

ENROLLED ACT NO. 85, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 GENERAL SESSION

AN ACT relating to state lands; providing for the management and control of certain institutional lands by the board of land commissioners as specified; creating the institutional land revenue fund; providing for the disposition of revenues from the sale of institutional lands as specified; providing definitions; providing that the director of the office of state lands shall determine the best use for acquired institutional lands managed by the board of land commissioners as specified; requiring a report; and providing for an effective date.

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

Section 1. W.S. 9-2-2005 by creating new subsections (g) through (k), 9-2-2006 by creating new subsections (e) through (h), 9-2-2012 by creating new subsections (e) through (h) and 36-3-102(c) by creating a new paragraph (vi) are amended to read:

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

(g) The board of land commissioners shall direct, subject to the limitations contained in the constitution of the state of Wyoming, applicable state and federal law and the conveyance instrument, the control, leasing, exchange, care and disposal of all acquired institutional lands not directly utilized for departmental purposes that are managed or associated with the institutions set forth in W.S. 9-2-2005(c) whether held in the name of the state or in the name of the department. Any amount received from transactions involving these lands shall be credited as directed by state or federal law or the conveyance instrument.

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

(i) Consideration of the needs of the institution;

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

(iii) Limitations contained in the constitution of the state of Wyoming, state and federal law and the conveyance instrument.

(j) The board of land commissioners shall consult with the local officials or governing body having regulatory authority over the acquired institutional lands prior to authorizing the use or transfer of acquired institutional lands managed under subsection (g) of this section to another agency or department of the state of Wyoming.

(k) As used in this section, "acquired institutional lands" means state lands acquired by the state for the benefit of state institutions, but shall not include school trust lands or other lands held in trust by the state of Wyoming.

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

(e) The board of land commissioners shall direct, subject to the limitations contained in the constitution of the state of Wyoming, applicable state and federal law and the conveyance instrument, the control, leasing, exchange,

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care and disposal of all acquired institutional lands not directly utilized for departmental purposes that are managed or associated with the institutions set forth in W.S. 9-2-2006(c) whether held in the name of the state or in the name of the department. Any amount received from transactions involving these lands shall be credited as directed by state or federal law or the conveyance instrument.

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

(i) Consideration of the needs of the institution;

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

(iii) Limitations contained in the constitution of the state of Wyoming, state and federal law and the conveyance instrument.

(g) The board of land commissioners shall consult with the local officials or governing body having regulatory authority over the acquired institutional lands prior to authorizing the use or transfer of acquired institutional lands managed under subsection (e) of this section to another agency or department of the state of Wyoming.

(h) As used in this section, "acquired institutional lands" means state lands acquired by the state for the benefit of state institutions, but shall not include school

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trust lands or other lands held in trust by the state of Wyoming.

9-2-2012. Department of corrections created; director appointed; structure.

(e) The board of land commissioners shall direct, subject to the limitations contained in the constitution of the state of Wyoming, applicable state and federal law and the conveyance instrument, the control, leasing, exchange, care and disposal of all acquired institutional lands not directly utilized for departmental purposes that are managed or associated with the institutions set forth in W.S. 9-2-2012(c) whether held in the name of the state or in the name of the department. Any amount received from transactions involving these lands shall be credited as directed by state or federal law or the conveyance instrument.

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

(i) Consideration of the needs of the institution;

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

(iii) Limitations contained in the constitution of the state of Wyoming, state and federal law and the conveyance instrument.

(g) The board of land commissioners shall consult with the local officials or governing body having

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regulatory authority over the acquired institutional lands prior to authorizing the use or transfer of acquired institutional lands managed under subsection (e) of this section to another agency or department of the state of Wyoming.

(h) As used in this section, "acquired institutional lands" means state lands acquired by the state for the benefit of state institutions, but shall not include school trust lands or other lands held in trust by the state of Wyoming.

36-3-102. Duties generally.

(c) The board shall have authority to override any decision made by the director. Upon such terms and conditions as shall be established by the board, in addition to other powers enumerated in this section, the director shall have authority to:

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

(A) Consideration of the needs of the institution;

(B) Consideration of alternative uses of the property which are compatible with the mission of the institution; and

(C) Limitations contained in the constitution of the state of Wyoming, state and federal law and the conveyance instrument.

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Section 2.

(a) The institutional land revenue fund is created to consist of funds from transactions involving institutional lands under W.S. 9-2-2005(g), 9-2-2006(e) and 9-2-2012(e) for which disposition is not otherwise provided for by state or federal law or the conveyance document. The state auditor shall account for funds deposited in the account attributable to each individual department. Funds in the account attributable to each individual department shall not be commingled. Funds in the account shall only be appropriated:

(i) Upon further action of the legislature; and

(ii) To support the major maintenance and capital construction for institutions of the department to which the funds are attributable.

Section 3. The director of the office of state lands, in consultation with the directors of the departments of corrections, family services and health shall submit a report to the board of land commissioners and the joint agriculture, state and public lands and water resources interim committee identifying lands that will be managed by the board of land commissioners pursuant to this act by October 1, 2013. The report shall also identify the potential best use for each managed property consistent with the management considerations required by this act.

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Section 4. This act is effective July 1, 2013.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk