

Senator John W. Hickman proposes to substitute the following bill:

**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 the School and Institutional Trust Lands Administration created in Section 53C-1-201.

(2) Before legally binding the state by executing an agreement to sell or transfer to the United States government 5,000 or more acres of any state lands, an agency shall submit the agreement or proposal to the Legislature for its approval or rejection.

(3) Before legally binding the state by executing an agreement to sell or transfer to the United States government less than 5,000 acres of any state lands, an agency shall report to the



26 Natural Resources, Agriculture, and Environment Interim Committee.

27 (4) Notwithstanding Subsections (1) and (2), the Legislature approves all conveyances of
28 state lands to the United States government made for the purpose of completing the Red Cliffs
29 Desert Reserve in Washington County.

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

31 **63C-4-105. Policy for public lands within the state.**

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

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