

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

State of Wyoming resource management plan.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to public lands; creating the state of
2 Wyoming resource management plan; providing definitions;
3 adopting a multiple use policy for the specified lands;
4 requiring certain state agencies to coordinate with local
5 agencies to create local resource management plans as
6 specified; granting rulemaking authority; requiring a
7 report; providing an appropriation; and providing for an
8 effective date.

9

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

11 W.S. 36-13-101 through 36-13-105 are created to read:

12

CHAPTER 13 - STATE OF WYOMING RESOURCE MANAGEMENT
PLAN FOR FEDERAL LANDS

36-13-101. Short title.

This act shall be known and may be cited as the "State
of Wyoming Resource Management Plan".

*** * * STAFF COMMENT: FOLLOWING IS STAFFS' BEST EFFORT TO
INCORPORATE 2011 UTAH SB 221 INTO WYOMING STATUTES. SOME
NECESSARY CHANGES HAVE BEEN MADE TO CONFORM TO WYOMING LAW.
THE NEW W.S. 35-13-105 IS AN ATTEMPT TO CREATE REGIONAL
RESOURCE MANAGEMENT PLANS WHICH WILL BE INCORPORATED INTO
A UNIFIED WYOMING RESOURCE MANAGEMENT PLAN. ADDITIONAL
STAFF COMMENTS ARE PROVIDED AS NECESSARY. * * ***

36-13-102. Definitions.

(a) As used in this chapter:

(i) "The board" means the state board of land
commissioners as created by the provisions of section 3,
article 18, of the constitution of the state of Wyoming;

(ii) "Bureau of land management" means the
United States bureau of land management;

1 (iii) "Federal land policy management act" means
2 the federal land policy management act of 1976, 43 U.S.C.
3 Sec. 1701 et seq.;

4

5 (iv) "Forest service" means the United States
6 forest service within the United States Department of
7 Agriculture;

8

9 (v) "Local government" means cities and towns,
10 counties, school districts, joint powers boards and special
11 districts and their governing bodies;

12

13 (vi) "Multiple use and sustained yield" means
14 the management of the land in a combination of balanced and
15 diverse resource uses that takes into account the long-term
16 needs for renewable and nonrenewable resources, including
17 but not limited to recreation, range, timber, minerals,
18 watershed, wildlife and fish, natural, scenic, scientific
19 and historical values, and the coordinated management of
20 the resources without permanent impairment of the
21 productivity of the land or the quality of the environment
22 pursuant to section 68 1031(C) of the federal land policy
23 management act, 43 U.S.C. sec. 170(C);

1

2 (vii) "Program" means the regional resource

3 management plan program created pursuant to W.S. 36-13-105;

4

5 (viii) "Off-road recreational vehicle" means as

6 defined in W.S. 31-1-101(a)(xv)(K);

7

8 (ix) "Subject lands" means all bureau of land

9 management and forest service lands in the state that are

10 not officially designated as wilderness areas or wilderness

11 study areas;

12

13 (x) "Wilderness area" means those bureau of land

14 management and forest service lands added to the national

15 wilderness preservation system by an act of congress; and

16

17 (xi) "Wilderness study area" means bureau of

18 land management and forest service lands that were

19 identified as having the necessary wilderness character and

20 were classified as wilderness study areas under authority

21 of Section 603 of the federal land policy management act.

22

1 **W.S. 36-13-103. State participation in managing**
2 **federal public lands; legislative determinations.**

3
4 (a) The legislature determines:

5
6 (i) The federal land policy management act, 43
7 U.S.C. sec. 1712, requires that the bureau of land
8 management must work through a planning process that is
9 coordinated with other federal, state, and local planning
10 efforts before making decisions about the present and
11 future uses of public lands, the requirement in the federal
12 land policy management act, 43 U.S.C. sec. 1714 that the
13 bureau of land management may not withdraw or otherwise
14 designate bureau of land management lands for specific
15 purposes without congressional approval;

16
17 (ii) The forest service multiple-use sustained
18 yield act of 1960, 16 U.S.C. sec. 528 requires that lands
19 within the national forests be managed according to the
20 principles of multiple use; and

21
22 (iii) The federal land policy management act,
23 the national environmental policy act, 42 U.S.C. sec. 4321

1 et seq. and the federal advisory committee act, 5 U.S.C.
2 appendix 2, provides the right to state and local
3 governments to participate in all bureau of land management
4 and forest service efforts to plan for the responsible use
5 of bureau of land management and forest service lands and
6 requires that the bureau of land management and the forest
7 service coordinate planning efforts with those of state and
8 local government.

9
10 (b) Pursuant to the principles contained within
11 federal law as determined by the legislature in subsection
12 (a) of this section, the state adopts the following policy
13 for the management of the subject lands:

14
15 (i) Pursuant to the proper allocation of
16 governmental authority between the several states and the
17 federal government, the implementation of congressional
18 acts concerning the subject lands must recognize the
19 concurrent jurisdiction of the states and accord full
20 recognition to state interpretation of congressional acts,
21 as reflected in state law, plans, programs, and policies,
22 insofar as the interpretation does not violate the

1 supremacy clause of the United States constitution, article
2 VI, clause 2;

3
4 (ii) Discrepancies between the state's plans and
5 policies on use of the subject lands adopted pursuant to
6 this chapter, and any proposed decision concerning the
7 subject lands pursuant to federal planning or other federal
8 decision making processes should be mutually resolved
9 between the authorized federal official, including federal
10 officials from other federal agencies advising the
11 authorized federal official in any capacity, and the
12 governor of Wyoming;

13
14 (iii) The subject lands are to be managed to the
15 basic standard of the prevention of undue and unnecessary
16 degradation of the lands, as required by the federal land
17 policy management act. A more restrictive management
18 standard should not apply except through duly adopted
19 statutory or regulatory processes wherein each specific
20 area is evaluated pursuant to the provisions of the bureau
21 of land management's or forest service's planning process
22 and those of the national environmental policy act;

23

1 (iv) The subject lands should not be segregated
2 into separate geographical areas for management that
3 resembles the management of wilderness, wilderness study
4 areas, wildlands, lands with wilderness characteristics, or
5 similar designation;

6
7 (v) The bureau of land management and the forest
8 service should make plans for the use of the subject lands
9 and resources subject to their management pursuant to
10 statutorily authorized processes, with due regard for the
11 provisions of the national environmental policy act, by:

12
13 (A) Recognizing that the duly adopted
14 resource management plan or forest service equivalent is
15 the fundamental planning document, which may be revised or
16 amended from time to time;

17
18 (B) Avoiding and eliminating any form of
19 guidance or policy that has the effect of prescreening,
20 segregating, or imposing any form of management
21 requirements upon any of the subject lands and resources
22 prior to any of the planning processes subject to W.S. 36-
23 13-105; and

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(C) Avoiding and eliminating all forms of planning that parallel or duplicate the planning processes subject to W.S. 36-13-105.

W.S. 36-13-104. State land use planning and management principles.

(a) The bureau of land management and forest service land use plans should produce planning documents consistent with state and local land use plans to the maximum extent consistent with federal law and the federal land policy management act's purposes, by incorporating the state's land use planning and management principles for the subject lands as follows:

(i) Preserve traditional multiple use and sustained yield management on the subject lands to:

(A) Achieve and maintain in perpetuity a high-level annual or regular periodic output of agricultural, mineral, and various other resources from the subject lands;

1

2 (B) Support valid existing transportation,
3 mineral, and grazing privileges in the subject lands at the
4 highest reasonably sustainable levels;

5

6 (C) Produce and maintain the desired
7 vegetation for watersheds, timber, food, fiber, livestock
8 forage, wildlife forage, and minerals that are necessary to
9 meet present needs and future economic growth and community
10 expansion in the counties where the subject lands are
11 located without permanent impairment of the productivity of
12 the land;

13

14 (D) Meet the recreational needs and the
15 personal and business-related transportation needs of the
16 citizens of each county where the subject lands are
17 situated by providing access throughout each such county;

18

19 (E) Meet the needs of wildlife, provided that
20 the respective forage needs of wildlife and livestock are
21 balanced according to the multiple use/sustained yield
22 doctrine;

23

1 (F) Protect against adverse effects to
2 historic properties, as defined by 36 C.F.R. sec. 800;

3
4 (G) Meet the needs of community economic
5 growth and development;

6
7 (H) Provide for the protection of existing
8 water rights and the reasonable development of additional
9 water rights; and

10
11 (J) Provide for reasonable and responsible
12 development of electrical transmission and energy pipeline
13 infrastructure on the subject lands;

14
15 (ii) Do not designate, establish, manage, or
16 treat any of the subject lands as an area with management
17 prescriptions that parallel, duplicate, or resemble the
18 management prescriptions established for wilderness areas
19 or wilderness study areas, including the nonimpairment
20 standard applicable to wilderness study areas or anything
21 that parallels, duplicates, or resembles that nonimpairment
22 standard;

1 (iii) The bureau of land management lacks
2 congressional authority to manage subject lands as if they
3 are or may become wilderness;
4

5 (iv) The bureau of land management lacks
6 authority to designate geographic areas as lands with
7 wilderness characteristics or designate management
8 prescriptions for such areas other than to use specific
9 geographic-based tools and prescriptions expressly
10 identified in the federal land policy management act;
11

12 (v) The bureau of land management lacks
13 authority to manage the subject lands in any manner other
14 than to prevent unnecessary or undue degradation, unless
15 the bureau of land management uses geographic tools
16 expressly identified in the federal land policy management
17 act and does so pursuant to a duly adopted provision of a
18 resource management plan adopted under the federal land
19 policy management act, 43 U.S.C. Sec. 1712;
20

21 (vi) The bureau of land management inventories
22 for the presence of wilderness characteristics must be
23 closely coordinated with inventories for those

1 characteristics conducted by state and local governments,
2 and should reflect a consensus among those governmental
3 agencies about the existence of wilderness characteristics,
4 as follows:

5

6 (A) Any inventory of wilderness
7 characteristics should reflect all of the criteria
8 identified in the wilderness act of 1964, including:

9

10 (I) A size of 5,000 acres or more,
11 containing no visible roads; and

12

13 (II) The presence of naturalness, the
14 opportunity for primitive and unconfined recreation, and
15 the opportunity for solitude;

16

17 (B) Geographic areas found to contain the
18 presence of naturalness must appear pristine to the average
19 viewer, and not contain any of the implements, artifacts,
20 or effects of human presence, including:

21

22 (I) Visible roads, whether maintained
23 or not; and

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(II) Human-made features such as vehicle bridges, fire breaks, fisheries, enhancement facilities, fire rings, historic mining and other properties, including tailings piles, commercial radio and communication repeater sites, fencing, spring developments, linear disturbances, stock ponds, visible drill pads, pipeline and transmission line rights-of-way, and other similar features;

(III) Additional factors, though not necessarily conclusive, should weigh against a determination that a land area has the presence of naturalness:

(1) The area is or once was the subject of mining and drilling activities;

(2) Mineral and hard rock mining leases exist in the area; and

(3) The area is in a grazing district with active grazing allotments and visible range

1 improvements.

2

3 (C) Geographic areas found to contain the
4 presence of solitude should convey the sense of solitude
5 within the entire geographic area identified, otherwise
6 boundary adjustments should be performed in accordance with
7 paragraph (a) (v) of this section;

8

9 (D) Geographic areas found to contain the
10 presence of an opportunity for primitive and unconfined
11 recreation must find these features within the entire area
12 and provide analysis about the effect of the number of
13 visitors to the geographic area upon the presence of
14 primitive or unconfined recreation, otherwise boundary
15 adjustments should be performed in accordance with
16 paragraph (a) (v) of this section;

17

18 (E) In addition to the actions required by
19 the review for roads pursuant to the of roads contained in
20 bureau of land management manual H 6301, or any similar
21 authority, the bureau of land management should, pursuant
22 to its authority to inventory, identify and list all roads
23 or routes identified as part of a local or state

1 governmental transportation system, and consider those
2 routes or roads as qualifying as roads within the
3 definition of the wilderness act of 1964.

4
5 (v) The bureau of land management should adjust
6 the boundaries for a geographic area to exclude areas that
7 do not meet the criteria of lacking roads, lacking
8 solitude, and lacking primitive and unconfined recreation.
9 Boundaries should be redrawn to reflect an area that
10 clearly meets the listed criteria, and which does not
11 employ minor adjustments to simply exclude small areas with
12 human intrusions, specifically:

13
14 (A) The boundaries of a proposed geographic
15 area containing lands with wilderness characteristics
16 should not be drawn around roads, rights-of-way, and
17 intrusions;

18
19 (B) Lands located between individual human
20 impacts that do not meet the requirements for lands with
21 wilderness characteristics should be excluded;

1 (vi) The bureau of land management lacks the
2 authority to make or alter project level decisions on lands
3 which are properly inventoried as areas with the presence
4 of wilderness characteristics, to automatically avoid
5 impairment of any wilderness characteristics without
6 express congressional authority to do so;

7

8 (vii) Achieve and maintain at the highest
9 reasonably sustainable levels a continuing yield of energy,
10 hard rock, and nuclear resources in those subject lands
11 with economically recoverable amounts of such resources as
12 follows:

13

14 (A) The development of the solid, fluid, and
15 gaseous mineral resources in portions of the subject lands
16 is an important part of the state's economy and the
17 economies of the respective counties, and should be
18 recognized that it is technically feasible to access
19 mineral and energy resources in portions of the subject
20 lands while preserving or, as necessary, restoring
21 nonmineral and nonenergy resources;

22

1 (B) All available, recoverable solid, fluid,
2 gaseous, and nuclear mineral resources in the subject lands
3 should be considered for contribution to the state's
4 economy and the economies of the respective counties;

5
6 (C) Those portions of the subject lands
7 shown to have reasonable mineral, energy, and nuclear
8 potential should be open to leasing, drilling, and other
9 access with reasonable stipulations and conditions,
10 including mitigation, reclamation, and bonding measures
11 where necessary, that will protect the lands against
12 unnecessary and undue damage to other significant resource
13 values;

14
15 (D) Federal oil and gas existing lease
16 conditions and restrictions should not be modified, waived,
17 or removed unless the lease conditions or restrictions are
18 no longer necessary or effective;

19
20 (E) Any prior existing lease restrictions in
21 the subject lands that are no longer necessary or effective
22 should be modified, waived, or removed;

23

1 (F) Restrictions against surface occupancy
2 should be eliminated, modified, or waived, where
3 reasonable;

4
5 (G) In the case of surface occupancy
6 restrictions that cannot be reasonably eliminated,
7 modified, or waived, directional drilling should be
8 considered where the mineral and energy resources beneath
9 the area can be reached employing available directional
10 drilling technology;

11
12 (H) Applications for permission to drill in
13 the subject lands that meet standard qualifications,
14 including reasonable and effective mitigation and
15 reclamation requirements, should be expeditiously processed
16 and granted; and

17
18 (J) Any moratorium that may exist against
19 the issuance of qualified mining patents and oil and gas
20 leases in the subject lands, and any barriers that may
21 exist against developing unpatented mining claims and
22 filing for new claims, should be carefully evaluated for
23 removal;

1

2 (vii) Achieve and maintain livestock grazing in
3 the subject lands at the highest reasonably sustainable
4 levels by adhering to the policies, goals, and management
5 practices set forth in this chapter;

6

7 (viii) Manage the watershed in the subject lands
8 to achieve and maintain water resources at the highest
9 reasonably sustainable levels as follows:

10

11 (A) Adhere to the policies, goals, and
12 management practices set forth in this chapter;

13

14 (B) Deter unauthorized cross-country off
15 road vehicle use in the subject lands by establishing a
16 reasonable system of roads and trails in the subject lands
17 for the use of off road vehicles; and

18

19 (C) Keep open any road or trail in the
20 subject lands that historically has been open to off road
21 vehicle use, as identified on respective county road maps;

22

1 (ix) Achieve and maintain traditional access to
2 outdoor recreational opportunities available in the subject
3 lands as follows:

4
5 (A) The following are activities important
6 to the traditions, customs, and character of the state and
7 individual counties where the subject lands are located and
8 should continue;

9 (I) Hunting;

10
11 (II) Trapping;

12
13 (III) Fishing;

14
15 (IV) Hiking;

16
17 (V) Horseback riding;

18
19 (VI) Family and group parties;

20
21 (VII) Family and group campouts and
22 campfires;

1 (VIII) Off road vehicle travel;

2

3 (IX) Geological exploring;

4

5 (X) Recreational vehicle parking;

6

7 (XI) Vehicle touring.

8

9 (B) Hunting, trapping, and fishing should
10 continue at levels determined by the game and fish
11 commission and traditional levels of group camping, group
12 day use, and other traditional forms of outdoor recreation,
13 both motorized and nonmotorized, should continue; and

14

15 (C) The broad spectrum of outdoor
16 recreational activities available on the subject lands
17 should be available to citizens for whom a primitive,
18 nonmotorized, outdoor experience is not preferred or
19 physically achievable;

20

21 (x) With regard to roads or roadways, all plans
22 shall:

23

1 (A) Keep open to motorized travel, any road
2 in the subject lands that is part of the respective
3 counties' designated county roads;

4
5 (B) Provide that legally established rights-
6 of-way are recognized by the bureau of land management;

7
8 (C) Provide that a county road may be
9 temporarily closed or permanently abandoned only by
10 statutorily authorized action of the county or state;

11
12 (D) Provide that the bureau of land
13 management and the Forest service must recognize and not
14 unduly interfere with a county's ability to maintain and
15 repair roads and, where reasonably necessary, make
16 improvements to the roads; and

17
18 (E) Recognize that additional roads and
19 trails may be needed in the subject lands from time to time
20 to facilitate reasonable access to a broad range of
21 resources and opportunities throughout the subject lands,
22 including:

1 (I) Livestock operations and
2 improvements;

3

4 (II) Solid, fluid, and gaseous mineral
5 operations;

6

7 (III) Recreational opportunities and
8 operations;

9

10 (IV) Search and rescue operations and
11 other public safety needs;

12

13 (V) Access to public lands for people
14 with disabilities and the elderly; and

15

16 (VI) Access to school trust lands for
17 the accomplishment of the purposes of those lands;

18

19 (xi) Manage the subject lands so as to protect
20 prehistoric rock art, three dimensional structures, and
21 other artifacts and sites recognized as culturally
22 important and significant by the state archeologist or each
23 respective county by imposing reasonable and effective

1 stipulations and conditions pursuant to the national
2 historic preservation 521 act, 16 U.S.C. sec. 470 et seq.;

3
4 (xii) Manage the subject lands so as to not
5 interfere with the property rights of private landowners as
6 follows:

7
8 (A) The state recognizes that there are
9 parcels of private fee land throughout the subject lands;

10
11 (B) Land management policies and standards
12 in the subject lands should not interfere with the property
13 rights of any private landowner to enjoy and engage in uses
14 and activities on his private property consistent with
15 controlling county zoning and land use laws; and

16
17 (C) A private landowner or a guest or
18 client of a private landowner should not be denied the
19 right of motorized access to the private landowner's
20 property consistent with past uses of the private property;

21
22 (xiii) Manage the subject lands in a manner that
23 supports the fiduciary agreement made between the state and

1 the federal government concerning school trust lands, as
2 managed according to state law, by:

3 (A) Actively seeking to support the board's
4 fiduciary responsibility to manage the school trust lands
5 to optimize revenue by making the school trust lands
6 available for sale and private development and for other
7 multiple and consumptive use activities such as mineral
8 development, grazing, recreation, timber, and agriculture;
9

10 (B) Not interfering with the board's
11 ability to carry out its fiduciary responsibilities by the
12 creation of geographical areas burdened with management
13 restrictions that prohibit or discourage the optimization
14 of revenue, without just compensation;
15

16 (C) Recognizing the state of Wyoming's
17 right of economic access to the school trust lands to
18 enable the Board to put those sections to use in its
19 fiduciary responsibilities; and
20

21 (D) Recognizing any management plan enacted
22 pursuant to W.S. 36-13-105.
23

1 (xiv) Oppose the designation of bureau of land
2 management lands as areas of critical environmental concern
3 as generally not compatible with the state's plan and
4 policy for managing the subject lands, but special cases
5 may exist where such a designation is appropriate if
6 compliance with the federal land policy management act, 43
7 U.S.C. sec. 1702(a) is clearly demonstrated and where the
8 proposed designation and protection:

9

10 (A) Is limited to the geographic size to
11 the minimum necessary to meet the standards required by
12 this section;

13

14 (B) Is necessary to protect not just a
15 temporary change in ground conditions or visual resources
16 that can be reclaimed or reversed naturally, but is clearly
17 shown as necessary to protect against visible damage on the
18 ground that will persist on a time scale beyond that which
19 would effectively disqualify the land for a later inventory
20 of wilderness characteristics;

21

1 (C) Will not be applied in a geographic
2 area already protected by other protective designations
3 available pursuant to law; and
4

5 (D) Is not a substitute for the
6 nonimpairment management requirements of wilderness study
7 areas.
8

9 (xvi) Recognize that a bureau of land management
10 visual resource management class I or II rating is
11 generally not compatible with the state's plan and policy
12 for managing the subject lands, but special cases may exist
13 where such a rating is appropriate if jointly considered
14 and created by state, local, and federal authorities as
15 part of an economic development plan for a region of the
16 state, with due regard for school trust lands and private
17 lands within the area;
18

19 (xvii) All bureau of land management and forest
20 service decision documents should be accompanied with an of
21 the social and economic impact of the decision. Such
22 analysis should:
23

1 (A) Consider all facets of the decision in
2 light of valuation techniques for the potential costs and
3 benefits of the decision;

4

5 (B) Clarify whether the costs and benefits
6 employ monetized or nonmonetized techniques;

7

8 (C) Compare the accuracy, completeness, and
9 viability of monetized and nonmonetized valuation
10 techniques used as part of the analysis, including all
11 caveats on use of the techniques; and

12

13 (D) Compare the valuation techniques
14 employed in the analysis to the federal standards for
15 valuation employed by the United States department of
16 justice in court actions.

17

18 **W.S. 36-13-105. Regional resource management plans;**
19 **statewide resource management plan; rulemaking authority;**
20 **report; applicability.**

21

22 (a) The office of state lands and investments, under
23 the direction of the board of land commissioners shall

1 administer a program to develop regional resource
2 management plans. Regional management plans shall be
3 developed as soon as practicable. All regional plans shall
4 be based on principles contained within this chapter. In
5 developing regional resource management plans, the office
6 of state lands and investments shall consult with:

7

8 (i) The office of the governor;

9

10 (ii) The department of environmental quality;

11

12 (iii) The oil and gas commission;

13

14 (iv) The game and fish department;

15

16 (v) The department of agriculture;

17

18 (vi) The department of administration and
19 information;

20

21 (vii) All other state agencies, boards,
22 commissions and departments with knowledge and expertise on
23 issues impacting lands in the state; and

1

2 (viii) All interested local governments within
3 the region.

4

5 (b) In developing the program, the office of state
6 lands and investments shall:

7

8 (i) Develop regions based on, to the greatest
9 extent possible:

10

11 (A) Geographic and political boundaries;

12

13 (B) A commonality of historic, current and
14 projected uses for the subject land;

15

16 (C) A commonality of interest among
17 stakeholders in the region; and

18

19 (D) Watersheds and basins.

20

21 (ii) Develop regional resource management plans
22 based on all foreseeable agricultural, mineral,
23 residential, commercial, industrial, open space,

1 transportation, utilities, recreational, historic, scenic
2 and water storage and development on public and fee lands
3 within the region;

4
5 (iii) Hold public meetings during the
6 development of regional resource management plans in at
7 least two (2) locations in each identified region;

8
9 (iv) Provide technical assistance, information
10 and education to the state, counties, municipalities,
11 regions and political subdivisions of the state;

12
13 (v) Revise and update all regional plans and the
14 statewide plan developed pursuant to subsection (c) of this
15 section at least every ten (10) years by April 1 in the
16 preceding year ending in zero (0).

17
18 (c) Upon the adoption of final plans for all of the
19 regional resource management plans for the state, the
20 office of state lands and investments shall develop a
21 statewide resource management plan based on the regional
22 resource management plan. The statewide resource

1 management plan shall supplant the state land use plan
2 developed pursuant to W.S. 9-8-101 et. seq.

3

4 (d) The office of state lands and investments shall
5 report to the joint minerals, business, and economic
6 development interim committee on the program no later than
7 December 1, 2012 and annually thereafter by October 1.

8

9 (e) The office of state lands and investments shall
10 promulgate rules consistent with the principles contained
11 in this chapter to administer the program.

12

13 (f) Resource management plans developed under the
14 program shall not supersede duly adopted local land use
15 planning codes or statutes.

16

17 **Section 2.** W.S. 9-8-101, 9-8-102, 9-8-201 through 9-
18 8-204, 9-8-301 and 9-8-302 are repealed.

19

20 **Section 3.**

21

22 (a) There is appropriated five hundred thousand
23 dollars (\$500,000.00) from the general fund to the office

1 of state lands and investments to develop and administer
2 the program created pursuant to this act. Notwithstanding
3 any other provision of law, this appropriation shall not be
4 transferred or expended for any other purpose and any
5 unexpended, unobligated funds remaining from this
6 appropriation shall revert as provided by law on June 30,
7 2014.

8 * * * STAFF COMMENT: THE AMOUNT OF FUNDS APPROPRIATED
9 IN SECTION 3(a) ARE MERELY A PLACEHOLDER. OFFICE OF STATE
10 LANDS AND INVESTMENTS SHOULD BE CONSULTED TO DETERMINE THE
11 PROPER AMOUNT OF THE APPROPRIATION TO ADMINISTER THE
12 PROGRAM. * * *
13

14 (b) The office of state lands and investments shall
15 include within the first report due to the joint minerals,
16 business and economic development interim committee on or
17 before December 1, 2012, whether the office requires
18 additional employees to carry out the provisions of this
19 act.

20
21 (c) The office of state land shall include funding
22 for the program created by W.S. 36-13-104 in their standard
23 budget request for the 2014-2015 biennium.

24
25 **Section 4.** This act is effective July 1, 2012.
26

1

(END)