

SENATE FILE NO. SF0020

State land transactions.

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

A BILL

for

1 AN ACT relating to state lands; requiring state agencies to  
2 obtain the advice and consent of the board of land  
3 commissioners before the receipt, acquisition, exchange,  
4 sale or disposal of land; and providing for an effective  
5 date.

6

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

8

9 **Section 1.** W.S. 36-2-111 is created to read:

10

11 **36-2-111. Advice and consent for the sale, exchange**  
12 **or acquisition of land.**

13

14 No state agency, board, commission, department, division or  
15 other instrumentality or officer shall receive, acquire,

1 exchange, sell or otherwise dispose of land without first  
2 receiving the advice and consent of the board.

3

4 **Section 2.** W.S. 11-10-107, 19-7-103(b)(x) through  
5 (xii) and (xvi), 21-17-204(a)(iv), 23-1-302(a)(iii)(intro),  
6 (iv) and (v), 24-2-102(a)(i)(intro) and (ii),  
7 24-2-109(b)(ii), 33-19-106(b), 35-11-1205(a)(intro),  
8 36-4-104(a)(i), 36-4-106(a), 36-4-107, 36-4-108(a) and  
9 41-2-114(a)(iv)(C) are amended to read:

10

11 **11-10-107. Power of board to acquire land; authority**  
12 **to make rules and regulations; renting and use of**  
13 **fairgrounds; gambling and liquor prohibited.**

14

15 Subject to W.S. 36-2-111, the board may acquire by donation  
16 or lease in the name of the state any lands necessary for  
17 conducting the state fair, and may make all rules and  
18 regulations necessary for the conduct and government of the  
19 exhibitions, the sale of privileges, and the proper  
20 control, operation and conduct of the state fair not  
21 inconsistent with the constitution and laws of this state.  
22 The board may rent out or donate the use of the state  
23 fairgrounds for stabling and training stock and holding  
24 stock sales. The grounds may be used free of charge for

1 encampment grounds for the state militia under the  
2 direction of the adjutant general of the state. The board  
3 may permit the grounds and facilities to be used for other  
4 purposes and may charge fees as it deems necessary to pay  
5 the expenses of maintaining the grounds and facilities. The  
6 board shall not permit any gambling device of any nature to  
7 be operated on the grounds, or permit any unlawful betting,  
8 or permit any intoxicating liquors to be sold thereon  
9 except as provided by W.S. 12-4-505.

10

11 **19-7-103. Adjutant general; appointment; rank;**  
12 **removal; duties and qualifications.**

13

14 (b) The adjutant general of Wyoming shall have powers  
15 and duties and be paid a salary as follows:

16

17 (x) Subject to W.S. 36-2-111, he may purchase  
18 for cash or upon contract or otherwise acquire lands within  
19 Wyoming for use by the national guard or for the use of  
20 other elements of the armed forces as an artillery and  
21 target range and training and maneuvering area. He may  
22 acquire lands for such purposes by eminent domain when the  
23 state board of land commissioners gives its written  
24 approval or consent;

1

2 (xi) Subject to W.S. 36-2-111, he may accept  
3 gifts of land for the purposes provided by paragraph (x) of  
4 this subsection and may lease, or accept payment in kind as  
5 consideration for any lease, any of the acquired parcels of  
6 land or buildings during periods when the lands are not in  
7 use for military purposes. He may acquire and install on  
8 the land such permanent improvements, including fences, as  
9 may be necessary for the full utilization of the land for  
10 the military purposes herein declared;

11

12 (xii) Subject to W.S. 36-2-111, he may dispose  
13 of lands, buildings or fixtures under the control of the  
14 department by sale, exchange or other transfer. He may  
15 execute deeds for such transfers in the name of the state.  
16 Money from such sale, exchange or transfer may be utilized  
17 for the acquisition of additional lands, buildings or  
18 fixtures within the same budget biennium. Any such sale,  
19 exchange or other transfer shall be conducted in accordance  
20 with the provisions of W.S. 36-9-101, 36-9-102 and 36-9-104  
21 through 36-9-120, except these provisions of W.S. title 36,  
22 chapter 9 shall not apply when both the title to the land  
23 and to all buildings thereon is solely in the name of the  
24 department or any division of the department and the

1 provisions of W.S. 9-2-1016(b)(viii) also shall not apply  
2 when both the title to the land and to all buildings  
3 thereon is solely in the name of the department or any  
4 division of the department. The sections of title 36  
5 identified in this paragraph and W.S. 9-2-1016(b)(viii)  
6 also shall not apply when any such sale, exchange or other  
7 transfer is to another governmental entity, state agency or  
8 local government, as defined in W.S. 1-39-103, even if the  
9 title to the land and to all buildings thereon are not  
10 solely in the name of the department or a division thereof;

11

12 (xvi) He shall control all armories that are owned,  
13 erected, purchased, leased or provided by the state.  
14 Subject to W.S. 36-2-111, he may acquire, in the name of  
15 the state of Wyoming, by purchase, donation or dedication  
16 any property which may be used for military purposes. For  
17 the control and management of armories described in this  
18 paragraph, he may establish armory boards whose personnel  
19 shall serve without pay. Subject to his direction, armory  
20 boards shall control, manage and supervise all activities  
21 in armories and may rent armories to persons or  
22 organizations not connected with the organized militia;

23

1           **21-17-204. Additional powers and duties; sectarian or**  
2 **partisan instruction or test prohibited.**

3

4           (a) The board of trustees shall prescribe rules for  
5 the government of the university and all its branches,  
6 elect the requisite officers, professors, instructors and  
7 employees, a director of finance and budget and a  
8 superintendent of buildings and grounds, any of whom may be  
9 removed for cause, and fix the salary and term of office of  
10 each. The board of trustees shall prescribe the studies to  
11 be pursued and the textbooks to be used, and determine the  
12 qualifications of applicants for admission to the various  
13 courses of study. No instruction either sectarian in  
14 religion or partisan in politics shall ever be allowed in  
15 any department of the university, and no sectarian or  
16 partisan test shall ever be exercised or allowed in the  
17 appointment of trustees or in the election or removal of  
18 professors, teachers or other officers of the university or  
19 in the admission of students thereto, or for any purpose  
20 whatsoever. The board of trustees may:

21

22           (iv) Subject to W.S. 36-2-111, hold, manage,  
23 lease or dispose of, according to law, any real or personal  
24 estate as is conducive to the welfare of the institution;

1

2           **23-1-302. Powers and duties.**

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4           (a) The commission is directed and empowered:

5

6                   (iii) Subject to W.S. 36-2-111, to acquire lands  
7 and waters in the name of Wyoming by purchase, lease,  
8 agreement, gift or devise, not including powers of eminent  
9 domain, and to develop, improve, operate, and maintain the  
10 same for the following purposes:

11

12                   (iv) Subject to W.S. 36-2-111, to acquire  
13 easements and construct suitable access roads leading to  
14 public lands and department lands and waters acquired  
15 pursuant to W.S. 23-1-302(a)(iii);

16

17                   (v) Subject to W.S. 36-2-111, to sell, exchange,  
18 lease or assign any fee ownership interest in any land,  
19 water, or other property heretofore or hereafter acquired;

20

21           **24-2-102. General powers; power of eminent domain**  
22 **limited.**

23

1 (a) To construct, maintain and supervise the public  
2 highways of this state, the department of transportation is  
3 authorized to:

4  
5 (i) Subject to W.S. 36-2-111, acquire, hold and  
6 manage real property in the name of the transportation  
7 commission and to develop, improve, operate and maintain  
8 the same for any necessary public purpose. Lands acquired  
9 for rights-of-way for highways may be up to three hundred  
10 (300) feet wide and greater where extra width is necessary  
11 for:

12  
13 (ii) Subject to W.S. 36-2-111, sell, exchange,  
14 abandon, relinquish or otherwise dispose of real property  
15 including land, water and improvements for any necessary  
16 purpose in accordance with rules and regulations  
17 promulgated by the transportation commission, provided that  
18 disposition of water rights shall be in accordance with  
19 law.

20  
21 **24-2-109. Designation of state highways; vesting of**  
22 **county interest in state; commission authorized to acquire**  
23 **severed portions of land; land to be sold.**

24



1 (b) Pursuant to W.S. 24-2-102:

2

3 (ii) Subject to W.S. 36-2-111, the commission  
4 shall have the authority to acquire by purchase or gift,  
5 the parcel or parcels of property that may be severed or  
6 damaged as a result of the acquisition of the highway  
7 right-of-way; provided, that the commission shall not  
8 acquire any such parcel or parcels of land by purchase or  
9 gift until full settlement has been made for the damages to  
10 the landowner as otherwise provided by law;

11

12 **33-19-106. Screening; relocation or removal of**  
13 **junkyards; condemnation proceedings.**

14

15 (b) When the commission determines that the  
16 topography of the land adjoining the interstate or primary  
17 systems will not permit adequate screening of such  
18 junkyards, or that the screening would not be economically  
19 feasible, the commission may require the relocation,  
20 removal or disposal of the junk and junkyard by negotiation  
21 or condemnation. Subject to W.S. 36-2-111, when the  
22 commission determines that it is in the best interests of  
23 the state, it may acquire such land or interest in land as  
24 necessary to provide adequate screening of the junkyards.

1

2           **35-11-1205. Land acquisition and disposal.**

3

4           (a) Subject to W.S. 36-2-111, the state may acquire  
5 any land, by purchase, donation or condemnation, which is  
6 adversely affected by past coal mining practices if the  
7 director, with the concurrence of the governor, finds that  
8 acquisition of the land is necessary to successful  
9 reclamation and that:

10

11           **36-4-104. Powers; interpretive service agreements.**

12

13           (a) The department of state parks and cultural  
14 resources, in consultation with the commission, may,  
15 subject to the provisions of this act:

16

17           (i) Subject to W.S. 36-2-111, acquire and accept  
18 title in the name of the state of Wyoming, by grant,  
19 dedication, gift, devise, donation, or demise, to any lands  
20 suitable as an outdoor recreation area or facility;

21

22           **36-4-106. Plan for acquisition and development of**  
23 **resources; authority of department; coordination of**

1 activities; exceptions; agreements with United States;  
2 state archaeologist.

3

4 (a) The department of state parks and cultural  
5 resources, in consultation with the commission, shall  
6 prepare, maintain and keep up to date a comprehensive plan  
7 for the acquisition and development of outdoor recreation  
8 resources of the state. The department and the commission  
9 shall prepare the comprehensive plan in accordance with  
10 subsections (e) and (f) of this section. Subject to W.S.  
11 36-2-111, authority is hereby granted to the department of  
12 state parks and cultural resources, in consultation with  
13 the commission, to develop, operate and maintain outdoor  
14 recreation areas and facilities of the state and to acquire  
15 pursuant to provisions of law, but not by the power of  
16 eminent domain, land, waters and interest in land and  
17 waters for such areas and facilities. Authority is hereby  
18 granted to the department, in consultation with the  
19 commission, to enter into contracts and agreements with the  
20 United States, or any appropriate agency thereof, to keep  
21 financial and other records relating thereto, and to  
22 furnish to appropriate officials and agencies of the United  
23 States such reports and information as may be reasonably  
24 necessary to enable such officials or agencies to perform

1 their duties under the provisions of Public Law 88-578 or  
2 any other applicable federal statutes.

3

4 **36-4-107. Authority to lease; exchange of lands and**  
5 **contracts with United States.**

6

7 The department, in consultation with the commission, shall  
8 have the power and is hereby authorized to lease, grant or  
9 operate any outdoor recreation area or facility belonging  
10 to the state which is not subject to lease, grant or  
11 operation by another agency of the state. Subject to W.S.  
12 36-2-111, the department, in consultation with the  
13 commission, may exchange state lands which are not  
14 appropriated to other use for United States outdoor  
15 recreation areas and facilities, and under contract with  
16 the United States, may take over the management, leasing  
17 and operation of any such area or facility. Where the  
18 department deems it to be in the best interest of the  
19 state, it may, in consultation with the commission,  
20 contract with the United States government or any  
21 authorized federal agency for the operation of any outdoor  
22 recreation area or facility established by the department.

23

1           **36-4-108. Acquisition and supervision of historical**  
2 **parks and sites.**

3  
4           (a) Subject to W.S. 36-2-111, the department, in  
5 consultation with the commission, may receive or acquire,  
6 but not by use of the power of eminent domain, historical  
7 parks and sites within the state. Nothing in this section  
8 limits the authority of the department to receive, acquire  
9 and to maintain, but not by use of the power of eminent  
10 domain, land for other outdoor recreation areas and  
11 facilities. The department shall be subject to the  
12 provisions of W.S. 36-4-106(e) and (f) when acting pursuant  
13 to this section.

14  
15           **41-2-114. Development of water projects;**  
16 **rehabilitation of water projects.**

17  
18           (a) The commission shall, on the basis of the state  
19 water plan or as otherwise directed by the legislature and  
20 after consultation with and advice from state agencies and  
21 officials, other appropriate agencies and officials, the  
22 joint business council of the Eastern Shoshone and Northern  
23 Arapaho Indian tribes, the business council of the Eastern  
24 Shoshone Indian tribe, the business council of the Northern

1 Arapaho Indian tribe and members of the public, identify  
2 and select potential projects to be studied for inclusion  
3 in the Wyoming water development program pursuant to the  
4 following schedule:

5

6 (iv) Level III construction and operation plans  
7 shall proceed as authorized and approved by the legislature  
8 under the immediate direction and control of the  
9 commission. Preference in the marketing of hydroelectric  
10 power from any such project shall be given to utilities  
11 serving Wyoming municipalities and to rural electric  
12 cooperatives where economical and permissible under federal  
13 law. Pursuant to legislative authorization for water  
14 development projects and prior to completion of Level III  
15 construction the commission may:

16

17 (C) Subject to W.S. 36-2-111, acquire by  
18 purchase, lease, appropriation, gift, exchange or eminent  
19 domain, necessary land, easements and other property for  
20 construction, operation and maintenance of water projects  
21 and accept gifts, grants and contributions of money from  
22 any source;

23

1           **Section 3.**   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)