

1                   **CONCURRENT RESOLUTION ON SCHOOL AND**  
2                   **INSTITUTIONAL TRUST LANDS EXCHANGE ACT**

3                                   2014 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Michael E. Noel**

6                                   Senate Sponsor: Evan J. Vickers

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8 **LONG TITLE**

9 **General Description:**

10                   This concurrent resolution of the Legislature and the Governor urges the United States  
11 Congress to enact legislation affirming the federal land grant process and eliminating  
12 barriers to federal-state land exchanges.

13 **Highlighted Provisions:**

14                   This resolution:

15                   ▶ urges the United States Congress to enact legislation that:

- 16                   • affirms and clarifies that Congress and federal land management agencies  
17 recognize their historic role of establishing land grants to the states for the  
18 support of educational and other public institutions;
- 19                   • establishes that the United States has a continuing affirmative obligation to  
20 assist the states in fulfilling the purposes of the various grants;
- 21                   • establishes that rationalizing the land ownership pattern to reposition lands more  
22 suited to the management mandates of each owner is an important public  
23 purpose equivalent in character to all of the other management mandates  
24 required of federal land management and federal resource regulatory agencies;
- 25                   • establishes that land exchanges between the United States and the respective  
26 states are transactions between coequal sovereign governments and require  
27 standards of prioritization, evaluation, and processing that may differ from those  
28 involving private parties; and
- 29                   • eliminates unnecessary obstacles to federal-state land exchanges contained in

30 the Federal Land Policy and Management Act of 1976 by:

31           •       creating the presumption in federal environmental and land use planning  
32 that state-federal land exchanges are in the public interest;

33           •       requiring federal land management agencies to give priority to land  
34 exchanges that remove state land grant properties from areas of federal  
35 land or resource management provisions that restrict the state’s ability to  
36 generate revenue; and

37           •       setting a goal for federal land management agencies and managers of  
38 state land exchange proposals to work from the feasibility study through  
39 the transaction-closing phases of state-federal land exchanges in two  
40 years or less.

41 **Special Clauses:**

42           None



44 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

45           WHEREAS, pursuant to the Utah Enabling Act of 1894, the Congress of the United  
46 States granted four sections in every township in the state of Utah for the benefit of public  
47 schools and school children;

48           WHEREAS, Congress intended that these lands provide the state with revenue to assist  
49 in funding the state's education system;

50           WHEREAS, federal courts have interpreted the grant of lands by Congress, and the  
51 acceptance of the lands in the Utah Constitution as the creation of a "trust" between the United  
52 States as "settlor" and the state of Utah as "trustee";

53           WHEREAS, the scattered nature of the congressional land grants established an  
54 ownership pattern that results in trust land being included within the areas of federal  
55 management for noneconomic purposes;

56           WHEREAS, this ownership pattern has led to numerous situations where trust land  
57 management mandates and federal land management mandates cannot coexist without conflict;

58 and

59 WHEREAS, processing land exchange proposals through the administrative process  
60 has become time-consuming, expensive, ineffectual, and burdensome for both state and federal  
61 land management agencies:

62 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
63 Governor concurring therein, urges the United States Congress to enact legislation that:

64 1. affirms and clarifies that Congress and federal land management agencies recognize  
65 their historic role in establishing land grants to the states for the support of educational and  
66 other public institutions;

67 2. establishes that the United States, through Congress and federal land management  
68 agencies, as settlor of the land grant trusts, has a continuing affirmative obligation to assist the  
69 states in fulfilling the purposes of the various grants;

70 3. establishes that rationalizing the land ownership pattern to reposition lands more  
71 suited to the management mandates of each owner is, in and of itself, an important public  
72 purpose equivalent in character to all of the other management mandates required of federal  
73 land management and federal resource regulatory agencies pursuant to the Federal Land Policy  
74 and Management Act of 1976;

75 4. establishes that land exchanges between the United States and the respective states  
76 are transactions between coequal sovereign governments and require standards of  
77 prioritization, evaluation, and processing that may differ from those involving private parties;

78 5. eliminates unnecessary obstacles to federal-state land exchanges contained in the  
79 Federal Land Policy and Management Act of 1976 by:

80 a. creating the presumption in federal environmental and land use planning that  
81 state-federal land exchanges are in the public interest;

82 b. requiring federal land management agencies to give priority to land exchanges that  
83 remove state land grant properties from areas of federal land or resource management  
84 provisions that restrict the state's ability to generate revenue; and

85 c. setting a goal for federal land management agencies and managers of state land

86 exchange proposals to work from the feasibility study through the transaction-closing phases of  
87 state-federal land exchanges in two years or less.

88 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of  
89 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
90 States House of Representatives, the United States Secretary of the Interior, the Principal  
91 Deputy Director of the Bureau of Land Management, and the members of Utah's congressional  
92 delegation.