpoena any persons before any of
69 the district courts to answer inquiries and render accounts concerning any property, examine all
70 books and papers of any corporations, and when any real or personal property is discovered that
71 should escheat to the state, institute suit in the district court of the county where the property is
72 situated for its recovery, and escheat that property to the state;

73 (15) administer the Children's Justice Center as a program to be implemented in various
74 counties pursuant to Sections 67-5b-101 through 67-5b-107;

75 (16) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4,
76 Constitutional Defense Council;

77 (17) pursue any appropriate legal action to implement the state's public lands policy
78 established in Subsection 63C-4-105(1);

79 ~~[(17)]~~ (18) investigate and prosecute criminal violations of Title 26, Chapter 20, False
80 Claims Act, in accordance with Section 26-20-13; and

81 ~~[(18)]~~ (19) investigate and prosecute complaints of abuse, neglect, or exploitation of
82 patients at health care facilities that receive payments under the state Medicaid program.