

1 **JOINT RESOLUTION URGING GOVERNOR AND UTAH'S**
2 **CONGRESSIONAL DELEGATION TO SECURE UTAH STATE**
3 **LAND**

4 2013 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Aaron Osmond**

7 House Sponsor: Keven J. Stratton

8
9 **LONG TITLE**

10 **General Description:**

11 This joint resolution of the Legislature strongly urges the federal government to transfer
12 title to the public lands within the boundaries of the state of Utah to the state, and
13 strongly urges the Governor and Utah's congressional delegation to work to obtain from
14 the federal government the transfer of these lands to this state.

15 **Highlighted Provisions:**

16 This resolution:

17 ▶ fully supports the provisions of the Transfer of Public Lands Act, as currently
18 signed into law, and strongly urges the federal government to honor its long overdue
19 promise to transfer title to the public lands within the boundaries of the state of
20 Utah to the state;

21 ▶ declares that this action, if taken by the federal government, will allow Utah to
22 provide for the education of its children, grow its economy and job opportunities,
23 and provide for responsible management of the state's abundant natural resources
24 while preserving the important historic and cultural contributions that Utah's public
25 lands provide the citizens of Utah, the nation, and the world;

26 ▶ strongly urges the Governor, the Attorney General, Utah's congressional delegation,
27 Utah's local governments, and the citizens of the state of Utah to join the Legislature



28 in fully supporting the provisions of the Transfer of Public Lands Act, as currently signed into
29 law, in order to hold the federal government accountable for its long overdue promise to
30 transfer title to the public lands within the state of Utah to the state; and

31 ▶ strongly urges the Governor and Utah's congressional delegation to exert their
32 utmost abilities to obtain from the federal government the transfer to this state of the
33 public lands as specified in the Utah Transfer of Public Lands Act at as early a
34 period and on such terms as may be beneficial to the state and advantageous to its
35 citizens.

36 **Special Clauses:**

37 None



39 *Be it resolved by the Legislature of the state of Utah:*

40 WHEREAS, at statehood, Utah exacted from the federal government in its Utah
41 Enabling Act the same promise the federal government made and kept with all states east of
42 Colorado -- the promise that the federal government would "extinguish title" to the public lands
43 within the boundaries of the state;

44 WHEREAS, to facilitate the federal government's performance of this promise, Utah
45 agreed, just like states east of Colorado, to "forever disclaim all right and title to the
46 unappropriated public lands" as a means of quieting title;

47 WHEREAS, with certainty of the title, the federal government was able to give
48 certainty of title to purchasers and transferees of the public lands as the federal government
49 disposed of them in honoring statehood contracts like Utah's Enabling Act;

50 WHEREAS, Utah's expectation that the federal government would timely dispose of
51 the public lands as a material part of the benefit of its enabling act bargain is plainly evident
52 from the Utah Senate Joint Memorial Number Four from 1915, which provides, in part, as
53 follows:

54 "In harmony with the spirit and letter of the land grants to the National government, in
55 perpetuation of a policy that has done more to promote the general welfare than any other
56 policy in our national life, and in conformity with the terms of our Enabling Act, we, the
57 members of the Legislature of the State of Utah, memorialize the President and the Congress of
58 the United States for the speedy return to the former liberal National attitude toward the

59 public-domain, and we call attention to the fact 'that the burden of State and local government
60 in Utah is borne by the taxation of less than one-third of the lands of the State, which alone is
61 vested in private or corporate ownership, and we hereby earnestly urge a policy that will afford
62 an opportunity to settle Our lands and make use of our resources on terms of equality with the
63 older states, to the benefit and upbuilding of the State and to the strength of the nation.";

64 WHEREAS, Utah's expectation that the federal government would timely dispose of
65 the public lands as a material part of our enabling act bargain is plainly evident from the
66 express language of Section 9 of the Utah Enabling Act that "five per centum of the proceeds
67 of the sales of public lands lying within said State, which shall be sold by the United States
68 subsequent to the admission of said State into the Union, after deducting all the expenses
69 incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest
70 of which only shall be expended for the support of the common schools within said State";

71 WHEREAS, Utah's expectation that the federal government would timely dispose of
72 the public lands as a material part of our enabling act bargain is plainly evident from the fact
73 that the "forever disclaim right and title ... until title thereto shall be extinguished [be and
74 remain]" is the very same language contained in the enabling acts of states east of Colorado
75 where the federal government did, in fact, dispose of virtually all of its public lands;

76 WHEREAS, Utah's expectation that the federal government would timely dispose of
77 the public lands as a material part of its enabling act bargain is evident from the fact that Utah
78 did not bargain, and would never have bargained, away the "incident of sovereignty" of being
79 able to tax the lands to provide essential government services;

80 WHEREAS, the enabling act of North Dakota was done within five years of Utah's and
81 contains virtually the same word-for-word disposal language, but the federal government
82 disposed of all 3% of North Dakota's public lands such that it keeps 100% of its mineral
83 royalties, controls 100% of the access, use, and development of their lands and, as a
84 consequence, has an abundance of public funds for education and other essential public
85 services;

86 WHEREAS, according to the United States Government Accountability Office in
87 testimony to Congress in May of 2012, the United States Geological Survey estimates that "the
88 Green River Formation [an area where Colorado, Utah, and Wyoming meet] contains about 3
89 trillion barrels of oil, and about half of this may be recoverable, depending on available

90 technology and economic conditions";

91 WHEREAS, according to the Institute for Energy Research in February of 2013, there
92 is more than \$150 trillion worth of energy resources locked up in federally controlled lands
93 throughout the West;

94 WHEREAS, given that the federal government continues to run unsustainable,
95 trillion-plus annual deficits, and continues to amass unsustainable national debt and unfunded
96 obligation for social services in the dozens of trillions, Utah faces inevitable reductions in the
97 amount or value of the 45.3% of federal funds that comprise total state spending;

98 WHEREAS, any reduction in federal funds to the state, which comprise the single
99 largest source of Utah's total spending, will disproportionately impact funding for education as
100 the single largest component of Utah's state budget;

101 WHEREAS, in 2012, the Legislature of the state of Utah passed by supermajorities in
102 both houses, and the Governor signed, H.B. 148, Transfer of Public Lands Act, to secure the
103 full rights and benefits of Utah's Enabling Act in the transfer of Utah's public lands to the state
104 to be managed for the multiple use and sustained yield of Utah's abundant resources through
105 local planning;

106 WHEREAS, other mountain west states are beginning to follow Utah's lead with
107 various legislative measures to secure their enabling act promise for the timely disposal of their
108 public lands;

109 WHEREAS, there is no sustainable way to increase personal or corporate taxes
110 sufficient to close even a fraction of the per-pupil funding gap in the state, a gap which is the
111 largest in the nation; and

112 WHEREAS, the ability to derive tax and other revenues from the lands, including
113 through maintaining recreation and heritage areas and other multiple uses within the state, is
114 the only solution substantial enough to provide for the education equality of Utah's children
115 and the economic self-reliance for the state:

116 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah fully
117 supports the provisions of the Transfer of Public Lands Act, as currently signed into law, and
118 strongly urges the federal government to honor its long overdue promise to transfer title to the
119 public lands within the boundaries of the state of Utah to the state and, by doing so, allow Utah
120 to take its place equally among the states of the Union.

121 BE IT FURTHER RESOLVED that the Legislature of the state of Utah declares that
122 this action, if taken by the federal government, will allow Utah to provide for the education of
123 its children, grow its economy and job opportunities, and provide for responsible management
124 of the state's abundant natural resources while preserving the important historic and cultural
125 contributions that Utah's public lands provide the citizens of Utah, the nation, and the world.

126 BE IT FURTHER RESOLVED that the Legislature strongly urges the Governor, the
127 Attorney General, Utah's congressional delegation, Utah's local governments, and the citizens
128 of the state of Utah to join the Legislature in fully supporting the provisions of the Transfer of
129 Public Lands Act, as currently signed into law, in order to hold the federal government
130 accountable for its long overdue promise to transfer title to the public lands within the state of
131 Utah to the state.

132 BE IT FURTHER RESOLVED that the Legislature strongly urges the Governor and
133 Utah's congressional delegation to exert their utmost abilities to obtain from the federal
134 government the transfer to this state of the public lands as specified in the Utah Transfer of
135 Public Lands Act at as early a period and on such terms as may be beneficial to the state and
136 advantageous to its citizens.

137 BE IT FURTHER RESOLVED that copies of this resolution be sent to the United
138 States Department of the Interior, United States Department of Agriculture, the Majority
139 Leader of the United States Senate, the Minority Leader of the United States Senate, the
140 Speaker of the United States House of Representatives, the members of Utah's congressional
141 delegation, and the Governors of the other 49 states.

Legislative Review Note
as of 2-18-13 11:07 AM

Office of Legislative Research and General Counsel