

SENATE FILE NO. SF0008

Agency land sale, acquisition and exchange authority.

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; specifying acreage limits; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 36-2-111 and 36-2-112 are created to
10 read:

11

12 **36-2-111. Acquisition, exchange and sale of trust**
13 **lands.**

14

15 (a) The board is authorized to acquire, exchange or
16 sell a fee title interest in trust lands provided that no

1 acquisition or exchange, except an acquisition or exchange
2 with the federal government or any federal agency, shall
3 result in a net increase of trust lands greater than ten
4 thousand (10,000) acres above the total trust land acreage
5 held by the state on July 1, 1999.

6

7 (b) Notwithstanding subsection (a) of this section,
8 the board may acquire a fee title interest in trust lands
9 through a single transaction that results in a net increase
10 of trust lands over the limit specified in subsection (a)
11 of this section, provided that sales or exchanges shall be
12 conducted within twenty-four (24) months of the acquisition
13 in order to bring the total trust land acreage within the
14 limits specified in subsection (a) of this section.

15

16 **36-2-112. Advice and consent for the sale, exchange**
17 **or acquisition of land.**

18

19 (a) No state agency shall receive, acquire, exchange,
20 sell or otherwise dispose of a fee title interest in land
21 without first receiving the advice and consent of the
22 board. The board may request review of transactions under
23 this section by the office of state lands and investments.

24

1 (b) Except as otherwise provided in this section, the
2 board shall not consent to any acquisition or exchange of
3 land under this section, except acquisitions or exchanges
4 with the federal government or any federal agency, if the
5 acquisition or exchange will result in a net increase of
6 state lands under this subsection of greater than ten
7 thousand (10,000) acres above the total nontrust land
8 acreage held by the state on January 1, 2013.

9

10 (c) Notwithstanding subsection (b) of this section,
11 the board may consent to acquisition of a fee title
12 interest in lands through a single transaction that results
13 in a net increase of nontrust lands over the limit
14 specified in subsection (b) of this section, provided that
15 sales or exchanges shall be conducted within twenty-four
16 (24) months of the acquisition in order to bring the total
17 trust land acreage within the limits specified in
18 subsection (a) of this section.

19

20 (d) The requirements of this section shall not apply
21 to any acquisition of land by the transportation commission
22 of Wyoming for road and highway construction or for
23 construction materials.

24

1 (e) The requirements of this section shall not apply
2 to trust lands subject to the provisions of W.S. 36-2-111.

3

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

9

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

13

14 Subject to W.S. 36-2-112, the board may acquire by donation
15 or lease in the name of the state any lands necessary for
16 conducting the state fair, and may make all rules and
17 regulations necessary for the conduct and government of the
18 exhibitions, the sale of privileges, and the proper
19 control, operation and conduct of the state fair not
20 inconsistent with the constitution and laws of this state.
21 The board may rent out or donate the use of the state
22 fairgrounds for stabling and training stock and holding
23 stock sales. The grounds may be used free of charge for
24 encampment grounds for the state militia under the

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

9

10 **19-7-103. Adjutant general; appointment; rank;**
11 **removal; duties and qualifications.**

12

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

15

16 (x) Subject to W.S. 36-2-112, he may purchase
17 for cash or upon contract or otherwise acquire lands within
18 Wyoming for use by the national guard or for the use of
19 other elements of the armed forces as an artillery and
20 target range and training and maneuvering area. He may
21 acquire lands for such purposes by eminent domain when the
22 state board of land commissioners gives its written
23 approval or consent;

24

1 (xi) Subject to W.S. 36-2-112, he may accept
2 gifts of land for the purposes provided by paragraph (x) of
3 this subsection and may lease, or accept payment in kind as
4 consideration for any lease, any of the acquired parcels of
5 land or buildings during periods when the lands are not in
6 use for military purposes. He may acquire and install on
7 the land such permanent improvements, including fences, as
8 may be necessary for the full utilization of the land for
9 the military purposes herein declared;

10

11 (xii) Subject to W.S. 36-2-112, he may dispose
12 of lands, buildings or fixtures under the control of the
13 department by sale, exchange or other transfer. He may
14 execute deeds for such transfers in the name of the state.
15 Money from such sale, exchange or transfer may be utilized
16 for the acquisition of additional lands, buildings or
17 fixtures within the same budget biennium. Any such sale,
18 exchange or other transfer shall be conducted in accordance
19 with the provisions of W.S. 36-9-101, 36-9-102 and 36-9-104
20 through 36-9-120, except these provisions of W.S. title 36,
21 chapter 9 shall not apply when both the title to the land
22 and to all buildings thereon is solely in the name of the
23 department or any division of the department and the
24 provisions of W.S. 9-2-1016(b)(viii) also shall not apply

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

10

11 **21-17-204. Additional powers and duties; sectarian or**
12 **partisan instruction or test prohibited.**

13

14 (a) The board of trustees shall prescribe rules for
15 the government of the university and all its branches,
16 elect the requisite officers, professors, instructors and
17 employees, a director of finance and budget and a
18 superintendent of buildings and grounds, any of whom may be
19 removed for cause, and fix the salary and term of office of
20 each. The board of trustees shall prescribe the studies to
21 be pursued and the textbooks to be used, and determine the
22 qualifications of applicants for admission to the various
23 courses of study. No instruction either sectarian in
24 religion or partisan in politics shall ever be allowed in

1 any department of the university, and no sectarian or
2 partisan test shall ever be exercised or allowed in the
3 appointment of trustees or in the election or removal of
4 professors, teachers or other officers of the university or
5 in the admission of students thereto, or for any purpose
6 whatsoever. The board of trustees may:

7

8 (iv) Subject to W.S. 36-2-112, hold, manage,
9 lease or dispose of, according to law, any real or personal
10 estate as is conducive to the welfare of the institution;

11

12 **23-1-302. Powers and duties.**

13

14 (a) The commission is directed and empowered:

15

16 (iii) Subject to W.S. 36-2-112, to acquire lands
17 and waters in the name of Wyoming by purchase, lease,
18 agreement, gift or devise, not including powers of eminent
19 domain, and to develop, improve, operate, and maintain the
20 same for the following purposes:

21

22 (iv) Subject to W.S. 36-2-112, to acquire
23 easements and construct suitable access roads leading to

1 public lands and department lands and waters acquired
2 pursuant to W.S. 23-1-302(a)(iii);

3

4 (v) Subject to W.S. 36-2-112, to sell, exchange,
5 lease or assign any fee ownership interest in any land,
6 water, or other property heretofore or hereafter acquired;

7

8 **33-19-106. Screening; relocation or removal of**
9 **junkyards; condemnation proceedings.**

10

11 (b) When the commission determines that the
12 topography of the land adjoining the interstate or primary
13 systems will not permit adequate screening of such
14 junkyards, or that the screening would not be economically
15 feasible, the commission may require the relocation,
16 removal or disposal of the junk and junkyard by negotiation
17 or condemnation. Subject to W.S. 36-2-112, when the
18 commission determines that it is in the best interests of
19 the state, it may acquire such land or interest in land as
20 necessary to provide adequate screening of the junkyards.

21

22 **35-11-1205. Land acquisition and disposal.**

23

1 (a) Subject to W.S. 36-2-112, the state may acquire
2 any land, by purchase, donation or condemnation, which is
3 adversely affected by past coal mining practices if the
4 director, with the concurrence of the governor, finds that
5 acquisition of the land is necessary to successful
6 reclamation and that:

7

8 **36-4-104. Powers; interpretive service agreements.**

9

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

13

14 (i) And subject to W.S. 36-2-112, acquire and
15 accept title in the name of the state of Wyoming, by grant,
16 dedication, gift, devise, donation, or demise, to any lands
17 suitable as an outdoor recreation area or facility;

18

19 **36-4-106. Plan for acquisition and development of**
20 **resources; authority of department; coordination of**
21 **activities; exceptions; agreements with United States;**
22 **state archaeologist.**

23

1 (a) The department of state parks and cultural
2 resources, in consultation with the commission, shall
3 prepare, maintain and keep up to date a comprehensive plan
4 for the acquisition and development of outdoor recreation
5 resources of the state. The department and the commission
6 shall prepare the comprehensive plan in accordance with
7 subsections (e) and (f) of this section. Subject to W.S.
8 36-2-112, authority is hereby granted to the department of
9 state parks and cultural resources, in consultation with
10 the commission, to develop, operate and maintain outdoor
11 recreation areas and facilities of the state and to acquire
12 pursuant to provisions of law, but not by the power of
13 eminent domain, land, waters and interest in land and
14 waters for such areas and facilities. Authority is hereby
15 granted to the department, in consultation with the
16 commission, to enter into contracts and agreements with the
17 United States, or any appropriate agency thereof, to keep
18 financial and other records relating thereto, and to
19 furnish to appropriate officials and agencies of the United
20 States such reports and information as may be reasonably
21 necessary to enable such officials or agencies to perform
22 their duties under the provisions of Public Law 88-578 or
23 any other applicable federal statutes.

24

1 **36-4-107. Authority to lease; exchange of lands and**
2 **contracts with United States.**

3

4 The department, in consultation with the commission, shall
5 have the power and is hereby authorized to lease, grant or
6 operate any outdoor recreation area or facility belonging
7 to the state which is not subject to lease, grant or
8 operation by another agency of the state. Subject to W.S.
9 36-2-112, the department, in consultation with the
10 commission, may exchange state lands which are not
11 appropriated to other use for United States outdoor
12 recreation areas and facilities, and under contract with
13 the United States, may take over the management, leasing
14 and operation of any such area or facility. Where the
15 department deems it to be in the best interest of the
16 state, it may, in consultation with the commission,
17 contract with the United States government or any
18 authorized federal agency for the operation of any outdoor
19 recreation area or facility established by the department.

20

21 **36-4-108. Acquisition and supervision of historical**
22 **parks and sites.**

23

1 (a) Subject to W.S. 36-2-112, the department, in
2 consultation with the commission, may receive or acquire,
3 but not by use of the power of eminent domain, historical
4 parks and sites within the state. Nothing in this section
5 limits the authority of the department to receive, acquire
6 and to maintain, but not by use of the power of eminent
7 domain, land for other outdoor recreation areas and
8 facilities. The department shall be subject to the
9 provisions of W.S. 36-4-106(e) and (f) when acting pursuant
10 to this section.

11

12 **41-2-114. Development of water projects;**
13 **rehabilitation of water projects.**

14

15 (a) The commission shall, on the basis of the state
16 water plan or as otherwise directed by the legislature and
17 after consultation with and advice from state agencies and
18 officials, other appropriate agencies and officials, the
19 joint business council of the Eastern Shoshone and Northern
20 Arapaho Indian tribes, the business council of the Eastern
21 Shoshone Indian tribe, the business council of the Northern
22 Arapaho Indian tribe and members of the public, identify
23 and select potential projects to be studied for inclusion

1 in the Wyoming water development program pursuant to the
2 following schedule:

3

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

14

15 (C) Subject to W.S. 36-2-112, acquire by
16 purchase, lease, appropriation, gift, exchange or eminent
17 domain, necessary land, easements and other property for
18 construction, operation and maintenance of water projects
19 and accept gifts, grants and contributions of money from
20 any source;

21

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)