

SENATE FILE NO. SF0020

State land transactions.

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

A BILL

for

1 AN ACT relating to state lands; requiring state agencies to
2 obtain the advice and consent of the board of land
3 commissioners before the receipt, acquisition, exchange,
4 sale or disposal of land; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 36-2-111 is created to read:

10

11 **36-2-111. Advice and consent for the sale, exchange**
12 **or acquisition of land.**

13

14 No state agency, board, commission, department, division or
15 other instrumentality or officer shall receive, acquire,

1 exchange, sell or otherwise dispose of land without first
2 receiving the advice and consent of the board.

3

4 **Section 2.** W.S. 11-10-107, 19-7-103(b)(x) through
5 (xii) and (xvi), 21-17-204(a)(iv), 23-1-302(a)(iii)(intro),
6 (iv) and (v), 33-19-106(b), 35-11-1205(a)(intro),
7 36-4-104(a)(i), 36-4-106(a), 36-4-107, 36-4-108(a) and
8 41-2-114(a)(iv)(C) are amended to read:

9

10 **11-10-107. Power of board to acquire land; authority**
11 **to make rules and regulations; renting and use of**
12 **fairgrounds; gambling and liquor prohibited.**

13

14 Subject to W.S. 36-2-111, the board may acquire by donation
15 or lease in the name of the state any lands necessary for
16 conducting the state fair, and may make all rules and
17 regulations necessary for the conduct and government of the
18 exhibitions, the sale of privileges, and the proper
19 control, operation and conduct of the state fair not
20 inconsistent with the constitution and laws of this state.
21 The board may rent out or donate the use of the state
22 fairgrounds for stabling and training stock and holding
23 stock sales. The grounds may be used free of charge for
24 encampment grounds for the state militia under the

1 direction of the adjutant general of the state. The board
2 may permit the grounds and facilities to be used for other
3 purposes and may charge fees as it deems necessary to pay
4 the expenses of maintaining the grounds and facilities. The
5 board shall not permit any gambling device of any nature to
6 be operated on the grounds, or permit any unlawful betting,
7 or permit any intoxicating liquors to be sold thereon
8 except as provided by W.S. 12-4-505.

9

10 **19-7-103. Adjutant general; appointment; rank;**
11 **removal; duties and qualifications.**

12

13 (b) The adjutant general of Wyoming shall have powers
14 and duties and be paid a salary as follows:

15

16 (x) Subject to W.S. 36-2-111, he may purchase
17 for cash or upon contract or otherwise acquire lands within
18 Wyoming for use by the national guard or for the use of
19 other elements of the armed forces as an artillery and
20 target range and training and maneuvering area. He may
21 acquire lands for such purposes by eminent domain when the
22 state board of land commissioners gives its written
23 approval or consent;

24

1 (xi) Subject to W.S. 36-2-111, he may accept
2 gifts of land for the purposes provided by paragraph (x) of
3 this subsection and may lease, or accept payment in kind as
4 consideration for any lease, any of the acquired parcels of
5 land or buildings during periods when the lands are not in
6 use for military purposes. He may acquire and install on
7 the land such permanent improvements, including fences, as
8 may be necessary for the full utilization of the land for
9 the military purposes herein declared;

10

11 (xii) Subject to W.S. 36-2-111, he may dispose
12 of lands, buildings or fixtures under the control of the
13 department by sale, exchange or other transfer. He may
14 execute deeds for such transfers in the name of the state.
15 Money from such sale, exchange or transfer may be utilized
16 for the acquisition of additional lands, buildings or
17 fixtures within the same budget biennium. Any such sale,
18 exchange or other transfer shall be conducted in accordance
19 with the provisions of W.S. 36-9-101, 36-9-102 and 36-9-104
20 through 36-9-120, except these provisions of W.S. title 36,
21 chapter 9 shall not apply when both the title to the land
22 and to all buildings thereon is solely in the name of the
23 department or any division of the department and the
24 provisions of W.S. 9-2-1016(b)(viii) also shall not apply

1 when both the title to the land and to all buildings
2 thereon is solely in the name of the department or any
3 division of the department. The sections of title 36
4 identified in this paragraph and W.S. 9-2-1016(b)(viii)
5 also shall not apply when any such sale, exchange or other
6 transfer is to another governmental entity, state agency or
7 local government, as defined in W.S. 1-39-103, even if the
8 title to the land and to all buildings thereon are not
9 solely in the name of the department or a division thereof;

10

11 (xvi) He shall control all armories that are
12 owned, erected, purchased, leased or provided by the state.
13 Subject to W.S. 36-2-111, he may acquire, in the name of
14 the state of Wyoming, by purchase, donation or dedication
15 any property which may be used for military purposes. For
16 the control and management of armories described in this
17 paragraph, he may establish armory boards whose personnel
18 shall serve without pay. Subject to his direction, armory
19 boards shall control, manage and supervise all activities
20 in armories and may rent armories to persons or
21 organizations not connected with the organized militia;

22

23 **21-17-204. Additional powers and duties; sectarian or**
24 **partisan instruction or test prohibited.**

1

2 (a) The board of trustees shall prescribe rules for
3 the government of the university and all its branches,
4 elect the requisite officers, professors, instructors and
5 employees, a director of finance and budget and a
6 superintendent of buildings and grounds, any of whom may be
7 removed for cause, and fix the salary and term of office of
8 each. The board of trustees shall prescribe the studies to
9 be pursued and the textbooks to be used, and determine the
10 qualifications of applicants for admission to the various
11 courses of study. No instruction either sectarian in
12 religion or partisan in politics shall ever be allowed in
13 any department of the university, and no sectarian or
14 partisan test shall ever be exercised or allowed in the
15 appointment of trustees or in the election or removal of
16 professors, teachers or other officers of the university or
17 in the admission of students thereto, or for any purpose
18 whatsoever. The board of trustees may:

19

20 (iv) Subject to W.S. 36-2-111, hold, manage,
21 lease or dispose of, according to law, any real or personal
22 estate as is conducive to the welfare of the institution;

23

24 **23-1-302. Powers and duties.**

1

2 (a) The commission is directed and empowered:

3

4 (iii) Subject to W.S. 36-2-111, to acquire lands
5 and waters in the name of Wyoming by purchase, lease,
6 agreement, gift or devise, not including powers of eminent
7 domain, and to develop, improve, operate, and maintain the
8 same for the following purposes:

9

10 (iv) Subject to W.S. 36-2-111, to acquire
11 easements and construct suitable access roads leading to
12 public lands and department lands and waters acquired
13 pursuant to W.S. 23-1-302(a)(iii);

14

15 (v) Subject to W.S. 36-2-111, to sell, exchange,
16 lease or assign any fee ownership interest in any land,
17 water, or other property heretofore or hereafter acquired;

18

19 **33-19-106. Screening; relocation or removal of**
20 **junkyards; condemnation proceedings.**

21

22 (b) When the commission determines that the
23 topography of the land adjoining the interstate or primary
24 systems will not permit adequate screening of such

1 junkyards, or that the screening would not be economically
2 feasible, the commission may require the relocation,
3 removal or disposal of the junk and junkyard by negotiation
4 or condemnation. Subject to W.S. 36-2-111, when the
5 commission determines that it is in the best interests of
6 the state, it may acquire such land or interest in land as
7 necessary to provide adequate screening of the junkyards.

8

9 **35-11-1205. Land acquisition and disposal.**

10

11 (a) Subject to W.S. 36-2-111, the state may acquire
12 any land, by purchase, donation or condemnation, which is
13 adversely affected by past coal mining practices if the
14 director, with the concurrence of the governor, finds that
15 acquisition of the land is necessary to successful
16 reclamation and that:

17

18 **36-4-104. Powers; interpretive service agreements.**

19

20 (a) The department of state parks and cultural
21 resources, in consultation with the commission, may,
22 subject to the provisions of this act:

23

1 (i) Subject to W.S. 36-2-111, acquire and accept
2 title in the name of the state of Wyoming, by grant,
3 dedication, gift, devise, donation, or demise, to any lands
4 suitable as an outdoor recreation area or facility;

5

6 **36-4-106. Plan for acquisition and development of**
7 **resources; authority of department; coordination of**
8 **activities; exceptions; agreements with United States;**
9 **state archaeologist.**

10

11 (a) The department of state parks and cultural
12 resources, in consultation with the commission, shall
13 prepare, maintain and keep up to date a comprehensive plan
14 for the acquisition and development of outdoor recreation
15 resources of the state. The department and the commission
16 shall prepare the comprehensive plan in accordance with
17 subsections (e) and (f) of this section. Subject to W.S.
18 36-2-111, authority is hereby granted to the department of
19 state parks and cultural resources, in consultation with
20 the commission, to develop, operate and maintain outdoor
21 recreation areas and facilities of the state and to acquire
22 pursuant to provisions of law, but not by the power of
23 eminent domain, land, waters and interest in land and
24 waters for such areas and facilities. Authority is hereby

1 granted to the department, in consultation with the
2 commission, to enter into contracts and agreements with the
3 United States, or any appropriate agency thereof, to keep
4 financial and other records relating thereto, and to
5 furnish to appropriate officials and agencies of the United
6 States such reports and information as may be reasonably
7 necessary to enable such officials or agencies to perform
8 their duties under the provisions of Public Law 88-578 or
9 any other applicable federal statutes.

10

11 **36-4-107. Authority to lease; exchange of lands and**
12 **contracts with United States.**

13

14 The department, in consultation with the commission, shall
15 have the power and is hereby authorized to lease, grant or
16 operate any outdoor recreation area or facility belonging
17 to the state which is not subject to lease, grant or
18 operation by another agency of the state. Subject to W.S.
19 36-2-111, the department, in consultation with the
20 commission, may exchange state lands which are not
21 appropriated to other use for United States outdoor
22 recreation areas and facilities, and under contract with
23 the United States, may take over the management, leasing
24 and operation of any such area or facility. Where the

1 department deems it to be in the best interest of the
2 state, it may, in consultation with the commission,
3 contract with the United States government or any
4 authorized federal agency for the operation of any outdoor
5 recreation area or facility established by the department.

6

7 **36-4-108. Acquisition and supervision of historical**
8 **parks and sites.**

9

10 (a) Subject to W.S. 36-2-111, the department, in
11 consultation with the commission, may receive or acquire,
12 but not by use of the power of eminent domain, historical
13 parks and sites within the state. Nothing in this section
14 limits the authority of the department to receive, acquire
15 and to maintain, but not by use of the power of eminent
16 domain, land for other outdoor recreation areas and
17 facilities. The department shall be subject to the
18 provisions of W.S. 36-4-106(e) and (f) when acting pursuant
19 to this section.

20

21 **41-2-114. Development of water projects;**
22 **rehabilitation of water projects.**

23

1 (a) The commission shall, on the basis of the state
2 water plan or as otherwise directed by the legislature and
3 after consultation with and advice from state agencies and
4 officials, other appropriate agencies and officials, the
5 joint business council of the Eastern Shoshone and Northern
6 Arapaho Indian tribes, the business council of the Eastern
7 Shoshone Indian tribe, the business council of the Northern
8 Arapaho Indian tribe and members of the public, identify
9 and select potential projects to be studied for inclusion
10 in the Wyoming water development program pursuant to the
11 following schedule:

12

13 (iv) Level III construction and operation plans
14 shall proceed as authorized and approved by the legislature
15 under the immediate direction and control of the
16 commission. Preference in the marketing of hydroelectric
17 power from any such project shall be given to utilities
18 serving Wyoming municipalities and to rural electric
19 cooperatives where economical and permissible under federal
20 law. Pursuant to legislative authorization for water
21 development projects and prior to completion of Level III
22 construction the commission may:

23

1 (C) Subject to W.S. 36-2-111, acquire by
2 purchase, lease, appropriation, gift, exchange or eminent
3 domain, necessary land, easements and other property for
4 construction, operation and maintenance of water projects
5 and accept gifts, grants and contributions of money from
6 any source;

7

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

12

13

(END)