

**Effective 5/14/2019**

**Chapter 2**  
**Transfer of State Lands to United States Government and Federal Designations**

**Part 1**  
**General Provisions**

**63L-2-101 Title.**

This chapter is known as "Transfer of State Lands to United States Government and Federal Designations."

Amended by Chapter 457, 2019 General Session

**Part 2**  
**Procedures for Acquisition of Property**

**63L-2-201 Federal government acquisition of real property in the state.**

- (1) As used in this section:
  - (a) "Governmental entity" means:
    - (i) an agency, as that term is defined in Subsection 63G-10-102(2);
    - (ii) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
    - (iii) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202; or
    - (iv) a county.
  - (b) "Governmentally controlled land" means land owned or managed by a governmental entity.
- (2)
  - (a) Before legally binding the state by executing an agreement to sell or transfer to the United States government 500 or more acres of governmentally controlled land or school and institutional trust lands, a governmental entity shall submit the agreement or proposal:
    - (i) to the Legislature for its approval or rejection; or
    - (ii) in the interim, to the Legislative Management Committee for review of the agreement or proposal.
  - (b) The Legislative Management Committee may:
    - (i) recommend that the governmental entity execute the agreement or proposal;
    - (ii) recommend that the governmental entity reject the agreement or proposal; or
    - (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the agreement or proposal.
- (3) Before legally binding the state by executing an agreement to sell or transfer to the United States government less than 500 acres of any governmentally controlled land or school and institutional trust lands, a governmental entity shall notify the Natural Resources, Agriculture, and Environment Interim Committee.
- (4) Notwithstanding Subsections (2) and (3), the Legislature approves all conveyances of school trust lands to the United States government made for the purpose of completing the Red Cliffs National Conservation Area in Washington County.
- (5) A governmental entity may, in the governmental entity's discretion, give written notice to the Legislative Management Committee of formal negotiations the governmental entity enters into with a federal agent or entity intended or likely to result in:

- (a) the sale, exchange, or transfer of specific governmentally controlled land or school and institutional trust lands to the federal government; or
- (b) designation of specific governmentally controlled land or school and institutional trust lands as a federal park, monument, or wilderness area.

Amended by Chapter 457, 2019 General Session

### **Part 3**

#### **Federal Designations and Local Advocacy**

#### **63L-2-301 Promoting or lobbying for a federal designation within the state.**

(1) As used in this section:

(a) "Federal designation" means the designation of a:

- (i) national monument;
- (ii) national conservation area;
- (iii) wilderness area or wilderness study area;
- (iv) area of critical environmental concern;
- (v) research natural area; or
- (vi) national recreation area.

(b)

(i) "Governmental entity" means:

- (A) a state-funded institution of higher education or public education;
- (B) a political subdivision of the state;
- (C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;
- (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;
- (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or
- (F) an association as defined in Section 53G-7-1101.

(ii) "Governmental entity" does not mean:

- (A) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
- (B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202;
- (C) the Office of the Governor;
- (D) the Governor's Office of Planning and Budget created in Section 63J-4-201;
- (E) the Public Lands Policy Coordinating Office created in Section 63L-11-201;
- (F) the Office of Energy Development created in Section 79-6-401; or
- (G) the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

(2)

- (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.
- (b) A governmental entity that intends to advocate for a federal designation within the state shall:
  - (i) notify the chairs of the following committees before the introduction of federal legislation:
    - (A) the Natural Resources, Agriculture, and Environment Interim Committee, if constituted, and the Federalism Commission; or

- (B) if the notice is given during a General Session, the House and Senate Natural Resources, Agriculture, and Environment Standing Committees; and
  - (ii) upon request of the chairs, meet with the relevant committee to review the proposal.
- (3) This section does not apply to a political subdivision supporting a federal designation if the federal designation:
- (a) applies to 5,000 acres or less; and
  - (b) has an economical or historical benefit to the political subdivision.

Amended by Chapter 362, 2022 General Session