

**RIGHTS-OF-WAY ACROSS SCHOOL AND
INSTITUTIONAL TRUST LANDS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

LONG TITLE

General Description:

This bill modifies the School and Institutional Trust Lands Management Act regarding the issuance of easements through trust lands.

Highlighted Provisions:

This bill:

- ▶ provides that price schedules for easements through trust lands shall be established in a competitively neutral and nondiscriminatory manner to all similarly situated easement users; and

- ▶ requires the director of the School and Institutional Trust Lands Management Administration to conduct a market analysis to determine the value of easements through trust lands and update the market analysis at least every five years.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53C-4-203, as last amended by Chapter 299, Laws of Utah 1995

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



28 Section 1. Section **53C-4-203** is amended to read:

29 **53C-4-203. Easements on trust lands -- Director to establish rules.**

30 (1) (a) The director shall establish rules for the issuance of easements on, through, and
31 over any trust land, and may establish price schedules.

32 (b) Price schedules shall be established in a competitively neutral and
33 nondiscriminatory manner to all similarly situated easement users.

34 (c) The director shall conduct a market analysis to determine the value of easements
35 through trust lands and shall update the market analysis at least every five years.

36 (2) A patent for trust lands is subject to any valid existing easement or public
37 right-of-way.

Legislative Review Note
as of 1-31-05 1:16 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

The implementation of this bill will not require additional personnel or workspace. However, it is anticipated that a minimum of \$200,000 every five years will be needed to be spent on market evaluations performed by outside parties. The outcomes of these reviews could impact the agency's revenues.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Restricted Funds	\$200,000	\$0	\$0	\$0
TOTAL	\$200,000	\$0	\$0	\$0

Individual and Business Impact

Depending on the outcome of the market analysis the rates charged to customers may increase or decrease. Likewise, the revenues to the trust beneficiaries would shift accordingly.

Office of the Legislative Fiscal Analyst