

HOUSE BILL NO. HB0192

County and municipal roads on state lands-easements granted.

Sponsored by: Representative(s) Locke, Banks, Heiner, Jennings and Slagle and Senator(s) Laursen, D

A BILL

for

1 AN ACT relating to state lands; providing a perpetual  
2 easement over state and school lands for county and  
3 municipal roads; specifying requirements for easements;  
4 specifying duties for the board of land commissioners and  
5 the office of state lands and investments; making  
6 conforming amendments; providing legislative findings;  
7 requiring rulemaking; and providing for an effective date.

8

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

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11 **Section 1.** W.S. 36-9-121 is created to read:

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13 **36-9-121. County and municipal roads on state lands;**  
14 **easements granted; duties.**

1

2 (a) As used in this section:

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4 (i) "County road" means a road that is  
5 established pursuant to W.S. 24-3-101 through 24-3-127,  
6 identified pursuant to W.S. 24-3-201 through 24-3-206 or a  
7 road for which the county is responsible for improvements  
8 and maintenance as designated by resolution of a board of  
9 county commissioners;

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11 (ii) "Municipal road" means a road that is  
12 established by a city or town and for which the city or  
13 town is responsible for improvements and maintenance.

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15 (b) Subject to subsection (h) of this section, a  
16 perpetual easement for a right-of-way over and across any  
17 of the state or school lands is hereby granted for county  
18 roads and municipal roads that go over and across any of  
19 the state or school lands and that were established before  
20 January 1, 2024.

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22 (c) No fee, charge, assessment or other cost shall be  
23 imposed on any county, city or user of a municipal road or

1 county road for the perpetual easement granted under  
2 subsection (b) of this section.

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4 (d) Not later than August 1, 2024, the director shall  
5 provide to the board a listing of all county and municipal  
6 roads that go on or across state lands or school lands and  
7 all documents necessary for establishing or securing the  
8 easements granted in subsection (b) of this section. The  
9 director may request any documentation from counties,  
10 cities and towns as necessary to secure the easements,  
11 provided that the board shall be responsible for all costs  
12 associated with the documentation required under this  
13 subsection.

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15 (e) Not later than September 1, 2024:

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17 (i) The board shall promulgate or amend rules as  
18 necessary to provide for the easements granted in  
19 subsection (b) of this section;

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21 (ii) The director, in consultation with the  
22 board, shall provide a list of all county roads and  
23 municipal roads affected by the easements granted under

1 subsection (b) of this section to all counties, cities and  
2 towns.

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4 (f) Not later than April 1, 2029, each county, city  
5 and town that has a county road or municipal road for which  
6 an easement has been granted under subsection (b) of this  
7 section shall provide complete and proper documentation to  
8 the director and the board as necessary to secure the  
9 easement for the county or municipal road.

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11 (g) Not later than sixty (60) days after receiving  
12 all necessary documentation to effectuate an easement under  
13 subsection (f) of this section, the board shall provide  
14 proper evidence of the easement granted under this section.  
15 The board shall be responsible for recording or filing with  
16 the county clerk all documents necessary to demonstrate the  
17 granting of the easement under this section.

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19 (h) All county roads and municipal roads constructed  
20 or established on and after January 1, 2024 shall secure  
21 easements or rights-of-way for roads going on and across  
22 state or school lands in accordance with law and rules of  
23 the board. Nothing in this section shall be construed to

1 grant an automatic easement for county roads and municipal  
2 roads constructed or established on and after January 1,  
3 2024.

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5 **Section 2.** W.S. 36-1-101(a)(viii) is amended to read:

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7 **36-1-101. Definitions.**

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9 (a) Unless the context indicates otherwise, as used  
10 in this act:

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12 (viii) "This act" means W.S. 36-1-101 through  
13 36-3-111, 36-5-101 through 36-7-510 and 36-9-101 through  
14 ~~36-9-120~~ 36-9-121.

15

16 **Section 3.** The legislature finds that numerous county  
17 and municipal roads currently occupy state lands or state  
18 school lands without easements or rights-of-way recorded  
19 for those roads. Accordingly, the legislature finds that a  
20 resolution of this issue is in the best interests of the  
21 state, all counties, cities and towns of Wyoming, and the  
22 citizens of Wyoming.

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1           **Section 4.** The board of land commissioners shall  
2 promulgate all rules necessary to implement this act.

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

8

9

(END)