

SENATE FILE NO. SF0103

Land management program.

Sponsored by: Senator(s) Jennings

A BILL

for

1 AN ACT relating to administration of government; creating
2 the land management program in the office of state lands
3 and investment; specifying duties of the program; providing
4 an appropriation; authorizing positions; providing for a
5 sunset date; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 36-3-201 through 36-3-209 are created
10 to read:

11

12 ARTICLE 2

13 OFFICE OF LAND MANAGEMENT

14

15 **36-3-201. Definitions.**

16

1 (a) As used in this article:

2

3 (i) "Federal land management agency" means the
4 bureau of land management, the United States forest
5 service, the national park service, the bureau of
6 reclamation, the United States fish and wildlife service,
7 the army corps of engineers, the United States department
8 of defense or any other federal agency with management
9 responsibilities for federal lands in Wyoming;

10

11 (ii) "Management board" means the management
12 board of the land management program;

13

14 (iii) "Manager" means the manager of the land
15 management program;

16

17 (iv) "Program" means the land management program
18 within the office of state lands and investments, real
19 estate management and farm loans division.

20

21 **36-3-202. Land management program created; functions.**

22

1 (a) There is created within the office of state lands
2 and investments, real estate management and farm loans
3 division, the land management program.

4
5 (b) The program shall facilitate the transfer of
6 management responsibilities for specified federal lands in
7 Wyoming from federal land management agencies to the
8 program or other assigned state agencies. The program shall
9 manage the transferred lands in accordance with the terms
10 of this article.

11
12 **36-3-203. Authority to negotiate land transfers.**

13
14 (a) The program shall enter into negotiations with
15 federal land management agencies as the representative of
16 the state for the transfer of federal lands to state
17 management.

18
19 (b) The program shall be charged with managing or
20 assigning management of the lands as mandated by the
21 agreements with the federal land management agencies. The
22 program shall manage the lands in trust for the optimum
23 benefit of the citizens of Wyoming and the United States.

1 **36-3-204. Appointment of manager; qualifications of**
2 **manager; term; employment of assistants.**

3
4 The management board shall appoint a manager of the program
5 who is the program's administrative head. The manager shall
6 possess technical qualifications and administrative and
7 other experience sufficient to fulfill the duties of his
8 position. The manager shall serve at the pleasure of the
9 management board. The manager may employ professional,
10 technical and other assistants, along with other employees
11 as may be necessary to carry out the purposes of this
12 article.

13
14 **36-3-205. Powers and duties of the manager.**

15
16 (a) In addition to any other powers and duties
17 imposed by law, the manager shall:

18
19 (i) Perform any and all acts necessary to
20 promulgate, administer and enforce the provisions of this
21 article and any rules, regulations, orders, limitations,
22 standards, requirements or permits adopted, established or
23 issued thereunder, and to exercise all incidental powers as
24 necessary to carry out the purposes of this article;

1

2 (ii) Advise, consult and cooperate with other
3 agencies of the state, the federal government, other
4 states, interstate agencies and other persons in
5 furtherance of the purposes of this article;

6

7 (iii) Represent the state in any matters
8 pertaining to plans, procedures or negotiations for
9 interstate compacts or other intergovernmental arrangements
10 relating to this article;

11

12 (iv) Accept, receive and administer any grants,
13 gifts, loans or other funds made available from any source
14 for the purposes of this article. Any monies received by
15 the manager pursuant to this paragraph shall be deposited
16 with the state treasurer in the account or fund as provided
17 by law for the purpose designated;

18

19 (v) To administer, in accordance with this
20 article, any permit or certification system which may be
21 established hereunder;

22

23 (vi) To recommend to the management board that
24 any rule, regulation, standard or any amendment adopted

1 hereunder may differ in its terms and provisions as between
2 particular types, characteristics, quantities, conditions
3 and circumstances of land, water or other resources managed
4 and as between particular areas of the state;

5
6 (vii) Exercise the powers and duties conferred
7 and imposed by this article.

8
9 (b) The manager is authorized, with the approval of
10 the management board, to issue any grazing, timber harvest
11 or other permit or license as authorized and specified in
12 the terms of the agreements reached with the federal land
13 management agencies.

14
15 (c) In addition to any other powers and duties
16 imposed by law, the program shall allow the permitting and
17 reporting requirements of this article to be conducted
18 electronically as provided by the Uniform Electronic
19 Transaction Act, W.S. 40-21-101 through 40-21-119 and any
20 applicable federal electronic requirements.

21
22 **36-3-206. Management board created; membership;**
23 **terms; removal; meetings.**

1 (a) There is created a management board for the land
2 management program consisting of eleven (11) members. Nine
3 (9) members of the board shall be appointed by the governor
4 with the advice and consent of the senate. Of the remaining
5 two (2) members, one (1) shall be appointed by the governor
6 upon the recommendation of the senate as expressed by the
7 president of the senate, one (1) shall be appointed by the
8 governor upon the recommendation of the house as expressed
9 by the speaker of the house. The governor may remove any
10 member of the board as provided in W.S. 9-1-202. At all
11 times, there shall be two (2) members from the agricultural
12 community, two (2) members from the mineral industry, two
13 (2) members from the sportsmen community and two (2)
14 members from the tourism community. The remaining three (3)
15 members shall be members at large.

16

17 (b) The terms of the members shall be four (4) years,
18 except that of the initial appointments: three (3) members
19 shall serve for two (2) years, four (4) members shall serve
20 for three (3) years and four (4) members shall serve for
21 four (4) years, as designated by the initial appointment.
22 If a vacancy occurs, the governor shall appoint a new
23 member as provided in W.S. 28-12-101.

24

1 (c) The management board shall hold its first meeting
2 no later than July 1, 2007 to elect a chairman from among
3 the members to serve a two (2) year term. The management
4 board shall also elect from its membership a vice-chairman
5 and a secretary, each for a term of two (2) years, and
6 shall keep a record of its proceedings.

7
8 (d) The management board shall hold at least four (4)
9 regularly scheduled meetings each year. Additional meetings
10 may be called by the chairman, and additional meetings
11 shall be called by the chairman upon a written request
12 submitted by four (4) or more members. Six (6) members
13 shall constitute a quorum. All matters shall be decided by
14 a majority vote of those board members present.

15
16 (e) Members of the board shall receive mileage, per
17 diem and salary for attending board meetings or other
18 meetings as assigned by the chairman, in the same amount as
19 state legislators. Members of the board shall receive no
20 other compensation for serving on the board.

21
22 (f) Appointments and terms under this section shall
23 be in accordance with W.S. 28-12-101 through 28-12-103.

24

1 **36-3-207. Powers and duties of the management board.**

2

3 (a) The management board shall direct and assist the
4 manager in the development and implementation of
5 comprehensive plans and systems for the management of lands
6 controlled by the program.

7

8 (b) The management board shall direct and assist the
9 manager in the adoption of rules, regulations and standards
10 to implement and carry out the provisions and purposes of
11 this article which relate to the program.

12

13 (c) The management board shall counsel with, advise
14 and direct the manager in the administration and
15 performance of all the duties of the program and shall make
16 an annual written report to the director.

17

18 (d) The manager and staff shall provide the board
19 with meeting facilities, secretarial or clerical
20 assistance, supplies and such other assistance as the board
21 may require in the performance of its duties.

22

23 **36-3-208. Negotiating teams; duties; terms of**
24 **projects.**

1

2 (a) The manager, with the approval of the management
3 board, shall have the authority to employ negotiating
4 teams, on a contract basis, to contact federal agencies and
5 develop projects for the transfer of federal lands to the
6 program for management purposes.

7

8 (b) The terms of the agreements entered into with the
9 federal agencies shall:

10

11 (i) Require the federal government to pay a
12 minimum of seventy-five percent (75%) of the current cost
13 of management of the land to be managed by the office;

14

15 (ii) Create a fire suppression account:

16

17 (A) Requiring the federal government to pay
18 at least one cent (\$.01) per acre managed by the program
19 for fire suppression on the contracted land;

20

21 (B) Containing a reserve of not less than
22 twenty million dollars (\$20,000,000.00) and not more than
23 twenty-five million dollars (\$25,000,000.00);

24

1 (C) Requiring when the reserve in the fire
2 suppression account falls below twenty million dollars
3 (\$20,000,000.00) the federal government will be assessed a
4 monthly charge of one cent (\$.01) per acre managed by the
5 program until the reserves in the account reach twenty-five
6 million dollars (\$25,000,000.00).

7

8 (c) All agreements entered into by a negotiating team
9 with a federal land management agency shall be approved by
10 the management board and the board of land commissioners
11 before it is executed.

12

13 (d) The manager shall appoint the negotiating team,
14 with the consent of the management board.

15

16 (e) The salaries and compensation of the negotiating
17 team shall be set by the manager with the approval of the
18 management board.

19

20 **36-3-209. Existing permit requirements.**

21

22 Nothing in this article shall supersede any other
23 applicable state permitting requirement.

24

1 **Section 2.** The management board shall appoint a
2 manager of the land management program not later than
3 September 1, 2007. The governor shall appoint the
4 management board no later than June 1, 2007. The first
5 meeting of the management board shall be held not later
6 than July 1, 2007.

7
8 **Section 3.** Three million dollars (\$3,000,000.00) is
9 appropriated from the general fund to the land management
10 program for the fiscal biennium ending June 30, 2008.
11 Three (3) full-time positions, including the manager, are
12 authorized for the operation of the land management
13 program, the management board and for the purposes of this
14 act. Upon successful completion of the land management
15 contracts authorized by this act between the program and a
16 federal land management agency, the manager may employ
17 additional full-time employees for program sections
18 managing United States forest service, bureau of land
19 management or national park contracts. Each section may
20 employ one (1) supervisor and two (2) office personnel as
21 needed to achieve the purposes of this act.

22

23 **Section 4.** This act will sunset January 31, 2010.

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