

HOUSE BILL NO. HB0118

Limitations on net land gains for the federal government.

Sponsored by: Representative(s) Banks, Andrew, Haroldson,
Tarver and Winter and Senator(s) Ide, Kolb
and Steinmetz

A BILL

for

1 AN ACT relating to state lands and conveyances; limiting
2 conveyances, exchanges and sales of land to prohibit the
3 federal government from net increases in land within
4 Wyoming; providing definitions; specifying applicability;
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 34-1-159 is created to read:

10

11 **34-1-159. Conveyances to the United States;**
12 **limitations.**

13

14 (a) As used in this section:

15

1 (i) "Property" means all interests in real
2 property located in Wyoming and shall include land, mineral
3 rights and water rights;

4

5 (ii) "United States" means the United States,
6 the federal government and any agency, department,
7 instrumentality or office of the federal government.

8

9 (b) No conveyance of property in Wyoming shall result
10 in a net gain of property to the United States.

11

12 **Section 2.** W.S. 36-1-105, 36-1-106, 36-1-110 and
13 36-9-101 by creating a new subsection (b) are amended to
14 read:

15

16 **36-1-105. Exchange of land granted by federal**
17 **government.**

18

19 Whenever, in the judgment of a majority of the members of
20 the board, the interests of the state will be advanced by
21 granting, conveying or deeding to the United States of
22 America, any lands which have been heretofore granted,
23 selected by, and patented to the state, then, in such case

1 said board is hereby authorized and empowered to so grant,
2 convey and deed to the United States of America, such
3 lands. And the president of said board, and the director
4 are authorized and empowered to execute and deliver all
5 necessary instruments to complete such grant, or
6 conveyance; provided, always, that no such lands shall be
7 so granted, conveyed and deeded, unless the United States
8 of America shall, and will permit and allow this state to
9 select, and have patented to it, other lands in lieu of the
10 lands so reconveyed to the United States of America subject
11 to W.S. 36-1-111; provided, however, that the state shall
12 not give both surface and mineral rights with any lands
13 exchanged unless it receives the same from the federal
14 government. No exchange executed under this section shall
15 result in a net gain of surface rights or mineral rights to
16 the federal government.

17

18 **36-1-106. Exchange of state-owned and federal-owned**
19 **lands.**

20

21 The state of Wyoming, in accordance with the provisions of
22 the Taylor Grazing Act and other acts of congress
23 authorizing the exchange of federal-owned lands, is hereby

1 authorized and empowered to exchange state-owned lands for
2 federal-owned lands, provided that no exchange under this
3 section shall result in a net gain of land to the federal
4 government.

5

6 **36-1-110. Authority of director to effect and**
7 **complete exchanges.**

8

9 The director is hereby authorized and empowered, subject to
10 the approval of the state board of land commissioners, to
11 effect and complete such exchange of state-owned lands for
12 federal-owned lands; and also to effect and complete such
13 exchange of state-owned lands for privately owned lands;
14 and to do any and all things necessary or required to be
15 done by the state of Wyoming in order to enable said state
16 to comply with the provisions of said Taylor Grazing Act
17 and other acts of congress authorizing the exchange of
18 federal-owned lands, and any order, rule or regulation
19 passed or promulgated in pursuance thereof; and to effect
20 and complete the exchange of state-owned lands for
21 privately-owned lands. The board of land commissioners may
22 authorize the purchase of lands only in an amount necessary
23 to effect and complete the exchange of state-owned lands

1 for other lands and only for those lands identified in the
2 authorization of purchase. The board shall not use the
3 power of eminent domain pursuant to W.S. 1-26-801 et seq.
4 to purchase any lands under this section. No exchange of
5 lands under this section shall result in a net gain of land
6 to the federal government.

7

8 **36-9-101. Authority; restrictions.**

9

10 (b) No sale of state lands under this chapter shall
11 result in a net gain of land to the federal government.

12

13 **Section 3.** This act shall apply to all conveyances,
14 exchanges and sales of land and property executed on and
15 after the effective date of this act.

16

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

21

22

(END)