

SENATE FILE NO. SF0090

Administrative control of acquired institutional lands.

Sponsored by: Senator(s) Bebout and Geis

A BILL

for

1 AN ACT relating to state lands; providing for the
2 management and control of certain institutional lands by
3 the board of land commissioners as specified; providing
4 definitions; providing that the director of the office of
5 state lands shall determine the best use for acquired
6 institutional lands managed by the board of land
7 commissioners as specified; requiring a report; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-2-2005 by creating new subsections
13 (g) through (j), 9-2-2006 by creating new subsections (e)
14 through (g), 9-2-2012 by creating new subsections (e)
15 through (g) and 36-3-102(c) by creating a new paragraph
16 (vi) are amended to read:

17

1 **9-2-2005. Department of health created; director**
2 **appointed; structure.**

3
4 (g) The board of land commissioners shall direct,
5 subject to the limitations contained in the constitution of
6 the state of Wyoming, applicable state and federal law and
7 the conveyance instrument, the control, leasing, exchange,
8 care and disposal of all acquired institutional lands not
9 directly utilized for departmental purposes that are
10 managed or associated with the institutions set forth in
11 W.S. 9-2-2005(c) whether held in the name of the state or
12 in the name of the department. Any amount received from
13 transactions involving such lands shall be credited to a
14 special revenue fund created for the department of health
15 to be used upon further legislative appropriation for major
16 maintenance or capital construction at the institution for
17 which the land was acquired, unless otherwise directed by
18 state or federal law or the conveyance instrument.

19
20 (h) All acquired institutional lands managed by the
21 board of land commissioners subject to subsection (g) of
22 this section shall be managed consistent with:

23

1 (i) Consideration of the needs of the
2 institution;

3

4 (ii) Consideration of alternative uses of the
5 property which are compatible with the mission of the
6 institution;

7

8 (iii) Local ordinances and zoning requirements;
9 and

10

11 (iv) Limitations contained in the constitution
12 of the state of Wyoming, state and federal law and the
13 conveyance instrument.

14

15 (j) As used in this section:

16

17 (i) "Acquired institutional lands" means state
18 lands acquired by the state for the benefit of state
19 institutions, but shall not include school lands or other
20 lands held in trust by the state of Wyoming.

21

22 **9-2-2006. Department of family services created;**
23 **director appointed; structure.**

24

1 (e) The board of land commissioners shall direct,
2 subject to the limitations contained in the constitution of
3 the state of Wyoming, applicable state and federal law and
4 the conveyance instrument, the control, leasing, exchange,
5 care and disposal of all acquired institutional lands not
6 directly utilized for departmental purposes that are
7 managed or associated with the institutions set forth in
8 W.S. 9-2-2006(c) whether held in the name of the state or
9 in the name of the department. Any amount received from
10 transactions involving such lands shall be credited to a
11 special revenue fund created for the department of family
12 services to be used upon further legislative appropriation
13 for major maintenance or capital construction at the
14 institution for which the land was acquired, unless
15 otherwise directed by state or federal law or the
16 conveyance instrument.

17

18 (f) All acquired institutional lands managed by the
19 board of land commissioners subject to subsection (e) of
20 this section shall be managed consistent with:

21

22 (i) Consideration of the needs of the
23 institution;

24

1 (ii) Consideration of alternative uses of the
2 property which are compatible with the mission of the
3 institution;

4
5 (iii) Local ordinances and zoning requirements;
6 and

7
8 (iv) Limitations contained in the constitution
9 of the state of Wyoming, state and federal law and the
10 conveyance instrument.

11
12 (g) As used in this section:

13
14 (i) "Acquired institutional lands" means state
15 lands acquired by the state for the benefit of state
16 institutions, but shall not include school lands or other
17 lands held in trust by the state of Wyoming.

18
19 **9-2-2012. Department of corrections created; director**
20 **appointed; structure.**

21
22 (e) The board of land commissioners shall direct,
23 subject to the limitations contained in the constitution of
24 the state of Wyoming, applicable state and federal law and

1 the conveyance instrument, the control, leasing, exchange,
2 care and disposal of all acquired institutional lands not
3 directly utilized for departmental purposes that are
4 managed or associated with the institutions set forth in
5 W.S. 9-2-2012(c) whether held in the name of the state or
6 in the name of the department. Any amount received from
7 transactions involving such lands shall be credited to a
8 special revenue fund created for the department of
9 corrections to be used upon further legislative
10 appropriation for major maintenance or capital construction
11 at the institution for which the land was acquired, unless
12 otherwise directed by state or federal law or the
13 conveyance instrument.

14

15 (f) All lands managed by the board of land
16 commissioners subject to subsection (e) of this section
17 shall be managed consistent with:

18

19 (i) Consideration of the needs of the
20 institution;

21

22 (ii) Consideration of alternative uses of the
23 property which are compatible with the mission of the
24 institution;

1

2 (iii) Local ordinances and zoning requirements;3 and

4

5 (iv) Limitations contained in the constitution6 of the state of Wyoming, state and federal law and the7 conveyance instrument.

8

9 (g) As used in this section:

10

11 (i) "Acquired institutional lands" means state12 lands acquired by the state for the benefit of state13 institutions, but shall not include school lands or other14 lands held in trust by the state of Wyoming.

15

16 **36-3-102. Duties generally.**

17

18 (c) The board shall have authority to override any

19 decision made by the director. Upon such terms and

20 conditions as shall be established by the board, in

21 addition to other powers enumerated in this section, the

22 director shall have authority to:

23

1 (vi) Determine, subject to approval of the
2 board, the best use for acquired institutional lands
3 managed by the board pursuant to W.S. 9-2-2005, 9-2-2006
4 and 9-2-2012 consistent with:

5
6 (A) Consideration of the needs of the
7 institution;

8
9 (B) Consideration of alternative uses of
10 the property which are compatible with the mission of the
11 institution;

12
13 (C) Local ordinances and zoning
14 requirements; and

15
16 (D) Limitations contained in the
17 constitution of the state of Wyoming, state and federal law
18 and the conveyance instrument.

19
20 **Section 2.** The director of the office of state lands,
21 in consultation with the directors of the departments of
22 corrections, family services and health shall submit a
23 report to the board of land commissioners and the joint
24 minerals, business and economic development interim

1 committee identifying lands that will be managed by the
2 board of land commissioners pursuant to this act by October
3 1, 2013. The report shall also identify the potential best
4 use for each managed property consistent with the
5 management considerations required by this act.

6

7 **Section 3.** This act is effective July 1, 2013.

8

9

(END)