

SENATE FILE NO. SF0090

Administrative control of acquired institutional lands.

Sponsored by: Senator(s) Bebout and Geis

A BILL

for

1 AN ACT relating to state lands; providing for the
2 management and control of certain institutional lands by
3 the board of land commissioners as specified; providing
4 definitions; providing that the director of the office of
5 state lands shall determine the highest and best use for
6 acquired institutional lands managed by the board of land
7 commissioners as specified; requiring a report; providing
8 an appropriation; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-2-2005 by creating new subsections
13 (g) through (j), 9-2-2006 by creating new subsections (e)
14 through (g), 9-2-2012 by creating new subsections (e)
15 through (g) and 36-3-102(c) by creating a new paragraph
16 (vi) are amended to read:

17

1 9-2-2005. Department of health created; director
2 appointed; structure.

3
4 (g) The board of land commissioners shall direct,
5 subject to the limitations contained in the constitution of
6 the state of Wyoming, applicable state and federal law and
7 the conveyance instrument, the control, leasing, exchange,
8 care and disposal of all acquired institutional lands not
9 directly utilized for departmental purposes that are
10 managed or associated with the institutions set forth in
11 W.S. 9-2-2005(c) whether held in the name of the state or
12 in the name of the department. Any amount received from
13 transactions involving such lands shall be credited to the
14 general fund unless otherwise directed by state or federal
15 law or the conveyance instrument.

16
17 (h) All acquired institutional lands managed by the
18 board of land commissioners subject to subsection (g) of
19 this section shall be managed to their highest and best
20 use, subject to the limitations contained in the
21 constitution of the state of Wyoming, state and federal law
22 and the conveyance instrument.

23
24 (j) As used in this section:

1

2 (i) "Acquired institutional lands" means state
3 lands acquired by the state for the benefit of state
4 institutions, but shall not include school lands or other
5 lands held in trust by the state of Wyoming;

6

7 (ii) "Highest and best use" means the use that
8 will yield the maximum possible benefit to the state
9 without impairing foreseeable uses of the property by the
10 department.

11

12 **9-2-2006. Department of family services created;**
13 **director appointed; structure.**

14

15 (e) The board of land commissioners shall direct,
16 subject to the limitations contained in the constitution of
17 the state of Wyoming, applicable state and federal law and
18 the conveyance instrument, the control, leasing, exchange,
19 care and disposal of all acquired institutional lands not
20 directly utilized for departmental purposes that are
21 managed or associated with the institutions set forth in
22 W.S. 9-2-2006(c) whether held in the name of the state or
23 in the name of the department. Any amount received from
24 transactions involving such lands shall be credited to the

1 general fund unless otherwise directed by state or federal
2 law or the conveyance instrument.

3
4 (f) All acquired institutional lands managed by the
5 board of land commissioners subject to subsection (e) of
6 this section shall be managed to their highest and best
7 use, subject to the limitations contained in the
8 constitution of the state of Wyoming and federal law and
9 the conveyance instrument.

10
11 (g) As used in this section:

12
13 (i) "Acquired institutional lands" means state
14 lands acquired by the state for the benefit of state
15 institutions, but shall not include school lands or other
16 lands held in trust by the state of Wyoming;

17
18 (ii) "Highest and best use" means the use that
19 will yield the maximum possible benefit to the state
20 without impairing foreseeable uses of the property by the
21 department.

22
23 **9-2-2012. Department of corrections created; director**
24 **appointed; structure.**

1

2 (e) The board of land commissioners shall direct,
3 subject to the limitations contained in the constitution of
4 the state of Wyoming, applicable state and federal law and
5 the conveyance instrument, the control, leasing, exchange,
6 care and disposal of all acquired institutional lands not
7 directly utilized for departmental purposes that are
8 managed or associated with the institutions set forth in
9 W.S. 9-2-2012(c) whether held in the name of the state or
10 in the name of the department. Any amount received from
11 transactions involving such lands shall be credited to the
12 general fund unless otherwise directed by state or federal
13 law or the conveyance instrument.

14

15 (f) All lands managed by the board of land
16 commissioners subject to subsection (e) of this section
17 shall be managed to their highest and best use, subject to
18 the limitations contained in the constitution of the state
19 of Wyoming, state and federal law and the conveyance
20 instrument.

21

22 (g) As used in this section:

23

1 (i) "Acquired institutional lands" means state
2 lands acquired by the state for the benefit of state
3 institutions, but shall not include school lands or other
4 lands held in trust by the state of Wyoming;

5
6 (ii) "Highest and best use" means the use that
7 will yield the maximum possible benefit to the state
8 without impairing foreseeable uses of the property by the
9 department.

10
11 **36-3-102. Duties generally.**

12
13 (c) The board shall have authority to override any
14 decision made by the director. Upon such terms and
15 conditions as shall be established by the board, in
16 addition to other powers enumerated in this section, the
17 director shall have authority to:

18
19 (vi) Determine, subject to approval of the
20 board, the highest and best use for acquired institutional
21 lands managed by the board pursuant to W.S. 9-2-2005,
22 9-2-2006 and 9-2-2012.

Section 2. The director of the office of state lands, in consultation with the directors of the departments of corrections, family services and health shall submit a report to the board of land commissioners and the joint minerals, business and economic development interim committee identifying lands that will be managed by the board of land commissioners pursuant to this act by October 1, 2013. The report shall also identify the potential highest and best use for each managed property.

Section 3. There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the office of state lands and investments for the purposes of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2014.

Section 4. This act is effective July 1, 2013.

(END)