

HOUSE BILL NO. HB0276

Public land access.

Sponsored by: Representative(s) Parady

A BILL

for

1 AN ACT relating to public lands; providing for a process to
2 maintain public access to state and federal lands after
3 transfers of ownership interests in lands providing access;
4 requiring public access as a condition of any grazing or
5 agriculture lease; and providing for an effective date.

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

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9 **Section 1.** W.S. 36-1-120 is created to read:

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11 **36-1-120. Access to public lands to be maintained.**

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13 (a) If the sale or other transfer of ownership of
14 land within this state has the effect of denying public
15 access to state or federal land and the requirements of
16 this section are met, the board shall take action in

1 accordance with this section to maintain public access to
2 those state or federal lands.

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4 (b) A petition requesting board action pursuant to
5 this section shall be presented to the board. The petition
6 shall:

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8 (i) Be signed by not less than one hundred (100)
9 qualified electors;

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11 (ii) Provide a legal description of the land
12 transferred;

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14 (iii) Specify the date of the transfer, which
15 shall be on or after July 1, 2003;

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17 (iv) Specify the buyer and seller of the lands
18 transferred; and

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20 (v) Describe the access to the state or federal
21 lands provided to the public over the transferred lands
22 prior to the transfer and the access available to the
23 public after the transfer:

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1 (A) Over the transferred lands; and

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3 (B) Over other lands, with a description of
4 the nearest public access point to the state or federal
5 lands, measured from the prior access point of the
6 transferred lands.

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8 (c) Upon receipt of a petition meeting the
9 requirements of this section, the board shall direct the
10 director of the office of state lands to investigate the
11 transfer and to report to the board on the availability of
12 public access to the state or federal lands which are the
13 subject of the petition. Upon receipt of the director's
14 report, the board may conduct such hearings as the board
15 deems appropriate. If the board determines that public
16 access over the transferred lands was generally available
17 prior to the transfer, that such access is no longer
18 available over the land in question and that no other
19 reasonable public access is available over other lands
20 within ten (10) miles of the prior public access point, the
21 board shall attempt to acquire a public easement over the
22 transferred lands by purchase. If, after a good faith
23 effort, the board cannot purchase an easement it shall
24 determine whether the easement should be procured under the

1 Wyoming Eminent Domain Act and if so, shall proceed in
2 accordance with that act. Providing public access to state
3 or federal lands in accordance with this section shall be
4 considered an appropriate project under the Wyoming Eminent
5 Domain Act. If the board finds that any requirement of
6 this section is not met, it may dismiss the petition with
7 or without a hearing.

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9 (d) For purposes of this section:

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11 (i) "Buyer" means the person buying or otherwise
12 acquiring ownership rights in property;

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14 (ii) "Qualified elector" means a natural person
15 whose name appears on the current registry list of the
16 county clerk of the county in which the transferred land is
17 located;

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19 (iii) "Seller" means the person selling or
20 otherwise relinquishing ownership rights in property.

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22 **Section 2.** W.S. 36-5-102 is amended to read:

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