

HOUSE BILL NO. HB0209

Transfer of federal lands.

Sponsored by: Representative(s) Miller, Brown, Clem, Greear, Halverson, Kroeker and Loucks and Senator(s) Bebout, Cooper, Driskill, Hicks and Meier

A BILL

for

1 AN ACT relating to public lands; providing legislative
2 findings; requiring transfer of public lands; specifying
3 distribution of proceeds from sale of public lands;
4 creating a joint select committee on the transfer of public
5 lands; providing duties of the committee; providing
6 definitions; providing an appropriation; and providing for
7 an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 36-12-201 through 36-12-203 are
12 created to read:

13

14

ARTICLE 2

1 TRANSFER OF FEDERAL PUBLIC LANDS

2

3 **36-12-201. Legislative findings.**

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5 (a) The legislature finds that federal funding and
6 the resulting capacity for responsible management of
7 federal public lands are in serious jeopardy while critical
8 threats such as beetle kills, invasive species, watershed
9 degradation, access restrictions and catastrophic wildfires
10 continue to escalate.

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12 (b) The legislature further finds that the enabling
13 act creating the state of Wyoming includes specific
14 provisions for the disposal of public lands and guarantees
15 admittance into the union on equal footing with all other
16 states. Wyoming, like other western states, has not
17 received the full benefit of the provisions of the enabling
18 act, related to the disposal of lands from the federal
19 government. More specifically, section 7 of the act of
20 admission requires "Five percent of the proceeds of the
21 sales of public lands lying within said state shall be
22 paid to the said state for the support of the common
23 schools within said state."

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2 **36-12-202. Definitions**

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4 (a) As used in this article:

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6 (i) "Governmental entity" means any federal,
7 state, local or other governmental unit, subdivision,
8 agency, department or instrumentality thereof;

9

10 (ii) "Net proceeds" means the proceeds from the
11 sale of public lands, after subtracting expenses incident
12 to the sale of the public lands;

13

14 (iii) "Public lands" means lands within the
15 exterior boundaries of Wyoming, except:

16

17 (A) Lands to which title is held by a
18 person who is not a governmental entity;

19

20 (B) Lands owned or held in trust by the
21 state, a political subdivision of the state or an
22 independent entity;

23

1 (C) Lands reserved for use by the state
2 system of public education or a state institution of higher
3 education;

4

5 (D) School and institutional trust lands;

6

7 (E) The following national parks and other
8 areas:

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10 (I) Yellowstone National Park;

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12 (II) Grand Teton National Park;

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14 (III) John D. Rockefeller, Jr.
15 Memorial Parkway;

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17 (IV) Bighorn Canyon National
18 Recreation Area;

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20 (V) Devils Tower National Monument;

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22 (VI) Fort Laramie National Historic
23 Site; and

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(VII) Fossil Butte National Monument.

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(F) Any other lands within the exterior boundaries of Wyoming as of January 1, 2015, that are managed by the United States as a national park, designated national monument or wilderness area designated under the national wilderness preservation system;

(G) Real property or tangible personal property owned by the United States if the property is within the boundaries of a municipality;

(H) Any lands managed or owned by any branch of the United States military or the United States department of energy; or

(J) Lands, including water rights, belonging to an Indian or Indian tribe, band or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

1 **36-12-203. Transfer of public lands.**

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3 (a) On or before December 31, 2017, the United States
4 shall:

5

6 (i) Extinguish title to all public lands; and

7

8 (ii) Transfer title to public lands to the state
9 of Wyoming.

10

11 (b) If the state subsequently transfers title to any
12 public lands received under subsection (a) of this section,
13 the state shall:

14

15 (i) Retain five percent (5%) of the net proceeds
16 the state receives from the transfer of title; and

17

18 (ii) Transfer ninety-five percent (95%) of the
19 net proceeds the state receives from the transfer of title
20 to the United States.

21

22 (c) In accordance with the Wyoming state
23 constitution, the amount the state retains in accordance

1 with paragraph (b)(i) of this section shall be deposited
2 into the permanent common school account within the
3 permanent land fund.

4

5 **Section 2.**

6

7 (a) There is created a joint select committee on the
8 transfer of public lands, with members as follows:

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10 (i) The speaker of the house of representatives
11 shall appoint two (2) members from each of the two (2)
12 largest caucuses of the house of representatives; and

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14 (ii) The president of the senate shall appoint
15 two (2) members from each of the two (2) largest caucuses
16 of the senate.

17

18 (b) The committee shall choose its chair or cochairs
19 from among its membership.

20

21 (c) The committee shall, with guidance from other
22 interested parties and stakeholders, prepare proposed
23 legislation:

1

2 (i) Creating a public lands commission assigned
3 with:

4

5 (A) Administering the transfer of title of
6 public lands to the state under W.S. 36-12-203; and

7

8 (B) Addressing the management of public
9 lands and the management of multiple uses of public lands,
10 including management of open space, access to public lands,
11 local planning and the sustainable yield of natural
12 resources on public lands.

13

14 (ii) Establishing actions that shall be taken to
15 secure, preserve and protect the state's rights and
16 benefits related to the United States' duty to have
17 extinguished title to public lands under W.S. 36-12-203 in
18 the event that the United States does not meet the
19 requirements of W.S. 36-12-203;

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21 (iii) Recommending any necessary modifications
22 to the definition of "public lands" as provided in W.S.
23 36-12-202(a)(iii);

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(iv) Making a determination of, or creating a
process for determining, interests, rights or uses related
to:

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(A) Easements;

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(B) Geothermal resources;

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(C) Grazing;

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(D) Mining;

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(E) Natural gas;

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(F) Oil and other fossil fuels;

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(G) Recreation;

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(H) Rights of entry;

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(J) Special uses;

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1 (K) Timber;

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3 (M) Water; or

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5 (N) Other natural resources or other
6 resources.

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8 (v) Determining what constitutes "expenses
9 incident to the sale of public lands" as provided in the
10 definition of "net proceeds" under W.S. 36-12-202(a)(ii).

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12 (d) The joint select committee on the transfer of
13 public lands shall also study and determine whether to
14 prepare proposed legislation related to:

15

16 (i) Establishing an administrative process for:

17

18 (A) The United States to extinguish title
19 to public lands;

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21 (B) The state to receive title to public
22 lands from the United States; or

23

1 (C) The state to transfer title to any
2 public lands the state receives in accordance with W.S.
3 36-12-203.

4

5 (ii) Establishing a prioritized list of
6 management actions for the state and the political
7 subdivisions of the state to perform on public lands:

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9 (A) Before and after the United States
10 extinguishes title to public lands under W.S. 36-12-203;
11 and

12

13 (B) To preserve and promote the state's
14 interest in:

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16 (I) Protecting public health and
17 safety;

18

19 (II) Preventing catastrophic wildfire
20 and forest insect infestation;

21

22 (III) Preserving watersheds;

23

1 (IV) Preserving and enhancing energy
2 and the production of minerals;

3

4 (V) Preserving and improving range
5 conditions; and

6

7 (VI) Increasing plant diversity and
8 reducing invasive weeds on range and woodland portions of
9 the public lands.

10

11 (iii) Establishing procedures and requirements
12 for subjecting public lands to property taxation;

13

14 (iv) Establishing other requirements related to
15 national forests, national recreation areas or other public
16 lands administered by the United States; and

17

18 (v) Addressing the indemnification of a
19 political subdivision of the state for actions taken in
20 furtherance of W.S. 36-12-203.

21

22 (e) The joint select committee on the transfer of
23 public lands also may study any other issue related to

1 public lands as recommended by the director of the office
2 of state lands and investments and the attorney general.

3

4 (f) The joint select committee on the transfer of
5 public lands shall:

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7 (i) Make preliminary reports on the study and
8 preparation of proposed legislation required under this
9 section to the legislature by June 30, 2016 and by October
10 31, 2016; and

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12 (ii) Deliver a final report containing findings,
13 recommendations and proposed legislation to the legislature
14 not later than January 2, 2017.

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16 (g) The select committee shall be staffed by the
17 legislative service office. The office of state lands and
18 investments and the attorney general shall serve in an
19 advisory capacity to the task force and shall provide
20 technical and other relevant information as requested.

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22 (h) Members of the joint select committee on the
23 transfer of public lands shall be paid salary, per diem and

1 mileage as provided in W.S. 28-5-101 for their official
2 duties as members of the select committee.

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4 **Section 3.** There is appropriated twenty-five thousand
5 dollars (\$25,000.00) from the general fund to the
6 legislative service office. This appropriation shall be for
7 the period beginning with the effective date of this act
8 and ending June 30, 2017. This appropriation shall only be
9 expended for payment of salary, per diem and mileage for
10 legislative select committee members.

11

12 **Section 4.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

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17

(END)