

**FEDERAL GOVERNMENT ACQUISITION OF
REAL PROPERTY IN THE STATE**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

This act enacts provisions that prohibit the federal government from acquiring land in the state from any state agency without the approval of the Legislature. The act expands the duties of the Constitutional Defense Council. The act creates a policy for the use or disposition of public lands within the state.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

63-34b-101, Utah Code Annotated 1953

63C-4-105, Utah Code Annotated 1953

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

Section 1. Section **63-34b-101** is enacted to read:

63-34b-101. Federal government acquisition of real property in the state.

(1) As used in this section:

(a) "Agency" is defined in Section 63-38b-101.

(b) "Agency" includes:

(i) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

and

(ii) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202.

(2) (a) Before legally binding the state by executing an agreement to sell or transfer to the United States government 10,000 or more acres of any state lands or school and institutional trust lands, an agency 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 agency execute the agreement or proposal;

(ii) recommend that the agency reject the agreement or proposal; or

(iii) recommend to the governor that he 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 10,000 acres of any state lands or school and institutional trust lands, an agency shall report to 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 Desert Reserve in Washington County.

Section 2. Section **63C-4-105** is enacted to read:

63C-4-105. Policy for public lands within the state.

(1) It is the policy of the state to claim and preserve by lawful means the rights of the state and its citizens to determine and affect the disposition and use of federal lands within the state as those rights are granted by the United States Constitution, the Utah Enabling Act, and other applicable law.

(2) The Constitutional Defense Council shall study, formulate, and recommend appropriate legal strategies and arguments to further this policy.