

**ALEC EXPOSED**

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations-includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

**ALEC's Corporate Board**  
-in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Home → Model Legislation → Energy, Environment, and Agriculture

**Eminent Domain Authority for Federal Lands Act**

Did you know the trade group for the gas industry was a corporate co-chair in 2011?

**Summary**

This bill authorizes the state to exercise eminent domain authority on property possessed by the federal government unless the property was acquired by the federal government with the consent of the Legislature and in accordance with the United States Constitution Article I, Section 8, Clause 17.

**Legislation**

**Section 1.**

The following shall be enacted as Section \_\_\_\_\_ of the eminent domain provisions of the State Code:

**Other Property which may be taken - State as plaintiff.**

(1) Subject to Subsection (2), property which may be taken under this part includes property possessed by the federal government unless the property was acquired by the federal government with the consent of the Legislature and in accordance with the United States Constitution Article I, Section 8, Clause 17.

(2) The state shall be the plaintiff described in the eminent domain complaint in an action to condemn property described in Subsection (1).

**Adopted by the Energy, Environment, and Agriculture Task Force at the Annual Meeting, August 7, 2010. Approved by the ALEC Board of Directors, September 19, 2010.**

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECExposed.org](http://www.ALECExposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.

From CMD: This "model" legislation would authorize state governments to appropriate federal public land, such as national parks and wilderness areas belonging to the American people, likely to allow greater oil, gas, and coal exploration to benefit energy corporations. It would have a major impact in Western states, all of which have significant areas of federal "public land" many of which are "trust lands." The only federally-owned land exempted from the state's use of eminent domain power is for land attained through the U.S. Congress' use of the "Enclave Clause" of the Constitution (Art. I, Sec. 8, Cl. 17), which allows the federal government the right to "purchas[e] by the Consent of the Legislature of the State" land for enumerated purposes, such as military structures and "other needful Buildings." On the other hand, in *Kleppe v. New Mexico* (1976), the U.S. Supreme Court held that Congress has broader authority to enact legislation to manage federal land under the "Property Clause" (Art. 1 Sec. 3 Cl. 2), and that legislation would override state legislation under the Supremacy Clause (Art. VI Cl. 2). This bill aims to reverse the U.S. Supreme Court's constitutional interpretation.

This bill may be related to a 2009 law in Utah, where 60% of land is owned by the federal government, and where the Clinton Administration established several national monuments for conservation purposes (and more recently, where the Department of the Interior cancelled some oil and natural gas leases). Similar bills have been introduced in Western states such as Nevada, Arizona, and Wyoming.