

SENATE FILE NO. SF0030

State lands.

Sponsored by: Joint Agriculture, Public Lands and Water  
Resources Interim Committee

A BILL

for

1 AN ACT relating to state lands; distinguishing state lands  
2 from public lands; modifying legislative committee name;  
3 and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 9-4-305, 9-15-104(f)(v),  
8 11-41-104(a)(ii), 28-11-101(b)(iii), 36-1-114,  
9 41-2-118(a)(iii), 41-2-1001(c) and 41-3-742(a)(iv) are  
10 amended to read:

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12 **9-4-305. Disposition of state land revenue.**

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14 (a) Any and all funds accruing from ~~public~~state  
15 lands set aside for the benefit or use of any public

1 institution or organization specified in W.S. 9-4-303 shall  
2 be deposited in the state treasury.

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4 (b) Proceeds from the sale of ~~the public~~state lands,  
5 mineral royalties and any money designated by the Wyoming  
6 constitution or Wyoming statutes as collected shall be  
7 transmitted to the state treasurer and credited to the  
8 proper accounts within the permanent land fund, except as  
9 provided by article 7, section 2 of the Wyoming  
10 constitution, thirty-three and one-third percent (33 1/3%)  
11 of the mineral royalties received from the lease of any  
12 school lands but not to exceed eight million dollars  
13 (\$8,000,000.00) during any one (1) year, shall be deposited  
14 into the public school capital construction account. To the  
15 extent constitutionally permissible and notwithstanding any  
16 other provision of law, at the end of every fiscal year,  
17 the state treasurer shall transfer to the corpus of each  
18 account within the permanent land fund, except the common  
19 school account, from the income earned on the corresponding  
20 account within the permanent land fund, to the extent  
21 available, an amount as provided by this subsection. In  
22 determining the amount to be withheld, the state treasurer  
23 shall calculate the fiscal year beginning balance and  
24 ignore any appropriations made from the account within that

1 fiscal year. For the fiscal year 2000, he shall transfer an  
2 amount equal to five percent (5%) of the inflation rate for  
3 the previous twelve (12) month period as determined by the  
4 department of administration and information multiplied by  
5 the beginning balance of each permanent land fund account,  
6 except the common school account. At the end of each  
7 succeeding fiscal year, the state treasurer shall increase  
8 the amount to be multiplied by that year's inflation rate  
9 by five percent (5%) until such time as the multiplier  
10 reaches one hundred percent (100%) of the inflation rate,  
11 and then multiply that amount by the beginning balance of  
12 each permanent land fund account, except the common school  
13 account.

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15 (c) Except as provided by subsection (b) of this  
16 section, rentals for the ordinary use of the ~~public~~state  
17 lands, bonuses, interest on purchase money, interest from  
18 investment of money in corresponding accounts within the  
19 permanent land fund, and any money designated by the  
20 Wyoming constitution or Wyoming statutes as collected shall  
21 be transmitted to the state treasurer and credited to the  
22 proper accounts within the permanent land income fund or to  
23 the general fund as provided by the Wyoming Funds  
24 Consolidation Act and W.S. 9-4-311.

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**9-15-104. Wildlife and natural resource trust account  
board established; terms; meetings; duties.**

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(f) The board shall adopt rules and regulations in  
accordance with the Wyoming Administrative Procedure Act as  
necessary to carry out its duties under this act, including  
rules to:

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(v) Evaluate the effects of grant proposals on  
citizen access to public and state lands for hunting,  
fishing and recreation activities;

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**11-41-104. Powers and duties of the board.**

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(a) The board shall:

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(ii) Promulgate rules and regulations necessary  
to implement this chapter. The rules may define owners and  
creditors of agriculturally related businesses and permit  
owners and creditors of such businesses to participate in  
mediation subject to the same terms and conditions  
applicable to farmers and creditors under this chapter. The  
rules may also define, for purposes of this chapter,

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1 persons who have standing to seek mediation, proper  
2 procedures for initiating and conducting mediation  
3 processes and issues and subjects to which mediation may be  
4 made which shall include wetlands determination, compliance  
5 with farm programs, agricultural credit, rural water loan  
6 programs, grazing on ~~public~~state lands or other issues and  
7 subjects which the board considers appropriate.

8

9 **28-11-101. Appointment of members; powers and duties;**  
10 **related duties of water development commission.**

11

12 (b) The select committee shall:

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14 (iii) Prepare and submit to the joint  
15 agriculture, state and public lands and water resources  
16 interim committee as part of the report required of the  
17 water development commission under W.S. 41-2-118(a) not  
18 later than January 1 of each year a report detailing the  
19 water development commission's progress, the activities of  
20 the committee, specifying any committee recommendations and  
21 continue development of a water policy as provided by  
22 Section 15, Chapter 60, 1982 Session Laws;

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24

TITLE 36

## 1 STATE LANDS

2

3 **36-1-114. Protection of prehistoric ruins; permits to**  
4 **excavate, regulations and violations.**

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6 Before any excavation on any prehistoric ruins,  
7 pictographs, hieroglyphics, or any other ancient markings,  
8 or writing or archaeological and paleontological deposits  
9 in the state of Wyoming on any ~~public~~ state or federal  
10 lands, ~~either state or federal,~~ shall be undertaken, a  
11 permit shall first be obtained from the state board of land  
12 commissioners. The state board of land commissioners is  
13 hereby authorized to promulgate and enforce such  
14 regulations as it may deem needful to protect from  
15 vandalism or injury the prehistoric ruins, relics,  
16 archaeological and paleontological deposits of the state,  
17 as well as all natural bridges and natural scenic features  
18 and formations. Any violation of such regulations shall be  
19 a misdemeanor.

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21 **41-2-118. Powers, duties, salaries and expenses of**  
22 **commission.**

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24 (a) The commission shall:

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2 (iii) Submit an annual report of its activities,  
3 expenses, recommendations and other items to the governor  
4 and the joint agriculture, state and public lands and water  
5 resources interim committee by December 31;

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7 **41-2-1001. Creation; use of funds; interest.**

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9 (c) The Wyoming water development commission shall  
10 annually review the accounts created by subsection (a) of  
11 this section and report to the joint agriculture, state and  
12 public lands and water resources interim committee in the  
13 report required under W.S. 41-2-118(a) the amount of funds  
14 in any account which are in excess of that amount needed to  
15 meet obligations specified in subsections (d) through (j)  
16 of this section. Funds in excess of the amount needed to  
17 meet obligations specified in ~~subsection~~ subsections (d)  
18 through (j) of this section shall be deposited in water  
19 development account I created by W.S. 41-2-124(a)(i).

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21 **41-3-742. Powers generally.**

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23 (a) The board shall have power on behalf of said  
24 districts:

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2 (iv) To construct and maintain works and  
3 establish and maintain facilities across or along any  
4 public street or highway, and in, upon, or over any vacant  
5 ~~public~~state lands which ~~public~~ lands are now, or may  
6 become, the property of the state of Wyoming and to  
7 construct works and establish and maintain facilities  
8 across any stream of water or water course; providing,  
9 however, that the district shall promptly restore any such  
10 street or highway to its former state of usefulness as  
11 nearly as may be, and shall not use the same in such manner  
12 as to completely or unnecessarily impair the usefulness  
13 thereof. The grant of the right to use such vacant lands  
14 shall be effective upon the filing by such district with  
15 the state board of land commissioners of an application  
16 showing the boundaries, extent and locations of the lands,  
17 rights-of-way, or easements desired for such purposes. If  
18 the land, rights-of-way or easements for which application  
19 shall be made is for the construction of any aqueduct,  
20 ditch, pipeline, conduit, drains, tunnel, or other works  
21 for the conveyance of water, or for roads, or for poles or  
22 towers, and wires for the conveyance of electrical energy  
23 or for telephonic or telegraphic communication no  
24 compensation shall be charged the district therefor, unless



1 in the opinion of the state board of land commissioners the  
2 construction of such works will render the remainder of the  
3 legal subdivision through which such works are to be  
4 constructed valueless or unsaleable, in which event the  
5 district shall pay for the lands to be taken and for such  
6 portion of any legal subdivision which in the opinion of  
7 the board is rendered valueless or unsaleable, at the rate  
8 of ten dollars (\$10.00) per acre. If the lands for which  
9 application is made are for the purposes other than the  
10 construction of roads or works for the conveyance of water,  
11 or electricity or telephonic or telegraphic communication,  
12 such district shall pay to the state for such lands at the  
13 rate of ten dollars (\$10.00) per acre. Upon filing such  
14 application, accompanied by map or plat showing the  
15 location or proposed location of such works and/or  
16 facilities, the fee title to so much of such state lands as  
17 shall be necessary or convenient to enable such district  
18 efficiently and without interference to construct, maintain  
19 and operate its works and to establish, maintain and  
20 operate its facilities, shall be conveyed to said district  
21 by patent. If an easement for right-of-way only over such  
22 lands be sought by the district, such easement or  
23 right-of-way shall be evidenced by permit or grant executed  
24 by or on behalf of the state board of land commissioners.

1 The state board of land commissioners may reserve easements  
2 and/or rights-of-way, in the public, across any lands in  
3 such patents, grants or permits described for streets,  
4 roads and highways theretofore established according to  
5 law. Before any such patent, grant or permit shall be  
6 executed, any compensation due to the state under the  
7 provisions hereof, must be paid. No fee shall be exacted  
8 from the district for any patent, permit or grant so issued  
9 or for any service rendered hereunder. In the use of  
10 streets, the district shall be subject to the reasonable  
11 rules and regulations of the county, city or town where  
12 such streets lie, concerning excavation and the refilling  
13 of excavation, the relaying of pavements and the protection  
14 of the public during periods of construction; provided,  
15 that the district shall not be required to pay any license  
16 or permit fees, or file any bonds. The district may be  
17 required to pay reasonable inspection fees;

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19 **Section 2.** W.S. 9-2-2003(c) is repealed.

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21 **Section 3.** This act is effective July 1, 2007.

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(END)