

HOUSE BILL NO. HB0228

Transfer of federal lands-study.

Sponsored by: Representative(s) Miller, Greear, Jaggi,
Larsen and Madden and Senator(s) Bebout and
Hicks

A BILL

for

1 AN ACT relating to public lands; creating the task force on
2 the transfer of federal lands; requiring a report from the
3 attorney general on possible legal recourses available to
4 compel the federal government to relinquish ownership and
5 management of specified federal lands in Wyoming; requiring
6 a study and report by the task force to the joint
7 agriculture, state and public lands and water resources
8 interim committee as specified; providing an appropriation;
9 and providing for an effective date.

10

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

12

13 **Section 1.**

14

15 (a) There is created a task force on the transfer of
16 public lands consisting of the following members:

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2 (i) Two (2) members of the Wyoming senate,
3 appointed by the president of the senate. One (1) of the
4 members shall be designated as cochairman;

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6 (ii) Two (2) members of the Wyoming house of
7 representatives, appointed by the speaker of the house.
8 One (1) of the members shall be designated as cochairman;

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10 (iii) Five (5) members appointed by the
11 governor. One (1) of the members shall have a background
12 in oil and gas production, one (1) shall have a background
13 in mining, one (1) shall be a county commissioner, one (1)
14 shall have a background in travel and recreation and one
15 (1) shall have a background in agriculture.

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17 (b) The task force shall be staffed by the
18 legislative service office. The department of
19 administration and information and the University of
20 Wyoming school of energy resources shall serve in an
21 advisory capacity to the task force and shall provide
22 technical and other relevant information as requested.
23 State agencies shall provide information and assistance to

1 the task force as provided in this act and as requested by
2 the task force.

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4 (c) The task force shall study the following, as they
5 relate to loss of revenues to the state of Wyoming due to
6 federally owned and managed lands:

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8 (i) Loss of property tax revenues to the state
9 of Wyoming from federal land ownership;

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11 (ii) Permitting delays associated with, or
12 caused by, analysis of proposed actions on federal lands
13 under the National Environmental Protection Act or other
14 federal law or regulation;

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16 (iii) Management of lands as wilderness;

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18 (iv) Management of public lands under the
19 National Wild and Scenic Rivers Act, 16 U.S.C. 1271 et
20 seq.;

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22 (v) Other relevant federal actions or policies
23 the task force determines impacts revenues to the state of
24 Wyoming.

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2 (d) The attorney general shall report to the task
3 force on the possible legal recourses available to the
4 state of Wyoming to compel the federal government to
5 transfer ownership and control of federally owned and
6 managed lands to the state of Wyoming or to private
7 individuals on or before September 1, 2013. The attorney
8 general shall provide an opinion to the task force on the
9 likelihood of success of each possible legal recourse
10 available to require the United States to transfer title to
11 federally owned and managed lands, considering
12 constitutional provisions and applicable decisions of the
13 United States Supreme Court and other courts of competent
14 jurisdiction.

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16 (e) The task force shall submit its recommendations,
17 including proposed legislation with respect to the issues
18 specified in subsection (c) and (d) of this section, to the
19 joint agriculture, state and public lands and water
20 resources interim committee no later than November 1, 2013.
21 The joint agriculture, state and public lands and water
22 resources interim committee shall consider the
23 recommendations and develop legislation it deems

1 appropriate for consideration by the legislature.

2 Recommendations under this subsection may include:

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4 (i) Creating or assigning a state commission or
5 agency to:

6

7 (A) Administer the transfer of title of
8 federally owned and managed lands to the state; and

9

10 (B) Address the management of lands
11 formerly owned and managed by the United States and the
12 management of multiple uses of these lands, including
13 addressing managing open space, access, local planning and
14 the sustainable yield of natural resources.

15

16 (ii) To establish actions that shall be taken to
17 secure, preserve and protect the state's rights and
18 benefits related to the United States' duty to have title
19 extinguished to federally owned and managed lands;

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21 (iii) Making a determination of or a process for
22 determining interests, rights or uses related to:

23

24 (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;

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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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(K) Timber;

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(M) Water; or

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(N) Other natural resources or other

23 resources.

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1 (iv) To administer the process for:

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3 (A) The state of Wyoming, other entity or
4 private individuals to receive title to formerly federally
5 owned and managed lands from the United States; and

6

7 (B) The state of Wyoming to transfer title
8 to any formerly federally owned and managed lands the state
9 receives in accordance with this act.

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11 (v) Establishing a prioritized list of
12 management actions for the state of Wyoming and political
13 subdivisions of the state to perform on formerly federally
14 owned and managed lands before and after the United States
15 extinguishes title to federally owned and managed lands in
16 order to preserve and promote the state's interest in:

17

18 (A) Protecting public health and safety;

19

20 (B) Preventing catastrophic wildfire and
21 forest insect infestation;

22

23 (C) Preserving watersheds;

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1 (D) Preserving and enhancing Wyoming's
2 mineral tax base;

3

4 (E) Preserving and improving range
5 conditions and increasing plant diversity and reducing
6 invasive weeds on range and forested portions of the
7 federally owned and managed lands.

8

9 (vi) Establishing procedures and requirements
10 for subjecting formerly federally owned and managed lands
11 to property taxation;

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13 (vii) Addressing the indemnification of a
14 political subdivision of the state of Wyoming for actions
15 taken in furtherance of this act; and

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17 (viii) Any other issue related to formerly
18 federally owned and managed lands as determined by the task
19 force.

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21 (f) The studies and reports required under this
22 section shall not apply to:

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24 (i) Yellowstone National Park;

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(ii) Grand Teton National Park;

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

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(iv) Bighorn Canyon National Recreation Area;

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(v) Devils Tower National Monument;

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(vi) Fort Laramie National Historic Site; and

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(vii) Fossil Butte National Monument.

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(g) The task force shall exist until December 31,

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2013. Members of the task force who are not state

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employees or legislators shall not receive a salary but

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shall receive reimbursement for mileage and per diem

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expenses at the rate provided for legislators under W.S.

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28-5-101. Members of the task force who are legislators

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shall be paid salary, per diem and mileage as provided in

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W.S. 28-5-101 for their official duties as members of the

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task force.

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Section 2.

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2 (a) There is appropriated from the general fund:

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4 (i) Eighteen thousand dollars (\$18,000.00) to
5 the legislative service office for payment of salary, per
6 diem and mileage for legislative task force members;

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8 (ii) Twelve thousand dollars (\$12,000.00) to the
9 governor's office for payment of authorized per diem and
10 mileage for nonlegislative task force members.

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12 **Section 3.** 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.

16

17 (END)