

**CONCURRENT RESOLUTION SUPPORTING OWNERSHIP
AND THE PROTECTION OF PRIVATE PROPERTY**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: _____

LONG TITLE

General Description:

This resolution supports ownership and the protection of private property.

Highlighted Provisions:

This resolution:

- ▶ identifies private property ownership rights as critical components in both the Constitution of the United States and Utah Constitution;
- ▶ recognizes that state and local government, law enforcement, courts, and the public must acknowledge private property rights;
- ▶ determines that there is a responsibility to compensate owners when private property is damaged by the public and publicly owned wildlife or taken for public use; and
- ▶ highlights the importance of safeguarding private property owner rights.

Special Clauses:

None

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

WHEREAS, the Founding Fathers of our nation understood that the right to own property is the cornerstone of freedom and essential to the concept of life, liberty, and the pursuit of happiness;



28 WHEREAS, the private ownership of property is an essential element of a free,
29 independent and sovereign society;

30 WHEREAS, private property rights are central to a capitalist economy, the economy's
31 execution, and the economy's legal defenses, and promotes a system of efficiency providing
32 owners with an incentive to maximize private property's use and value;

33 WHEREAS, the rights of private ownership have the potential to be destroyed, without
34 warning or compensation, through misuse of statutes, rules, judicial fiat, misinterpretation,
35 disinterest, or even conflict with competing interests, all with the potential of adversely
36 affecting private property ownership rights;

37 WHEREAS, private property owners have a right and expectation that state and local
38 government, legal processes, laws, and law enforcement will actively protect this right that all
39 other rights are predicated on;

40 WHEREAS, private ownership of property includes land, tangible and intangible
41 personal and business properties, and intellectual properties;

42 WHEREAS, privately owned land closely associated with or located within or near
43 public lands, including privately owned stream beds and other water conveyances, in a state
44 with 66% federally controlled lands and 8% state controlled lands, must receive the same level
45 of protection as any other privately owned lands and business property;

46 WHEREAS, private property owners have a legally recognized right to fence their
47 property and post No Trespassing signs with the expectation that the public, law enforcement,
48 and the courts will protect this fundamental and constitutionally protected right of ownership;

49 WHEREAS, the use of and promotion of a prescriptive easement is the antithesis of
50 fairness for private land owners and any organization promoting civil disobedience and law
51 breaking to establish a taking of private property rights through adverse possession should be
52 investigated for illegal activities;

53 WHEREAS, the federal, state, and tribal entities that possess and manage wildlife,
54 including bison, moose, elk, and deer, have a responsibility and obligation to manage wildlife
55 to protect against private property encroachment, including damaging fences and disrupting
56 grazing and water resources associated with private property rights, with agencies held
57 financially responsible for damage and local wildlife managers potentially held individually
58 responsible;

59 WHEREAS, according to the Constitution of the United State's Fifth Amendment
60 Takings Clause, private property may not be taken for public use without just compensation;

61 WHEREAS, according to Article I, Section 22 in the Utah Constitution, private
62 property shall not be taken or damaged for public use without just compensation;

63 WHEREAS, the state and local governments have an obligation to recognize an owner's
64 right to compensation when private property is damaged by the public or wildlife or is due to a
65 lack of response from wildlife management agencies or law enforcement; and

66 WHEREAS, private property owners have the right to make land use decisions, transfer
67 ownership as the owners see fit, and protect the owner's bundle of rights from trespass,
68 including legally engaging private security like any other law abiding citizen and business
69 when considered necessary without law enforcement challenge:

70 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
71 Governor concurring therein, opposes governmental failure to fully protect the fundamental
72 bundle of rights to property or to adversely affect those rights by not fully engaging in
73 protection against trespass, illegal use, misuse, or by ignoring the laws of the state expressly in
74 place for the protection of property owners.

75 BE IT FURTHER RESOLVED that the Legislature of the state of Utah, the Governor
76 concurring therein, supports the Constitution of the United States and the Utah Constitution in
77 safeguarding the rights associated with private property rights including providing just
78 compensation for a taking or damage of property.

79 BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to the
80 Governor, Attorney General, Commissioner of Agriculture and Food, Executive Director of the
81 Department of Natural Resources, the Director of the Division of Wildlife Resources, the Utah
82 Sheriffs' Association, the Utah Association of Counties, and the Utah County and District
83 Attorneys Association.