

**Representative Fred C. Cox** proposes the following substitute bill:

**UTAH LANDS PROTECTION ACT**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Fred C. Cox**

Senate Sponsor: J. Stuart Adams

6	Cosponsors:	Stephen G. Handy	Paul Ray
7	Johnny Anderson	Neal B. Hendrickson	Douglas Sagers
8	Stewart Barlow	Michael E. Noel	Stephen E. Sandstrom
9	John Dougall	Curtis Oda	

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**LONG TITLE**

**General Description:**

This bill amends provisions of Title 65A, State Lands, that relate to the management or sale of state lands.

**Highlighted Provisions:**

This bill:

- ▶ defines "public lands of the state";
- ▶ prohibits the Division of Forestry, Fire, and State Lands from selling or substantially changing the use of certain public lands of the state;
- ▶ provides for the Division of Forestry, Fire, and State Lands to manage all public lands of the state that are not obtained specifically for use by another department or agency of the state;
- ▶ provides for the State School Fund to receive 5% of net proceeds from the sale of certain public lands of the state; and



25           ▶ makes technical corrections.

26 **Money Appropriated in this Bill:**

27           None

28 **Other Special Clauses:**

29           None

30 **Utah Code Sections Affected:**

31 AMENDS:

32           **65A-1-1**, as last amended by Laws of Utah 2009, Chapter 344

33           **65A-10-1**, as last amended by Laws of Utah 2011, Chapter 256



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

36           Section 1. Section **65A-1-1** is amended to read:

37           **65A-1-1. Definitions.**

38           As used in this title:

39           (1) "Advisory council" or "council" means the Forestry, Fire, and State Lands Advisory  
40 Council.

41           (2) "Division" means the Division of Forestry, Fire, and State Lands.

42           (3) "Multiple use" means the management of various surface and subsurface resources  
43 in a manner that will best meet the present and future needs of the people of this state.

44           (4) (a) "Public lands of the state" means land previously claimed by the federal  
45 government that is:

46           (i) reclaimed by the state through judgment, decree, purchase, compact, exchange, gift,  
47 other conveyance, the United States Constitution, or other law; or

48           (ii) obtained by the state through judgment, decree, purchase, compact, exchange, gift,  
49 other conveyance, the United States Constitution, or other law.

50           (b) "Public lands of the state" does not include property owned by the federal  
51 government in accordance with the United States Constitution Article I, Section 8, Clause 17,  
52 or trust lands, as defined in Subsection 53C-1-103(7).

53           ~~(4)~~ (5) "Public trust assets" means those lands and resources, including sovereign  
54 lands, administered by the division.

55           ~~(5)~~ (6) "Sovereign lands" means those lands lying below the ordinary high water

56 mark of navigable bodies of water at the date of statehood and owned by the state by virtue of  
57 its sovereignty.

58 [~~(6)~~] (7) "State lands" means all lands administered by the division.

59 [~~(7)~~] (8) "Sustained yield" means the achievement and maintenance of high level  
60 annual or periodic output of the various renewable resources of land without impairment of the  
61 productivity of the land.

62 Section 2. Section **65A-10-1** is amended to read:

63 **65A-10-1. Authority of division to manage sovereign lands.**

64 (1) (a) The division is the management authority for sovereign lands, and may  
65 exchange, sell, or lease sovereign lands but only in the quantities and for the purposes as serve  
66 the public interest and do not interfere with the public trust.

67 (b) The division is the management authority for public lands of the state that are not  
68 obtained specifically for use by another department or agency of the state, and may, except as  
69 provided in Subsections (5) and (6), exchange, sell, or lease public lands of the state, but only  
70 in the quantities and for the purposes that serve the public interest and do not interfere with the  
71 public trust.

72 (2) Nothing in this section shall be construed as asserting state ownership of the beds  
73 of nonnavigable lakes, bays, rivers, or streams.

74 (3) A lease for the construction of a highway facility over sovereign lakebed lands shall  
75 comply with the requirements described in Subsection 65A-7-5(5).

76 (4) (a) If any United States public lands owned or claimed by the federal government  
77 on January 1, 2012, become public lands of the state, the State School Fund, in accordance  
78 with Utah Constitution, Article X, Section 5, Subsection (1)(b), shall receive 5% of the net  
79 proceeds from the sale of those lands.

80 (b) Except as provided in Subsection (4)(c), when the state sells public lands of the  
81 state described in Subsection (4)(a), the state shall deposit into the State School Fund an  
82 amount equal to 0.05 multiplied by the fair market value of the public lands of the state on the  
83 day on which the lands become public lands of the state.

84 (c) (i) Subsection (4)(b) does not apply, if, at the time that the lands became public  
85 lands of the state:

86 (A) the state paid fair market value for the lands; and

87           (B) 5% of the net proceeds received by the federal government for the sale of the lands  
88 was deposited into the State School Fund.

89           (ii) If, at the time that lands described in Subsection (4)(a) became public lands of the  
90 state, the state paid less than fair market value for the lands, the state shall, when the state sells  
91 the public lands of the state, deposit into the State School Fund the difference between:

92           (A) the amount that would have been deposited into the State School Fund by the  
93 federal government if the state had paid fair market value for the lands; and

94           (B) the amount that was deposited into the State School Fund by the federal  
95 government at the time that the lands became public lands of the state.

96           (5) If public lands of the state described in Subsection (4)(a) are not obtained  
97 specifically for use by a department or agency of the state other than the division, the division  
98 may not substantially change the use of those lands unless the division:

99           (a) makes a written finding that the change serves the public interest and does not  
100 interfere with the public trust; and

101           (b) submits a copy of the finding to:

102           (i) (A) the Legislative Management Committee; or

103           (B) another committee designated by the Legislative Management Committee; and

104           (ii) the office of the lieutenant governor.

105           (6) Notwithstanding any other provision of this section, if any of the following become  
106 public lands of the state, the division may not sell the lands or substantially change the use of  
107 the lands from the use of the lands that existed on January 1, 2012:

108           (a) Arches National Park;

109           (b) Bryce Canyon National Park;

110           (c) Canyonlands National Park;

111           (d) Capitol Reef National Park; or

112           (e) Zion National Park.