

HOUSE BILL NO. HB0209

Transfer of federal lands.

Sponsored by: Representative(s) Miller, Brown, Clem,  
Greear, Halverson, Kroeker and Loucks and  
Senator(s) Bebout, Cooper, Driskill, Hicks  
and Meier

A BILL

for

1 AN ACT relating to public lands; requiring transfer of  
2 public lands; specifying distribution of proceeds from sale  
3 of public lands; creating a joint select committee on the  
4 transfer of public lands; providing duties of the  
5 committee; providing definitions; providing legislative  
6 findings; providing an appropriation; and providing for an  
7 effective date.

8

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

10

11 **Section 1.** W.S. 36-12-201 and 36-12-202 are created  
12 to read:

13

14

ARTICLE 2

## 1 TRANSFER OF FEDERAL PUBLIC LANDS

2

3 **36-12-201. Definitions**

4

5 (a) As used in this article:

6

7 (i) "Governmental entity" means any federal,  
8 state, local or other governmental unit, subdivision,  
9 agency, department or instrumentality thereof;

10

11 (ii) "Net proceeds" means the proceeds from the  
12 sale of public lands, after subtracting expenses incident  
13 to the sale of the public lands;

14

15 (iii) "Public lands" means lands within the  
16 exterior boundaries of Wyoming, except:

17

18 (A) Lands to which title is held by a  
19 person who is not a governmental entity;

20

21 (B) Lands owned or held in trust by the  
22 state, a political subdivision of the state or an  
23 independent entity;

1

2                   (C) Lands reserved for use by the state  
3 system of public education or a state institution of higher  
4 education;

5

6                   (D) School and institutional trust lands;

7

8                   (E) The following national parks and other  
9 areas:

10

11                   (I) Yellowstone National Park;

12

13                   (II) Grand Teton National Park;

14

15                   (III) John D. Rockefeller, Jr.  
16 Memorial Parkway;

17

18                   (IV) Bighorn Canyon National  
19 Recreation Area;

20

21                   (V) Devils Tower National Monument;

22

1 (VI) Fort Laramie National Historic  
2 Site; and

3

4 (VII) Fossil Butte National Monument.

5

6 (F) Any other lands within the exterior  
7 boundaries of Wyoming as of January 1, 2015, that are  
8 managed by the United States as a national park, designated  
9 national monument or wilderness area designated under the  
10 national wilderness preservation system;

11

12 (G) Real property or tangible personal  
13 property owned by the United States if the property is  
14 within the boundaries of a municipality;

15

16 (H) Any lands managed or owned by any  
17 branch of the United States military or the United States  
18 department of energy; or

19

20 (J) Lands, including water rights,  
21 belonging to an Indian or Indian tribe, band or community  
22 that is held in trust by the United States or is subject to

1 a restriction against alienation imposed by the United  
2 States.

3

4 **36-12-202. Transfer of public lands.**

5

6 (a) On or before December 31, 2017, the United States  
7 shall:

8

9 (i) Extinguish title to all public lands; and

10

11 (ii) Transfer title to public lands to the state  
12 of Wyoming.

13

14 (b) If the state subsequently transfers title to any  
15 public lands received under subsection (a) of this section,  
16 the state shall:

17

18 (i) Retain five percent (5%) of the net proceeds  
19 the state receives from the transfer of title; and

20

21 (ii) Transfer ninety-five percent (95%) of the  
22 net proceeds the state receives from the transfer of title  
23 to the United States.

1

2 (c) In accordance with the Wyoming state  
3 constitution, the amount the state retains in accordance  
4 with paragraph (b)(i) of this section shall be deposited  
5 into the permanent common school account within the  
6 permanent land fund.

7

8 **Section 2.**

9

10 (a) There is created a joint select committee on the  
11 transfer of public lands, with members as follows:

12

13 (i) The speaker of the house of representatives  
14 shall appoint not more than three (3) members from the  
15 majority party and not less than one (1) member from the  
16 minority party of the house of representatives; and

17

18 (ii) The president of the senate shall appoint  
19 not more than three (3) members from the majority party and  
20 not less than one (1) member from the minority party of the  
21 senate.

22

1           (b) The committee shall choose its chair or cochairs  
2 from among its membership.

3

4           (c) The committee shall, with guidance from other  
5 interested parties and stakeholders, prepare proposed  
6 legislation:

7

8                   (i) Creating a public lands commission assigned  
9 with:

10

11                           (A) Administering the transfer of title of  
12 public lands to the state under W.S. 36-12-202; and

13

14                           (B) Addressing the management of public  
15 lands and the management of multiple uses of public lands  
16 and recognizing all existing rights.

17

18                           (ii) Establishing actions that shall be taken to  
19 secure, preserve and protect the state's rights and  
20 benefits related to the United States' duty to have  
21 extinguished title to public lands under W.S. 36-12-202 in  
22 the event that the United States does not meet the  
23 requirements of W.S. 36-12-202;

1

2 (iii) Recommending any necessary modifications  
3 to the definition of "public lands" as provided in W.S.  
4 36-12-201(a)(iii);

5

6 (iv) Making a determination of, or creating a  
7 process for determining, interests, rights or uses related  
8 to:

9

10 (A) Easements;

11

12 (B) Geothermal resources;

13

14 (C) Grazing;

15

16 (D) Mining;

17

18 (E) Natural gas;

19

20 (F) Oil and other fossil fuels;

21

22 (G) Recreation;

23



1 (H) Rights of entry;

2

3 (J) Special uses;

4

5 (K) Timber;

6

7 (M) Water;

8

9 (N) Hunting and fishing; or

10

11 (O) Other natural resources or other  
12 resources.

13

14 (v) Determining what constitutes "expenses  
15 incident to the sale of public lands" as provided in the  
16 definition of "net proceeds" under W.S. 36-12-201(a)(ii).

17

18 (d) The joint select committee on the transfer of  
19 public lands shall also study and determine whether to  
20 prepare proposed legislation related to:

21

22 (i) Establishing an administrative process for:

23

1                   (A) The United States to extinguish title  
2 to public lands;

3

4                   (B) The state to receive title to public  
5 lands from the United States; or

6

7                   (C) The state to transfer title to any  
8 public lands the state receives in accordance with W.S.  
9 36-12-202.

10

11                   (ii) Establishing a prioritized list of  
12 management actions for the state and the political  
13 subdivisions of the state to perform on public lands:

14

15                   (A) Before and after the United States  
16 extinguishes title to public lands under W.S. 36-12-202;  
17 and

18

19                   (B) To preserve and promote the state's  
20 interest in:

21

22                   (I) Protecting public health and  
23 safety;

1

2

(II) Preventing catastrophic wildfire  
and forest insect infestation;

4

5

(III) Preserving watersheds;

6

7

(IV) Preserving and enhancing energy  
and the production of minerals;

9

10

(V) Preserving and improving range  
conditions;

12

13

(VI) Increasing plant diversity and  
reducing invasive weeds on range and woodland portions of  
the public lands; and

16

17

(VII) Providing for no net loss of  
public access for hunting and fishing and other outdoor  
recreational purposes.

20

21

(iii) Establishing procedures and requirements  
for subjecting public lands to property taxation;

23

1           (iv) Establishing other requirements related to  
2 national forests, national recreation areas or other public  
3 lands administered by the United States; and

4

5           (v) Addressing the indemnification of a  
6 political subdivision of the state for actions taken in  
7 furtherance of W.S. 36-12-202.

8

9           (e) The joint select committee on the transfer of  
10 public lands also may study any other issue related to  
11 public lands as recommended by the governor.

12

13           (f) The joint select committee on the transfer of  
14 public lands shall:

15

16           (i) Make preliminary reports on the study and  
17 preparation of proposed legislation required under this  
18 section to the legislature by June 30, 2016 and by October  
19 31, 2016; and

20

21           (ii) Deliver a final report containing findings,  
22 recommendations and proposed legislation to the legislature  
23 not later than January 2, 2017.

1

2 (g) The select committee shall be staffed by the  
3 legislative service office. The office of state lands and  
4 investments and the attorney general shall serve in an  
5 advisory capacity to the task force and shall provide  
6 technical and other relevant information as requested.

7

8 (h) Members of the joint select committee on the  
9 transfer of public lands shall be paid salary, per diem and  
10 mileage as provided in W.S. 28-5-101 for their official  
11 duties as members of the select committee.

12

13 **Section 3.**

14

15 (a) The legislature finds that federal funding and  
16 the resulting capacity for responsible management of  
17 federal public lands are in serious jeopardy while critical  
18 threats such as beetle kills, invasive species, watershed  
19 degradation, access restrictions and catastrophic wildfires  
20 continue to escalate.

21

22 (b) The legislature further finds that the enabling  
23 act creating the state of Wyoming includes specific

1 provisions for the disposal of public lands and guarantees  
2 admittance into the union on equal footing with all other  
3 states. Wyoming, like other western states, has not  
4 received the full benefit of the provisions of the enabling  
5 act, related to the disposal of lands from the federal  
6 government. More specifically, section 7 of the act of  
7 admission requires "Five percent of the proceeds of the  
8 sales of public lands lying within said state .... shall be  
9 paid to the said state .... for the support of the common  
10 schools within said state."

11

12       **Section 4.** There is appropriated twenty-five thousand  
13 dollars (\$25,000.00) from the general fund to the  
14 legislative service office. This appropriation shall be for  
15 the period beginning with the effective date of this act  
16 and ending June 30, 2017. This appropriation shall only be  
17 expended for payment of salary, per diem and mileage for  
18 legislative select committee members.

19

1           **Section 5.** This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

5

6

(END)