

HOUSE BILL NO. HB0050

Legislative review of state land transfers.

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

A BILL

for

1 AN ACT relating to state lands; requiring legislative review
2 of state land exchanges and sales under specified conditions;
3 establishing review procedures; amending standards relating
4 to surface and mineral rights for land transfers; requiring
5 public hearings as specified; making conforming amendments;
6 and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 36-1-122 is created to read:

11

12 **36-1-122. Legislative review of state land transfers.**

13

14 (a) Except as otherwise provided in subsection (b) of
15 this section, before executing any proposed agreement to

1 conduct an exchange or sale of more than six hundred thirty-
2 nine (639) acres of state-owned lands to any person or
3 governmental entity, the director shall, after the approval
4 of the board, submit the proposed agreement to the legislature
5 for review as set forth in this section not more than one
6 hundred twenty (120) days before a regular or special
7 legislative session.

8

9 (b) In the context of a sale of more than six hundred
10 thirty-nine (639) acres of state-owned lands conducted
11 pursuant to article 18, section 1 of the Wyoming Constitution
12 and W.S. 36-9-102, the director shall, after the approval of
13 the board, submit an auction proposal outlining the lands to
14 be sold and the terms of the auction for review as set forth
15 in this section not more than one hundred twenty (120) days
16 before a regular or special legislative session.

17

18 (c) After submission of a proposed agreement or auction
19 proposal under subsection (a) or (b) of this section, no
20 further action shall be taken by the director until
21 legislative approval under subsection (d) of this section has
22 been granted.

23

1 (d) Consistent with the requirements of subsections (a)
2 through (c) of this section, a proposed agreement or auction
3 proposal shall be considered at the next regular or special
4 session of the legislature. The joint agriculture, state and
5 public lands and water resources interim committee shall
6 analyze the proposed agreement or auction proposal and, if
7 appropriate, sponsor legislation authorizing the transfer. If
8 authorizing legislation fails to become law, the director
9 shall not execute the agreement or conduct an auction unless
10 subsequent legislative authorization is obtained.

11

12 **Section 2.** W.S. 36-1-105, 36-1-106, 36-1-110,
13 36-1-111(a)(intro) and 36-1-117 are amended to read:

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15 **36-1-105. Exchange of land granted by federal**
16 **government.**

17

18 Subject to the requirements of W.S. 36-1-122, whenever, in
19 the judgment of a majority of the members of the board, the
20 interests of the state will be advanced by granting, conveying
21 or deeding to the United States of America, any lands which
22 have been heretofore granted, selected by, and patented to
23 the state, then, in such case said board is hereby authorized

1 and empowered to so grant, convey and deed to the United
2 States of America, such lands. And the president of said
3 board, and the director are authorized and empowered to
4 execute and deliver all necessary instruments to complete
5 such grant, or conveyance; provided, always, that no such
6 lands shall be so granted, conveyed and deeded, unless the
7 United States of America shall, and will permit and allow
8 this state to select, and have patented to it, ~~an equal area~~
9 ~~of~~ other lands of equal value, which may include both surface
10 and mineral rights, in lieu of the lands so reconveyed to the
11 United States of America; provided, however, that the state
12 shall not give both surface and mineral rights with any lands
13 exchanged unless it receives the same from the federal
14 government.

15

16 **36-1-106. Exchange of state-owned and federally owned**
17 **lands.**

18

19 Subject to the requirements of W.S. 36-1-122, the state of
20 Wyoming, in accordance with the provisions of the Taylor
21 Grazing Act and other acts of congress authorizing the
22 exchange of ~~federal-owned~~ federally owned lands, is hereby

1 authorized and empowered to exchange state-owned lands for
2 ~~federal-owned~~ federally owned lands.

3

4 **36-1-110. Authority of director to effect and complete**
5 **exchanges.**

6

7 Subject to approval of the board and the requirements of W.S.
8 36-1-122, the director is hereby authorized and empowered,
9 ~~subject to the approval of the state board of land~~
10 ~~commissioners,~~ to effect and complete such exchange of
11 state-owned lands for ~~federal-owned~~ federally owned lands;
12 and also to effect and complete such exchange of state-owned
13 lands for privately owned lands; and to do any and all things
14 necessary or required to be done by the state of Wyoming in
15 order to enable said state to comply with the provisions of
16 said Taylor Grazing Act and other acts of congress authorizing
17 the exchange of ~~federal-owned~~ federally owned lands, and any
18 order, rule or regulation passed or promulgated in pursuance
19 thereof; and to effect and complete the exchange of
20 state-owned lands for ~~privately-owned~~ privately owned lands.
21 The board ~~of land commissioners~~ may authorize the purchase of
22 lands only in an amount necessary to effect and complete the
23 exchange of state-owned lands for other lands and only for

1 those lands identified in the authorization of purchase. The
2 board shall not use the power of eminent domain pursuant to
3 W.S. 1-26-801 et seq. to purchase any lands under this
4 section.

5

6 **36-1-111. Orders, rules and regulations relative to**
7 **exchange of lands.**

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9 (a) Subject to the requirements of W.S. 36-1-122, the
10 board ~~of land commissioners~~ is hereby authorized and
11 empowered to pass and promulgate all such orders, rules and
12 regulations as may be necessary or required relative to the
13 appraisal and valuation of the lands to be exchanged as
14 provided in this act, and to provide for the execution of
15 conveyances, contracts and other instruments pertaining to
16 the exchange of the lands, and to enable the director to
17 effect and complete each exchange of the lands. The board may
18 authorize the purchase of lands only in an amount necessary
19 to effect and complete the exchange of state-owned lands for
20 other lands and only for those lands identified in the
21 authorization of purchase. The board shall not use the power
22 of eminent domain pursuant to W.S. 1-26-801 et seq. to
23 purchase any lands under this section. The board ~~of land~~

1 ~~commissioners~~ is authorized to promulgate rules and
2 regulations necessary to implement the exchange of state
3 lands on a value for value basis. The exchange program may
4 authorize a cash equalization receipt or payment of up to
5 twenty-five percent (25%) of the value of the lands exchanged.
6 Any receipt shall be deposited into, and any payment shall be
7 made from, the permanent land fund. State lands may be
8 exchanged upon the board's finding the exchange is necessary
9 to:

10

11 **36-1-117. Sale or trade of state lands; hearing upon**
12 **request of county commissioners.**

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14 No sale or ~~trade-exchange~~ of any state land including state
15 land currently held by the state of Wyoming shall be made
16 without a public hearing in the county in which the land is
17 located. ~~if a hearing is requested by the county~~
18 ~~commissioners.~~

19

20 **Section 3.** This act is effective July 1, 2019.

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22

(END)