

## Utah Gov. OKs eminent domain use on federal land

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SALT LAKE CITY (AP) - Fed up with federal ownership of more than half the land in Utah, Republican Gov. Gary Herbert on Saturday authorized the use of eminent domain to take some of the U.S. government's most valuable parcels.

Herbert signed a pair of bills into law that supporters hope will trigger a flood of similar legislation throughout the West, where lawmakers contend that federal ownership restricts economic development in an energy-rich part of the country.

Governments use eminent domain to take private property for public use.

The goal is to spark a U.S. Supreme Court battle that legislators' own attorneys acknowledge has little chance of success.

But Utah Attorney General Mark Shurtleff and other Republicans say the case is still worth fighting, since the state could reap millions of dollars for state schools each year if it wins.

More than 60 percent of Utah is owned by the U.S. government, and policy makers here have long complained that federal ownership hinders their ability to generate tax revenue and adequately fund public schools.

Utah spends less per student than any other state and has the nation's largest class sizes. Under the measure Herbert has approved, the state will set aside \$3 million to defend the law.

Lawmakers recently slashed education funding by \$10 million and raised taxes on cigarettes by \$1 a pack. Democrats have decried the eminent domain measure as a waste of money, and Democratic gubernatorial hopeful Peter Corroon is making it an issue in this year's special election.

But if the law is as bad as Democrats say it is, a court will quickly overturn it and the state won't have to spend much money defending it, Herbert said.

Initially, the state would target three areas for the use of eminent domain, including the Kaiparowits plateau in Grand Staircase-Escalante National Monument, which is home to large coal reserves.

Many people in Utah are still angry that then-President Bill Clinton's designated the area as a national monument in 1996, a move that stopped development on the land and greatly pleased environmentalists as he ran for re-election.

Utah lawmakers contend the federal government should have long ago sold the land it owns in the state. Because it hasn't, the federal government has violated a contract made with Utah when statehood was granted, they say.

Eminent domain would also be used on parcels of land where Interior Secretary Ken Salazar last year scrapped 77 oil and gas leases around national parks and wild areas.

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