

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

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

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11 **Section 1.** W.S. 36-12-201 and 36-12-202 are created
12 to read:

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ARTICLE 2

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TRANSFER OF FEDERAL PUBLIC LANDS

36-12-201. Definitions

(a) As used in this article:

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

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

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

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

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

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

(D) School and institutional trust lands;

(E) The following national parks and other areas:

(I) Yellowstone National Park;

(II) Grand Teton National Park;

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

(IV) Bighorn Canyon National Recreation Area;

(V) Devils Tower National Monument;

1 (VI) Fort Laramie National Historic
2 Site; and

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4 (VII) Fossil Butte National Monument.

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

11

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

15

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

19

20 (J) Lands, including water rights,
21 belonging to an Indian or Indian tribe, band or community
22 that is held in trust by the United States or is subject to

1 a restriction against alienation imposed by the United
2 States.

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4 **36-12-202. Transfer of public lands.**

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6 (a) On or before December 31, 2017, the United States
7 shall:

8

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

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11 (ii) Transfer title to public lands to the state
12 of Wyoming.

13

14 (b) If the state subsequently transfers title to any
15 public lands received under subsection (a) of this section,
16 the state shall:

17

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

20

21 (ii) Transfer ninety-five percent (95%) of the
22 net proceeds the state receives from the transfer of title
23 to the United States.

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2 (c) In accordance with the Wyoming state
3 constitution, the amount the state retains in accordance
4 with paragraph (b)(i) of this section shall be deposited
5 into the permanent common school account within the
6 permanent land fund.

7

8 **Section 2.**

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

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13 (i) The speaker of the house of representatives
14 shall appoint not more than three (3) members from the
15 majority party and not less than one (1) member from the
16 minority party of the house of representatives; and

17

18 (ii) The president of the senate shall appoint
19 not more than three (3) members from the majority party and
20 not less than one (1) member from the minority party of the
21 senate.

22

1 (b) The committee shall choose its chair or cochairs
2 from among its membership.

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4 (c) The committee shall, with guidance from other
5 interested parties and stakeholders, prepare proposed
6 legislation:

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8 (i) Creating a public lands commission assigned
9 with:

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11 (A) Administering the transfer of title of
12 public lands to the state under W.S. 36-12-202; and

13

14 (B) Addressing the management of public
15 lands and the management of multiple uses of public lands
16 and recognizing all existing rights.

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18 (ii) Establishing actions that shall be taken to
19 secure, preserve and protect the state's rights and
20 benefits related to the United States' duty to have
21 extinguished title to public lands under W.S. 36-12-202 in
22 the event that the United States does not meet the
23 requirements of W.S. 36-12-202;

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2 (iii) Recommending any necessary modifications
3 to the definition of "public lands" as provided in W.S.
4 36-12-201(a)(iii);

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

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10 (A) Easements;

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12 (B) Geothermal resources;

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14 (C) Grazing;

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16 (D) Mining;

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18 (E) Natural gas;

19

20 (F) Oil and other fossil fuels;

21

22 (G) Recreation;

23

1 (H) Rights of entry;

2

3 (J) Special uses;

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5 (K) Timber;

6

7 (M) Water;

8

9 (N) Hunting and fishing; or

10

11 (O) Other natural resources or other
12 resources.

13

14 (v) Determining what constitutes "expenses
15 incident to the sale of public lands" as provided in the
16 definition of "net proceeds" under W.S. 36-12-201(a)(ii).

17

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

21

22 (i) Establishing an administrative process for:

23

1 (A) The United States to extinguish title
2 to public lands;

3

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

6

7 (C) The state to transfer title to any
8 public lands the state receives in accordance with W.S.
9 36-12-202.

10

11 (ii) Establishing a prioritized list of
12 management actions for the state and the political
13 subdivisions of the state to perform on public lands:

14

15 (A) Before and after the United States
16 extinguishes title to public lands under W.S. 36-12-202;
17 and

18

19 (B) To preserve and promote the state's
20 interest in:

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22 (I) Protecting public health and
23 safety;

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(II) Preventing catastrophic wildfire
and forest insect infestation;

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(III) Preserving watersheds;

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

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(V) Preserving and improving range
conditions;

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(VI) Increasing plant diversity and
reducing invasive weeds on range and woodland portions of
the public lands; and

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(VII) Providing for no net loss of
public access for hunting and fishing and other outdoor
recreational purposes.

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

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1 (iv) Establishing other requirements related to
2 national forests, national recreation areas or other public
3 lands administered by the United States; and

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5 (v) Addressing the indemnification of a
6 political subdivision of the state for actions taken in
7 furtherance of W.S. 36-12-202.

8

9 (e) The joint select committee on the transfer of
10 public lands also may study any other issue related to
11 public lands as recommended by the governor.

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13 (f) The joint select committee on the transfer of
14 public lands shall:

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16 (i) Make preliminary reports on the study and
17 preparation of proposed legislation required under this
18 section to the legislature by June 30, 2016 and by October
19 31, 2016; and

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

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2 (g) The select committee shall be staffed by the
3 legislative service office. The office of state lands and
4 investments and the attorney general shall serve in an
5 advisory capacity to the task force and shall provide
6 technical and other relevant information as requested.

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8 (h) Members of the joint select committee on the
9 transfer of public lands shall be paid salary, per diem and
10 mileage as provided in W.S. 28-5-101 for their official
11 duties as members of the select committee.

12

13 **Section 3.**

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15 (a) The legislature finds that federal funding and
16 the resulting capacity for responsible management of
17 federal public lands are in serious jeopardy while critical
18 threats such as beetle kills, invasive species, watershed
19 degradation, access restrictions and catastrophic wildfires
20 continue to escalate.

21

22 (b) The legislature further finds that the enabling
23 act creating the state of Wyoming includes specific

1 provisions for the disposal of public lands and guarantees
2 admittance into the union on equal footing with all other
3 states. Wyoming, like other western states, has not
4 received the full benefit of the provisions of the enabling
5 act, related to the disposal of lands from the federal
6 government. More specifically, section 7 of the act of
7 admission requires "Five percent of the proceeds of the
8 sales of public lands lying within said state shall be
9 paid to the said state for the support of the common
10 schools within said state."

11

12 **Section 4.** There is appropriated twenty-five thousand
13 dollars (\$25,000.00) from the general fund to the
14 legislative service office. This appropriation shall be for
15 the period beginning with the effective date of this act
16 and ending June 30, 2017. This appropriation shall only be
17 expended for payment of salary, per diem and mileage for
18 legislative select committee members.

19

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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6

(END)