

1 **CONCURRENT RESOLUTION ON SCHOOL AND**
2 **INSTITUTIONAL TRUST LANDS EXCHANGE ACT**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael E. Noel**

6 Senate Sponsor: Evan J. Vickers

7
8 **LONG TITLE**

9 **General Description:**

10 This concurrent resolution of the Legislature and the Governor urges the United States
11 Congress to enact legislation affirming the federal land grant process and eliminating
12 barriers to federal-state land exchanges.

13 **Highlighted Provisions:**

14 This resolution:

15 ▸ urges the United States Congress to enact legislation that:

- 16 • affirms and clarifies that Congress and federal land management agencies
17 recognize their historic role of establishing land grants to the states for the
18 support of educational and other public institutions;
- 19 • establishes that the United States has a continuing affirmative obligation to
20 assist the states in fulfilling the purposes of the various grants;
- 21 • establishes that rationalizing the land ownership pattern to reposition lands more
22 suited to the management mandates of each owner is an important public
23 purpose equivalent in character to all of the other management mandates
24 required of federal land management and federal resource regulatory agencies;
- 25 • establishes that land exchanges between the United States and the respective
26 states are transactions between coequal sovereign governments and require
27 standards of prioritization, evaluation, and processing that may differ from those



28 involving private parties; and

29 • eliminates unnecessary obstacles to federal-state land exchanges contained in
30 the Federal Land Policy and Management Act of 1976 by:

31 • creating the presumption in federal environmental and land use planning
32 that state-federal land exchanges are in the public interest;

33 • requiring federal land management agencies to give priority to land
34 exchanges that remove state land grant properties from areas of federal
35 land or resource management provisions that restrict the state’s ability to
36 generate revenue; and

37 • setting a goal for federal land management agencies and managers of
38 state land exchange proposals to work from the feasibility study through
39 the transaction-closing phases of state-federal land exchanges in two
40 years or less.

41 **Special Clauses:**

42 None



44 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

45 WHEREAS, pursuant to the Utah Enabling Act of 1894, the Congress of the United
46 States granted four sections in every township in the state of Utah for the benefit of public
47 schools and school children;

48 WHEREAS, Congress intended that these lands provide the state with revenue to assist
49 in funding the state's education system;

50 WHEREAS, federal courts have interpreted the grant of lands by Congress, and the
51 acceptance of the lands in the Utah Constitution as the creation of a "trust" between the United
52 States as "settlor" and the state of Utah as "trustee";

53 WHEREAS, the scattered nature of the congressional land grants established an
54 ownership pattern that results in trust land being included within the areas of federal
55 management for noneconomic purposes;

56 WHEREAS, this ownership pattern has led to numerous situations where trust land
57 management mandates and federal land management mandates cannot coexist without conflict;
58 and

59 WHEREAS, processing land exchange proposals through the administrative process
60 has become time-consuming, expensive, ineffectual, and burdensome for both state and federal
61 land management agencies:

62 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
63 Governor concurring therein, urges the United States Congress to enact legislation that:

64 1. affirms and clarifies that Congress and federal land management agencies recognize
65 their historic role in establishing land grants to the states for the support of educational and
66 other public institutions;

67 2. establishes that the United States, through Congress and federal land management
68 agencies, as settlor of the land grant trusts, has a continuing affirmative obligation to assist the
69 states in fulfilling the purposes of the various grants;

70 3. establishes that rationalizing the land ownership pattern to reposition lands more
71 suited to the management mandates of each owner is, in and of itself, an important public
72 purpose equivalent in character to all of the other management mandates required of federal
73 land management and federal resource regulatory agencies pursuant to the Federal Land Policy
74 and Management Act of 1976;

75 4. establishes that land exchanges between the United States and the respective states
76 are transactions between coequal sovereign governments and require standards of
77 prioritization, evaluation, and processing that may differ from those involving private parties;

78 5. eliminates unnecessary obstacles to federal-state land exchanges contained in the
79 Federal Land Policy and Management Act of 1976 by:

80 a. creating the presumption in federal environmental and land use planning that
81 state-federal land exchanges are in the public interest;

82 b. requiring federal land management agencies to give priority to land exchanges that
83 remove state land grant properties from areas of federal land or resource management
84 provisions that restrict the state's ability to generate revenue; and

85 c. setting a goal for federal land management agencies and managers of state land
86 exchange proposals to work from the feasibility study through the transaction-closing phases of
87 state-federal land exchanges in two years or less.

88 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
89 the United States, the Majority Leader of the United States Senate, the Speaker of the United

90 States House of Representatives, the United States Secretary of the Interior, the Principal
91 Deputy Director of the Bureau of Land Management, and the members of Utah's congressional
92 delegation.

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Office of Legislative Research and General Counsel