

1 **SALE OF STATE LAND ACT**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gene Davis**

5 House Sponsor: Brad R. Wilson

6

LONG TITLE

7 **General Description:**

8 This bill declares policy and establishes procedures for the sale of state land.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ establishes a preference for leasing state land over selling state land; and

12 ▶ establishes approval requirements for the sale of state land.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 ENACTS:

19 **63L-10-101**, Utah Code Annotated 1953

20 **63L-10-102**, Utah Code Annotated 1953

21

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

22 Section 1. Section **63L-10-101** is enacted to read:

23 **CHAPTER 10. SALE OF STATE LAND ACT**

24 **Part 1. General Provisions**

25 **63L-10-101. Title and policy.**



28 (1) This chapter is known as the "Sale of State Land Act."

29 (2) The Legislature declares that it is the policy of the state that:

30 (a) state land may not be sold except as consistent with this chapter; and

31 (b) the leasing of state land is preferred over the sale of state land.

32 Section 2. Section **63L-10-102** is enacted to read:

33 **63L-10-102. Sale of state land.**

34 (1) As used in this chapter:

35 (a) "Agency" means the same as that term is defined in Section [63G-4-103](#).

36 (b) (i) "State land" means land owned by the state, including the state's:

37 (A) legislative and judicial branches;

38 (B) ~~§~~ **state-level** ~~§~~ departments, divisions, agencies, boards, commissions, councils,

38a and committees;

39 and

40 (C) state institutions of higher education as defined under Section [53B-3-102](#).

41 (ii) "State land" does not mean:

42 (A) land owned by a political subdivision of the state;

43 (B) land owned by a school district;

44 (C) private land; ~~§~~ **[or]** ~~§~~

45 (D) school and institutional trust lands as defined in Section [53C-1-103](#) ~~§~~ **[;]** ; or

45a **(E) land owned by the Department of Transportation created in Section [72-1-201](#). ~~§~~**

46 (2) (a) Before legally binding the state by executing an agreement to sell or transfer 300

47 or more acres of state land, an agency shall:

48 (i) make findings that:

49 (A) the sale or transfer of state land is in the public interest; and

50 (B) a lease of the state land in question, as described in the policy outlined in

51 Subsection [63L-10-101](#)(2)(b), would not be as beneficial to the public interest as the sale or

52 transfer of the state land; and

53 (ii) submit the agreement or proposal along with the findings described in Subsection

54 (2)(a)(i):

55 (A) to the Legislature for approval or rejection; or

56 (B) in the interim, to the Legislative Management Committee for review of the

57 agreement or proposal.

58 (b) The Legislative Management Committee may:

- 59 (i) recommend that the agency execute the agreement or proposal;
60 (ii) recommend that the agency reject the agreement or proposal; or
61 (iii) recommend to the governor that the governor call a special session of the
62 Legislature to review and approve or reject the agreement or proposal.
63 (3) Before legally binding the state by executing an agreement to sell or transfer fewer
64 than 300 acres of any state land, the state shall notify the Legislative Management Committee.
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Legislative Review Note
Office of Legislative Research and General Counsel