Transfer of federal lands-study.

Sponsored by: Representative(s) Miller, Greear, Jaggi, Larsen and Madden and Senator(s) Bebout and Hicks

A BILL

for

AN ACT relating to public lands; creating the task force on the transfer of federal lands; requiring a report from the attorney general on possible legal recourses available to compel the federal government to relinquish ownership and management of specified federal lands in Wyoming; requiring a study and report by the task force to the joint agriculture, state and public lands and water resources interim committee as specified; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) There is created a task force on the transfer of public lands consisting of the following members:
(i) Two (2) members of the Wyoming senate, appointed by the president of the senate. One (1) of the members shall be designated as cochairman;

(ii) Two (2) members of the Wyoming house of representatives, appointed by the speaker of the house. One (1) of the members shall be designated as cochairman;

(iii) Five (5) members appointed by the governor. One (1) of the members shall have a background in oil and gas production, one (1) shall have a background in mining, one (1) shall be a county commissioner, one (1) shall have a background in travel and recreation and one (1) shall have a background in agriculture.

(b) The task force shall be staffed by the legislative service office. The department of administration and information and the University of Wyoming school of energy resources shall serve in an advisory capacity to the task force and shall provide technical and other relevant information as requested. State agencies shall provide information and assistance to
the task force as provided in this act and as requested by the task force.

(c) The task force shall study the following, as they relate to loss of revenues to the state of Wyoming due to federally owned and managed lands:

(i) Loss of property tax revenues to the state of Wyoming from federal land ownership;

(ii) Permitting delays associated with, or caused by, analysis of proposed actions on federal lands under the National Environmental Protection Act or other federal law or regulation;

(iii) Management of lands as wilderness;

(iv) Management of public lands under the National Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq.;

(v) Other relevant federal actions or policies the task force determines impacts revenues to the state of Wyoming.
(d) The attorney general shall report to the task force on the possible legal recourses available to the state of Wyoming to compel the federal government to transfer ownership and control of federally owned and managed lands to the state of Wyoming or to private individuals on or before September 1, 2013. The attorney general shall provide an opinion to the task force on the likelihood of success of each possible legal recourse available to require the United States to transfer title to federally owned and managed lands, considering constitutional provisions and applicable decisions of the United States Supreme Court and other courts of competent jurisdiction.

(e) The task force shall submit its recommendations, including proposed legislation with respect to the issues specified in subsection (c) and (d) of this section, to the joint agriculture, state and public lands and water resources interim committee no later than November 1, 2013. The joint agriculture, state and public lands and water resources interim committee shall consider the recommendations and develop legislation it deems
appropriate for consideration by the legislature. Recommendations under this subsection may include:

(i) Creating or assigning a state commission or agency to:

(A) Administer the transfer of title of federally owned and managed lands to the state; and

(B) Address the management of lands formerly owned and managed by the United States and the management of multiple uses of these lands, including addressing managing open space, access, local planning and the sustainable yield of natural resources.

(ii) To establish actions that shall be taken to secure, preserve and protect the state's rights and benefits related to the United States' duty to have title extinguished to federally owned and managed lands;

(iii) Making a determination of or a process for determining interests, rights or uses related to:

(A) Easements;
(B) Geothermal resources;

(C) Grazing;

(D) Mining;

(E) Natural gas;

(F) Oil;

(G) Recreation;

(H) Rights of entry;

(J) Special uses;

(K) Timber;

(M) Water; or

(N) Other natural resources or other resources.
(iv) To administer the process for:

(A) The state of Wyoming, other entity or private individuals to receive title to formerly federally owned and managed lands from the United States; and

(B) The state of Wyoming to transfer title to any formerly federally owned and managed lands the state receives in accordance with this act.

(v) Establishing a prioritized list of management actions for the state of Wyoming and political subdivisions of the state to perform on formerly federally owned and managed lands before and after the United States extinguishes title to federally owned and managed lands in order to preserve and promote the state's interest in:

(A) Protecting public health and safety;

(B) Preventing catastrophic wildfire and forest insect infestation;

(C) Preserving watersheds;
(D) Preserving and enhancing Wyoming's mineral tax base;

(E) Preserving and improving range conditions and increasing plant diversity and reducing invasive weeds on range and forested portions of the federally owned and managed lands.

(vi) Establishing procedures and requirements for subjecting formerly federally owned and managed lands to property taxation;

(vii) Addressing the indemnification of a political subdivision of the state of Wyoming for actions taken in furtherance of this act; and

(viii) Any other issue related to formerly federally owned and managed lands as determined by the task force.

(f) The studies and reports required under this section shall not apply to:

(i) Yellowstone National Park;
(ii) Grand Teton National Park;

(iii) John D. Rockefeller, Jr. Memorial Parkway;

(iv) Bighorn Canyon National Recreation Area;

(v) Devils Tower National Monument;

(vi) Fort Laramie National Historic Site; and

(vii) Fossil Butte National Monument.

(g) The task force shall exist until December 31, 2013. Members of the task force who are not state employees or legislators shall not receive a salary but shall receive reimbursement for mileage and per diem expenses at the rate provided for legislators under W.S. 28-5-101. Members of the task force who are legislators shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the task force.

Section 2.
(a) There is appropriated from the general fund:

(i) Eighteen thousand dollars ($18,000.00) to the legislative service office for payment of salary, per diem and mileage for legislative task force members;

(ii) Twelve thousand dollars ($12,000.00) to the governor's office for payment of authorized per diem and mileage for nonlegislative task force members.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.