

1 **UTAH LANDS PROTECTION ACT**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill amends provisions of Title 65A, State Lands, that relate to the management or
8 sale of state lands.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ modifies the definition of "sovereign lands";
- 12 ▶ prohibits the Division of Forestry, Fire, and State Lands from selling or
- 13 substantially changing the management of certain sovereign lands;
- 14 ▶ provides for the State School Fund to receive 5% of net proceeds from the sale of
- 15 certain sovereign lands; and
- 16 ▶ makes technical corrections.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **65A-1-1**, as last amended by Laws of Utah 2009, Chapter 344

24 **65A-10-1**, as last amended by Laws of Utah 2011, Chapter 256

25

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

27 Section 1. Section **65A-1-1** is amended to read:

28 **65A-1-1. Definitions.**

29 As used in this title:

- 30 (1) "Advisory council" or "council" means the Forestry, Fire, and State Lands Advisory
- 31 Council.
- 32 (2) "Division" means the Division of Forestry, Fire, and State Lands.

33 (3) "Multiple use" means the management of various surface and subsurface resources
34 in a manner that will best meet the present and future needs of the people of this state.

35 (4) "Public trust assets" means those lands and resources, including sovereign lands,
36 administered by the division.

37 (5) (a) "Sovereign lands" means those lands:

38 (i) lying below the ordinary high water mark of navigable bodies of water at the date of
39 statehood; ~~and~~ or

40 (ii) owned by the state by virtue of its sovereignty[-], including land previously claimed
41 by the federal government that is:

42 (A) claimed by the state through judgment, decree, purchase, compact, exchange, gift,
43 other conveyance, the United States Constitution, or other law;

44 (B) reclaimed by the state through judgment, decree, purchase, compact, exchange,
45 gift, other conveyance, the United States Constitution, or other law; or

46 (C) obtained by the state through judgment, decree, purchase, compact, exchange, gift,
47 other conveyance, the United States Constitution, or other law.

48 (b) "Sovereign lands" does not include property owned by the federal government in
49 accordance with the United States Constitution Article I, Section 8, Clause 17, or trust lands, as
50 defined in Subsection 53C-1-103(7).

51 (6) "State lands" means all lands administered by the division.

52 (7) "Sustained yield" means the achievement and maintenance of high level annual or
53 periodic output of the various renewable resources of land without impairment of the
54 productivity of the land.

55 Section 2. Section **65A-10-1** is amended to read:

56 **65A-10-1. Authority of division to manage sovereign lands.**

57 (1) The division is the management authority for sovereign lands, and may, except as
58 provided in Subsection (5), exchange, sell, or lease sovereign lands but only in the quantities
59 and for the purposes ~~as~~ that serve the public interest and do not interfere with the public trust.

60 (2) Nothing in this section shall be construed as asserting state ownership of the beds
61 of nonnavigable lakes, bays, rivers, or streams.

62 (3) A lease for the construction of a highway facility over sovereign lakebed lands shall
63 comply with the requirements described in Subsection 65A-7-5(5).

64 (4) If any United States public lands owned or claimed by the federal government on
65 January 1, 2012 become sovereign lands, then the State School Fund, pursuant to Utah
66 Constitution, Article X, Section 5, Subsection (5)(b), shall receive 5% of the net proceeds from
67 the sale of those lands.

68 (5) If any of the following become sovereign lands, the division may not sell the
69 sovereign lands or substantially change the management policies that relate to those sovereign
70 lands from the management policies that were in effect for those sovereign lands on January 1,
71 2012:

- 72 (a) Arches National Park;
- 73 (b) Bryce Canyon National Park;
- 74 (c) Canyonlands National Park;
- 75 (d) Capitol Reef National Park; or
- 76 (e) Zion National Park.

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Office of Legislative Research and General Counsel

