

HOUSE BILL NO. HB0118

Limitations on net land gains for the federal government.

Sponsored by: Representative(s) Banks, Andrew, Haroldson,
Tarver and Winter and Senator(s) Ide, Kolb
and Steinmetz

A BILL

for

1 AN ACT relating to state lands and conveyances; limiting
2 conveyances, exchanges and sales of land to prohibit the
3 federal government from net increases in land within
4 Wyoming; providing definitions; specifying applicability;
5 and providing for an effective date.

6

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

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9 **Section 1.** W.S. 34-1-159 is created to read:

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11 **34-1-159. Conveyances to the United States;**
12 **limitations.**

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14 (a) As used in this section:

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1 (i) "Property" means all interests in real
2 property located in Wyoming and shall include land, mineral
3 rights and water rights;

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5 (ii) "United States" means the United States,
6 the federal government and any agency, department,
7 instrumentality or office of the federal government.

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9 (b) No conveyance of property in Wyoming shall result
10 in a net gain of property to the United States. It shall
11 not be a violation of this subsection if the United States
12 acquires private property and agrees to dispose or exchange
13 land equal in size and fair market value to the state
14 within one (1) year of the conveyance. The disposal or
15 exchange of land by the United States shall not be required
16 to be in the same area as the private property that is
17 conveyed to the United States.

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19 **Section 2.** W.S. 36-1-105, 36-1-106, 36-1-110 and
20 36-9-101 by creating a new subsection (b) are amended to
21 read:

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

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4 Whenever, in the judgment of a majority of the members of
5 the board, the interests of the state will be advanced by
6 granting, conveying or deeding to the United States of
7 America, any lands which have been heretofore granted,
8 selected by, and patented to the state, then, in such case
9 said board is hereby authorized and empowered to so grant,
10 convey and deed to the United States of America, such
11 lands. And the president of said board, and the director
12 are authorized and empowered to execute and deliver all
13 necessary instruments to complete such grant, or
14 conveyance; provided, always, that no such lands shall be
15 so granted, conveyed and deeded, unless the United States
16 of America shall, and will permit and allow this state to
17 select, and have patented to it, other lands in lieu of the
18 lands so reconveyed to the United States of America subject
19 to W.S. 36-1-111; provided, however, that the state shall
20 not give both surface and mineral rights with any lands
21 exchanged unless it receives the same from the federal
22 government. No exchange executed under this section shall

1 result in a net gain of surface rights or mineral rights to
2 the federal government.

3
4 **36-1-106. Exchange of state-owned and federal-owned**
5 **lands.**

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7 The state of Wyoming, in accordance with the provisions of
8 the Taylor Grazing Act and other acts of congress
9 authorizing the exchange of federal-owned lands, is hereby
10 authorized and empowered to exchange state-owned lands for
11 federal-owned lands, provided that no exchange under this
12 section shall result in a net gain of land to the federal
13 government.

14
15 **36-1-110. Authority of director to effect and**
16 **complete exchanges.**

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18 The director is hereby authorized and empowered, subject to
19 the approval of the state board of land commissioners, to
20 effect and complete such exchange of state-owned lands for
21 federal-owned lands; and also to effect and complete such
22 exchange of state-owned lands for privately owned lands;
23 and to do any and all things necessary or required to be

1 done by the state of Wyoming in order to enable said state
2 to comply with the provisions of said Taylor Grazing Act
3 and other acts of congress authorizing the exchange of
4 federal-owned lands, and any order, rule or regulation
5 passed or promulgated in pursuance thereof; and to effect
6 and complete the exchange of state-owned lands for
7 privately-owned lands. The board of land commissioners may
8 authorize the purchase of lands only in an amount necessary
9 to effect and complete the exchange of state-owned lands
10 for other lands and only for those lands identified in the
11 authorization of purchase. The board shall not use the
12 power of eminent domain pursuant to W.S. 1-26-801 et seq.
13 to purchase any lands under this section. No exchange of
14 lands under this section shall result in a net gain of land
15 to the federal government.

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17 **36-9-101. Authority; restrictions.**

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19 (b) No sale of state lands under this chapter shall
20 result in a net gain of land to the federal government.

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1 **Section 3.** This act shall apply to all conveyances,
2 exchanges and sales of land and property executed on and
3 after the effective date of this act.

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

9

10

(END)