

HOUSE BILL NO. HB0141

Transfer of federal lands.

Sponsored by: Representative(s) Wharff, Baker, Eklund and
Laursen

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:*

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

13

14

ARTICLE 2

15

TRANSFER OF FEDERAL PUBLIC LANDS

1

2 **36-12-201. Definitions.**

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4 (a) As used in this article:

5

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

9

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

13

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

16

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

19

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

23

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

4

5 (D) School and institutional trust lands;

6

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

9

10 (I) Yellowstone National Park;

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12 (II) Grand Teton National Park;

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

16

17 (IV) Bighorn Canyon National
18 Recreation Area;

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20 (V) Devils Tower National Monument;

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22 (VI) Fort Laramie National Historic
23 Site; and

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(VII) Fossil Butte National Monument.

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(F) Any other lands within the exterior boundaries of Wyoming as of January 1, 2021, that are managed by the United States as a national park, designated national monument or wilderness area designated under the national wilderness preservation system;

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

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

(J) Lands, including water rights, belonging to an Indian or Indian tribe, band or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

1 **36-12-202. Transfer of public lands.**

2

3 (a) On or before December 31, 2023, the United States
4 shall:

5

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

7

8 (ii) Transfer title to public lands to the state
9 of Wyoming.

10

11 (b) If the state subsequently transfers title to any
12 public lands received under subsection (a) of this section,
13 the state shall:

14

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

17

18 (ii) Transfer ninety-five percent (95%) of the
19 net proceeds the state receives from the transfer of title
20 to the United States.

21

22 (c) In accordance with the Wyoming state
23 constitution, the amount the state retains in accordance

1 with paragraph (b)(i) of this section shall be deposited
2 into the permanent common school account within the
3 permanent land fund.

4

5 **Section 2.**

6

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

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

14

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

19

20 (b) The committee shall choose its chair or cochair
21 from among its membership.

22

1 (c) The committee shall, with guidance from other
2 interested parties and stakeholders, prepare proposed
3 legislation:

4

5 (i) Creating a public lands commission assigned
6 to:

7

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

10

11 (B) Address the management of public lands
12 and the management of multiple uses of public lands
13 including recognizing all existing rights to use of the
14 public lands.

15

16 (ii) Establishing 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
19 extinguished title to public lands under W.S. 36-12-202 in
20 the event that the United States does not meet the
21 requirements of W.S. 36-12-202;

22

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

4

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

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9 (A) Easements;

10

11 (B) Geothermal resources;

12

13 (C) Grazing;

14

15 (D) Mining;

16

17 (E) Natural gas;

18

19 (F) Oil and other fossil fuels;

20

21 (G) Recreation;

22

23 (H) Rights of entry;

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(J) Special uses;

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(K) Timber;

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(M) Water;

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(N) Hunting and fishing; or

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(O) Other natural resources or other

11 resources.

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(v) Determining what constitutes "expenses

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incident to the sale of public lands" as provided in the

15

definition of "net proceeds" under W.S. 36-12-201(a)(ii).

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17

(d) The joint select committee on the transfer of

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public lands shall also study and determine whether to

19

prepare proposed legislation related to:

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21

(i) Establishing an administrative process for:

22

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;

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(II) Preventing catastrophic wildfire
and forest insect infestation;

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(III) Preserving watersheds;

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

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(V) Preserving and improving range
conditions;

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

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

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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:

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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, 2022 and by October
19 31, 2022; and

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21 (ii) Deliver a final report containing findings,
22 recommendations and proposed legislation to the legislature
23 not later than January 2, 2023.

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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.

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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.**

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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 which shall
9 be sold by the United States subsequent to the admission of
10 said state into the union, after deducting all the expenses
11 incident to the same, shall be paid to the state, to be
12 used as a permanent fund, the interest of which only shall
13 be expended in support of the common schools within said
14 state."

15

16 **Section 4.** There is appropriated twenty-five thousand
17 dollars (\$25,000.00) from the general fund to the
18 legislative service office. This appropriation shall be for
19 the period beginning with the effective date of this act
20 and ending June 30, 2023. This appropriation shall only be
21 expended for payment of salary, per diem and mileage for
22 select committee members.

23

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)