

HOUSE BILL 6

HOUSE BILL 6

AN ACT to create W.S. 36-12-101 through 36-12-109 relating to public lands; providing for state control of certain lands within state boundaries; providing for administration by the board of land commissioners; granting rulemaking authority; providing penalties; and providing for an effective date.

Marlene Simons

Introduced by:

Brian Macmillan, John J. Drumming, Al. Shaw, Frank E. Jones, Fred R. Jones, Reg. Brewer, William S. Long, J. Edgar, George Heinemann

DATE	ACTION	DATE	ACTION
	Amended		Amended with
	Robert T. Prosser, Jr.		William C. Kling
	Eldon M. Spicer		Don Michels
	Clayton Sidi		Carlton F. Perry
	Miller Hyatt		Victor Spalen
	Dr. J. H. Smith		J. R. Haul
	Robert Charles Burgess		Ray Scott
	Ed. Bellis		Harold W. Chamberlain
	Allen Crumley		Stephen E. Hummer
	Don. Dwyer		John P. Martin
	John A. Murphy		
	James E. Trenchard		
FEB 1 1980	Noted to produce	FEB 23 1980	READ SECOND TIME
	PASSED		READ THIRD TIME
	aye 48, No 18, Excused 1, Absent 0		PASSED
	aye 48, No 18, Excused 1, Absent 0		aye 48, No 18, Excused 1, Absent 0
	READ FIRST TIME		Signatures noted to record
	REFERRED TO COM. NO. 5		on 2-25-80.
	DEFERRED TO COM. NO. 5		AYES 8, NOES 51, EXCUSED 3, ABSENT 0
			Roll to House
FEB 21 1980	RETURNED	2/26/80	RECEIVED FROM HOUSE
	Consent to Amend and On Pass 9 ayes		SENT TO LEO FOR ENGRAVING
FEB 21 1980	CONSIDERED IN COM. OF WHOLE		RECEIVED FROM LEO FOR ENGRAVING
	Standing Com. Amendment HB 6 HS1/A		ENGROSSED
	ADOPTED	2-26-80	sent to Senate
	Com. of Whole Amendment HB 6 HW3/A		(over)

ADOPTED
RECOMMENDED CO. PASS

CONTINUED ON BACK

2/26/80

Received from House	
Read first time	
Referred to Com. No.	5
Delivered to Com. No.	5

2/27/80

STANDING COMM. REPORT

AL 0 AND DO PASS

3/1/80

CONSIDERED ON COM. OF WHOLE

STANDING COM. AMBT. ADOPTED

AND FURTHER AMENDED

DO PASS

HB 6551-A

HB 6548-A

3/3/80

READ SECOND TIME

AMENDED AS FOLLOWS

3/4/80

READ THIRD TIME

AMENDED AS FOLLOWS

AMENDED AS FOLLOWS

HB 6531-A

HB 6532-A

PASSED

AYES 21 NOES 8 EXCUSED 0 ABSENT 1

Sen. Cundall moved for
immediate reconsideration of
vote on H.B. 6

AYES 5 NOES 24 FAILED

SENT TO HOUSE EXCUSED 0 ABSENT 1

APR 4 1980

Received Amended

House did concur on Senate Amendments

Ayes 18 Noes 15 Excused 1 Absent 0

RECEIVED FROM SENATE

SENT TO ISO FOR ENROLLING

RECEIVED FROM ISO ENROLLED

HEA NO. 38

SIGNED BY SPEAKER 3-5-80

SIGNED BY PRESIDENT 3-5-80

APPROVED BY GOVERNOR 3-10-80

CHAPTER NO. 53 SESSION LAWS OF WYOMING

#

Date

Roll Call of the Senate

of the FORTY-FIFTH LEGISLATURE

of Wyoming

	Excused	Absent	Ayes	Noes
31 ARNEY				✓
30 BOYLE			✓	
29 BUSSART			✓	
28 CHRISTENSEN			✓	✓
27 CUNDALL				✓
26 DAILY				✓
25 DOWNING				✓
24 FRISBY				✓
23 GEIS				✓
22 MAJHANOVICH				✓
21 MCDANIEL				✓
20 MOORE				✓
19 MURRAY				✓
18 NICHOLAS				✓
17 NICHOLS				✓
16 NORRIS				✓
15 NORTHRUP				✓
14 NOVOTNY		✓		✓
13 PARKS				✓
12 PECK				✓
11 PROFFIT			✓	✓
10 RECTOR				✓
9 SADLER			✓	
8 SEDAR				✓
7 STAFFORD				
6 STROOCK				✓
5 TAGGART				✓
4 TRUE				✓
3 TURNER				✓
2 ZIMMER				✓
1 MR. PRESIDENT			✓	

PRESENT

AYES

NOES

EXCUSED

ABSENT

ABG Roll Record 3rd time
~~ABG~~ ABG Date 3/3/80

Roll Call of the Senate

of the FORTY-FIFTH LEGISLATURE

of Wyoming

	Excused	Absent	Ayes	Noes
31 ARNEY			✓	
30 BOYLE				✓
29 BUSSART				✓
28 CHRISTENSEN			✓	
27 CUNDALL			✓	
26 DAILY				✓
25 DOWNING			✓	
24 FRISBY			✓	
23 GEIS			✓	
22 MAJHANOVICH				✓
21 MCDANIEL		✓		
20 MOORE			✓	
19 MURRAY			✓	
18 NICHOLAS			✓	
17 NICHOLS				✓
16 NORRIS				✓
15 NORTHRUP			✓	
14 NOVOTNY			✓	
13 PARKS			✓	
12 PECK			✓	
11 PROFFIT			✓	
10 RECTOR				✓
9 SADLER				✓
8 SEDAR				✓
7 STAFFORD				
6 STROOCK			✓	
5 TAGGART			✓	
4 TRUE			✓	
3 TURNER			✓	
2 ZIMMER			✓	
1 MR. PRESIDENT			✓	

PRESENT _____

AYES 20
 NOES 9
 EXCUSED 0
 ABSENT 1
30

Roll Call of the Senate of the FORTY-FIFTH LEGISLATURE of Wyoming

HB-2nd Date 2/1/60

	Excused	Absent	Ayes	Noes
31 ARNEY				
30 BOYLE				
29 BUSSART				
28 CHRISTENSEN				
27 CUNDALL				
26 DAILY				
25 DOWNING				
24 FRISBY				
23 GEIS				
22 MAJHANOVICH				
21 MCDANIEL				
20 MOORE				
19 MURRAY				
18 NICHOLAS				
17 NICHOLS				
16 NORRIS				
15 NORTHROP				
14 NOVOTNY				
13 PARKS				
12 PECK				
11 PROFIT				
10 RECTOR				
9 SADLER				
8 SEDAR				
7 STAFFORD				
6 STROCK				
5 TAGGART				
4 TRUE				
3 TURNER				
2 ZIMMER				
1 MR. PRESIDENT				

PRESENT

AYES

NOES

EXCUSED

ABSENT

9136

motion to
be considered this
reading roll call
Roll Call of the House
 of the FORTY-FIFTH LEGISLATURE
 of Wyoming

Date

2/25/80

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD		✓			28 O'NEIL		✓		
62 ASAY		✓			27 ORRISON		✓		
61 BRAGG		✓			26 PERRY		✓		
60 BRYANT		✓			25 PHELAN	✓	✓		
59 BURNETT	✓	✓			24 PROSSER		✓		
58 CHAMBERLAIN		✓			23 ROTH	✓			
57 CROSS		✓			22 SALISBURY		✓		
56 CROWLEY		✓			21 SANDERS		✓		
55 CURRY		✓			20 SCHWOPE	✓			
54 DONLEY		✓			19 C. SCOTT		✓		
53 DUSL	✓				18 D. SCOTT		✓		
52 EDWARDS	✓				17 SHREVE		✓		
51 ESKENS <i>Hyatt</i>		✓			16 SIDI		✓		
50 GARBER		✓			15 SIMONS		✓		
49 GETTER <i>Waltham</i>		✓			14 SMITH		✓		
48 GROPP		✓			13 SPICER		✓		
47 HANSEN		✓	✓	✓	12 STAUFFER		✓		
46 HEMMERT		✓			11 STRAND	✓	✓		
45 HUNTER		✓			10 TARTER		✓		
44 HURSH		✓			9 THORSON		✓		
43 JENNINGS		✓			8 TROWBRIDGE		✓		
42 JENSEN		✓			7 TUGMAN		✓		
41 JONES		✓			6 URBIGKIT		✓		
40 KINNISON		✓			5 VINICH		✓		
39 LARSON	✓	✓			4 WIEDERSPAHN		✓		
38 LUMMIS		✓			3 WILKINS <i>OK</i>			✓	
37 MacMILLAN		✓			2 WINNINGER		✓		
36 MARTON		✓			1 MR. SPEAKER		✓		
35 McILVAIN			✓		PRESENT _____ <div> AYES <u>8</u> NOES <u>51</u> EXCUSED <u>3</u> ABSENT _____ TOTAL <u>62</u> LESS <u>11</u> <u>51</u> </div>				
34 McMILLAN		✓							
33 MEENAN		✓							
32 MICHELI		✓							
31 MICHIE		✓							
30 MORTON									
29 MURPHY		✓							

#

9/13/6

Thurs Reading

Date

7/25/80

Roll Call of the House

of the FORTY-FIFTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD	✓				28 O'NEIL	✓			
62 ASAY	✓				27 ORRISON	✓			
61 BRAGG	✓				26 PERRY	✓			
60 BRYANT	✓				25 PHELAN	✓	✓		
59 BURNETT	✓	✓			24 PROSSER	✓	✓		
58 CHAMBERLAIN	✓				23 ROTH	✓	✓		
57 CROSS	✓				22 SALISBURY	✓			
56 CROWLEY	✓				21 SANDERS	✓			
55 CURRY	✓				20 SCHWOPE	✓	✓		
54 DONLEY	✓				19 C. SCOTT	✓	✓		
53 DUSL	✓	✓			18 D. SCOTT	✓			
52 EDWARDS	✓	✓			17 SHREVE	✓			
51 ESKENS Hyatt	✓				16 SIDI	✓			
50 GARBER	✓				15 SIMONS	✓			
49 GETTER Wallis	✓				14 SMITH	✓			
48 GROPP	✓				13 SPICER	✓			
47 HANSEN	✓	✓			12 STAUFFER	✓			
46 HEMMERT	✓				11 STRAND	✓	✓		
45 HUNTER	✓	✓			10 TARTER	✓			
44 HURSH	✓				9 THORSON	✓			
43 JENNINGS	✓				8 TROWBRIDGE	✓			
42 JENSEN	✓				7 TUGMAN	✓			
41 JONES	✓				6 URBIGKIT	✓	✓		
40 KINNISON	✓				5 VINICH	✓			
39 LARSON	✓	✓			4 WIEDERSPAHN	✓	✓		
38 LUMMIS	✓				3 WILKINS <i>CP</i>	✓		✓	
37 MacMILLAN	✓				2 WINNINGER	✓			
36 MARTON	✓				1 MR. SPEAKER	✓			
35 McILVAIN	✓				PRESENT _____ <div> AYES <u>48</u> NOES <u>13</u> EXCUSED <u>1</u> ABSENT _____ TOTAL <u>62</u> LESS <u>10</u> <u>48</u> </div>				
34 McMILLAN	✓								
33 MEENAN	✓								
32 MICHELI	✓								
31 MICHIE	✓								
30 MORTON									
29 MURPHY	✓								

#

9136

Motion to
Introduce

Date

8/12/80

Roll Call of the House

of the FORTY-FIFTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD		✓			28 O'NEIL		✓		
62 ASAY	✓				27 ORRISON	✓			
61 BRAGG	✓				26 PERRY	✓			
60 BRYANT	✓				25 PHELAN	✓			
59 BURNETT	✓				24 PROSSER	✓			
58 CHAMBERLAIN	✓				23 ROTH		✓		
57 CROSS	✓				22 SALISBURY	✓			
56 CROWLEY	✓				21 SANDERS	✓			
55 CURRY	✓				20 SCHWOPE		✓		
54 DONLEY	✓				19 C. SCOTT		✓		
53 DUSL		✓			18 D. SCOTT	✓			
52 EDWARDS	✓				17 SHREVE	✓			
51 ESKENS <i>Hyatt</i>	✓				16 SIDI	✓			
50 GARBER	✓				15 SIMONS	✓			
49 GETTER <i>Wallis</i>	✓				14 SMITH	✓			
48 GROPP <i>Sp</i>			✓		13 SPICER	✓			
47 HANSEN		✓			12 STAUFFER	✓			
46 HEMMERT	✓				11 STRAND		✓		
45 HUNTER	✓				10 TARTER	✓			
44 HURSH	✓				9 THORSON	✓			
43 JENNINGS	✓				8 TROWBRIDGE	✓			
42 JENSEN	✓				7 TUGMAN	✓			
41 JONES	✓				6 URBIGKIT	✓			
40 KINNISON		✓			5 VINICH	✓			
39 LARSON	✓				4 WIEDERSPAHN	✓			
38 LUMMIS	✓				3 WILKINS <i>Sp</i>			✓	
37 MacMILLAN	✓				2 WINNINGER	✓			
36 MARTON	✓				1 MR. SPEAKER	✓			
35 McILVAIN	✓				PRESENT _____ <div> AYES <u>50</u> NOES <u>10</u> EXCUSED <u>2</u> ABSENT _____ TOTAL <u>62</u> LESS <u>12</u> <u>50</u> </div>				
34 McMILLAN	✓								
33 MEENAN		✓							
32 MICHELI	✓								
31 MICHIE	✓								
30 MORTON									
29 MURPHY	✓								

#

9136

James
Ward & Co.

Date

3/4/80

Roll Call of the House

of the FORTY-FIFTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD	✓				28 O'NEIL	✓			
62 ASAY	✓				27 ORRISON	✓			
61 BRAGG	✓				26 PERRY	✓			
60 BRYANT	✓				25 PHELAN	✓	✓		
59 BURNETT	✓	✓			24 PROSSER	✓	✓		
58 CHAMBERLAIN	✓				23 ROTH	✓	✓		
57 CROSS	✓				22 SALISBURY	✓	✓		
56 CROWLEY	✓	✓			21 SANDERS	✓	✓		
55 CURRY	✓				20 SCHWOPE	✓	✓		
54 DONLEY	✓				19 C. SCOTT	✓	✓		
53 DUSL	✓	✓			18 D. SCOTT	✓	✓		
52 EDWARDS	✓	✓			17 SHREVE	✓	✓		
51-ESKENS <i>Hyatt</i>	✓				16 SIDI	✓	✓		
50 GARBER	✓				15 SIMONS	✓	✓		
49-GETTER <i>Wallis</i>	✓				14 SMITH	✓	✓		
48 GROPP	✓				13 SPICER	✓	✓		
47 HANSEN	✓	✓			12 STAUFFER	✓	✓		
46 HEMMERT	✓				11 STRAND	✓	✓		
45 HUNTER	✓	✓			10 TARTER	✓	✓		
44 HURSH	✓	✓			9 THORSON	✓	✓		
43 JENNINGS	✓				8 TROWBRIDGE	✓	✓		
42 JENSEN	✓				7 TUGMAN	✓	✓		
41 JONES	✓				6 URBIGKIT	✓	✓		
40 KINNISON	✓				5 VINICH	✓	✓		
39 LARSON	✓	✓			4 WIEDERSPAHN	✓	✓		
38 LUMMIS	✓				3 WILKINS <i>CP</i>	✓	✓		
37 MacMILLAN	✓				2 WINNINGER	✓	✓		
36 MARTON	✓				1 MR. SPEAKER	✓	✓		
35 McILVAIN	✓								
34 McMILLAN	✓								
33 MEENAN	✓								
32 MICHELI	✓								
31 MICHIE	✓								
30 MORTON	✓								
29 MURPHY	✓								

PRESENT

AYES

48

NOES

13

EXCUSED

1

ABSENT

TOTAL

62

LESS

14

48

HB6

HB6HS1/A

T.S. 2-21-80

✓ Page 4-line 1 ✓

After "law." insert "Any land determined to be available for disposition by sale pursuant to W.S. 36-12-109(a) (i) shall only be sold in accordance with W.S. 36-9-101 through 36-9-120. Sales of land acquired under this act shall be made only as it may appear to the board of land commissioners to be in the best interest of the state of Wyoming."

✓ Page 4-lines 21 and 22 Delete and insert "foster, promote and encourage the optimum development of the state's human, industrial, mineral, agricultural, water, wildlife and wildlife habitat, timber and recreational resources."

✓ Page 5-lines 1 thru 4 Delete.

✓ Page 7-line 4 Delete "from and after" and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution."

✓ Page 7-lines 5 thru 8 Delete.

-JENNINGS, CHAIRMAN

ADOPTED

HB6HW3/A

✓ Page 3-line 16 Delete "No regulation".

✓ Page 3-lines 17 and 18 Delete.

-HANSEN

ADOPTED

Mr. President: Your Committee No. 5, on Agriculture to whom was referred HB No. 6, respectfully reports same back to the Senate with the recommendation that it DO PASS with the following amendment:

HB6SS

TO ENGROSSED COPY

Page 1-line 1 Delete "36-12-110", insert "36-12-109".
Page 2-line 1 Delete "36-12-110", insert "36-12-109".
Page 3-lines 11 through 21 Delete entirely and insert:

- (a) Upon transfer to the state of Wyoming the jurisdiction and ownership of lands and mineral resources subject to this act, the board shall manage such in an orderly manner in trust for the ultimate benefit and use of all the people of Wyoming and in conformity with established concepts of multiple use and sustained yield which will permit the development of uses for agriculture, grazing, recreation, minerals, timber, and the development, production and transmission of energy and other public utility services. It shall be managed in such a manner as to permit the conservation and protection of watersheds and wildlife habitat, and historic, scenic, fish and wildlife, recreational and natural values.
- (b) The board of land commissioners shall develop a plan for the transfer and management of lands and minerals subject to this act. This plan will be submitted to the governor and legislature prior to January 1, 1983 and will be subject to their approval. Such a management plan shall consider:
 - (i) Management of the land pursuant to subsection (a);
 - (ii) Policy and program regarding disposal, lease or exchange of any lands or resources acquired pursuant to this act;
 - (iii) Policy and program regarding public access to use of such lands;
 - (iv) Retention of lands for wildlife habitat or recreational purposes; and
 - (v) Program regarding use or transfer of lands to municipalities and other governmental entities for public purposes.

Page 4
Page 6

Delete lines 1 through 10.
Delete lines 3 through 13 and renumber the following section accordingly.
-CHRISTENSEN

HB6SS-1

Earl Christensen, Chairman



Message No. 88

Mr. Speaker:

March 4, 1980

The House Bill listed below passed on third reading in an amended form by the vote indicated.

H.B. No. 006 State lands.

HB6881/A

TO ENGROSSED COPY

Page 1-line 1 Delete "36-12-110", insert "36-12-109".
Page 2-line 1 Delete "36-12-110", insert "36-12-109".
Page 3-lines 11 through 21 Delete entirely and insert:

- (a) Upon transfer to the state of Wyoming the jurisdiction and ownership of lands and mineral resources subject to this act, the board shall manage such in an orderly manner in trust for the ultimate benefit and use of all the people of Wyoming and in conformity with established concepts of multiple use and sustained yield which will permit the development of uses for agriculture, grazing, recreation, minerals, timber, and the development, production and transmission of energy and other public utility services. It shall be managed in such a manner as to permit the conservation and protection of watersheds and wildlife habitat, and historic, scenic, fish and wildlife, recreational and natural values.
- (b) The board of land commissioners shall develop a plan for the transfer and management of lands and minerals subject to this act. This plan will be submitted to the governor and legislature prior to January 1, 1983 and will be subject to their approval. Such a management plan shall consider:
 - (i) Management of the land pursuant to subsection (a);
 - (ii) Policy and program regarding disposal, lease or exchange of any lands or resources acquired pursuant to this act;
 - (iii) Policy and program regarding public access

- to use of such lands;
- (iv) Retention of lands for wildlife habitat or recreational purposes; and
- (v) Program regarding use or transfer of lands to municipalities and other governmental entities for public purposes.

Page 4 Delete lines 1 through 10.
 Page 6 Delete lines 3 through 13 and renumber the following section accordingly.
 -CHRISTENSEN

HB6SW2/A

TO THE ENGROSSED COPY

In the standing committee amendment (HB6SS1/A) reference page 3 lines 11 through 21 (a), delete "ultimate" and insert "optimum".

Reference page 2-lines 11 through 21 (b) (iv), delete "Retention" and insert "Conservation". -CUNDALL

HB6S21/A

TO ENGROSSED COPY

Page 7-after line 7 Insert a new section 2. as follows and renumber the following section accordingly:

2. No sale or trade of any state land including state land currently held by the state of Wyoming shall be made without a public hearing in the county in which the land is located if a hearing is requested by the county commissioners. -TRUE

HB6S31/A

TO THE ENGROSSED COPY

Page 3-line 3 After "the" insert "unappropriated".
 Page 4-line 13 After "all" insert "federal"; after "state" insert "except as set forth in W.S.36-12-109". -STROOCK

HB6S32/A

TO THE ENGROSSED COPY

In the standing committee amendment (HB6SS1/A) reference Page 3 lines 11 through 21, after the last "." insert:

"as used in this section:

(i) Sustained yield means the maintenance of a high-level annual or regular periodic output of the various renewable resources of the state lands consistent with multiple use.

(ii) Multiple use means the management of the land in a combination of balanced and diverse resource uses that takes into account the long-term needs for renewable and non-renewable resources, including but not limited to recreation, range, timber, minerals, watershed, wildlife and fish, natural, scenic, scientific and historical values, and the coordinated management of the resources without permanent impairment of the productivity of the land or the quality of the environment". -NICHOLAS

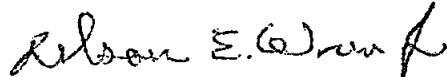
Ayes 21 Noes 8 Excused 0 Absent 1

A motion for immediate reconsideration of the vote on House Bill 6 failed by the vote indicated.

Ayes 5 Noes 24 Excused 0 Absent 1

The Senate respectfully asks the House to concur by adopting the listed amendments.

Sincerely,



Signed: Nelson E. Wren, Jr.
Senate Chief Clerk

NEW:jh

✓ HB6SS1/A

H.B. 4

TO ENGROSSED COPY

- ✓ Page 1-line 1 ✓ Delete "36-12-110", insert "36-12-109".
✓ Page 2-line 1 ✓ Delete "36-12-110", insert "36-12-109".
✓ Page 3-lines 11 through 21 Delete entirely and insert:

(a) Upon transfer to the state of Wyoming the jurisdiction and ownership of lands and mineral resources subject to this act, the board shall manage such in an orderly manner in trust for the ^{optimum} ~~ultimate~~ benefit and use of all the people of Wyoming and in conformity with established concepts of multiple use and sustained yield which will permit the development of uses for agriculture, grazing, recreation, minerals, timber, and the development, production and transmission of energy and other public utility services. It shall be managed in such a manner as to permit the conservation and protection of watersheds and wildlife habitat, and historic, scenic, fish and wildlife, recreational and natural values.

(b) The board of land commissioners shall develop a plan for the transfer and management of lands and minerals subject to this act. This plan will be submitted to the governor and legislature prior to January 1, 1983 and will be subject to their approval. Such a management plan shall consider:

- (i) Management of the land pursuant to subsection (a);
(ii) Policy and program regarding disposal, lease or exchange of any lands or resources acquired pursuant to this act;
(iii) Policy and program regarding public access to use of such lands;
(iv) ~~Retention~~ of lands for wildlife habitat or recreational purposes; and
(v) Program regarding use or transfer of lands to municipalities and other governmental entities for public purposes.

✓ Page 4
✓ Page 6

✓ Delete lines 1 through 10.
Delete lines 3 through 13 and renumber the following section accordingly.
-CHRISTENSEN

✓ HB6SW2/A

TO THE ENGROSSED COPY

✓ In the standing committee amendment (HB6SS1/A) reference page 3 lines 11 through 21 (a), delete "ultimate" and insert "optimum".

✓ Reference page 2-lines 11 through 21 (b) (iv), delete "Retention" and insert "Conservation". -CUNDALL

①

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 21 1930..

H.B. 6 - 5
Mr. Speaker:

Your Committee No. 5 on Public Lands & Natural Resources
to whom was referred No.

respectfully reports same back to the House with the recommendation that it do pass with
the following amendments:

Page 4, line 1 -- After ~~section~~ insert "Any land determined to
be available for disposition by sale pursuant to
U.S. 36-12-109(a)(1) shall only be sold in
accordance with the provisions of U.S. 36-9-101 through
36-9-109. Sales of land acquired under the provisions
of this act shall be made only as it may appear
to the board of land commissioners to be in the
best interest of the state of Wyoming."

Page 4, lines 21, 22 -- Delete and insert "foster, promote and
encourage the optimum development of the state's
human, industrial, mineral, agricultural, water,
wildlife and wildlife habitat, timber and
recreational resources."

Page 5, lines 1 thru 4 -- Delete

Page 7, line 4 -- Delete "from and after" and insert
"immediately upon completion of all acts necessary
for a bill to become law as provided by Article
Section 6 of the Wyoming Constitution."

Page 7, lines 5 thru 6 -- Delete

Ayes

Asay
Bryant
Garber
Salisbury
D. Scott
Simons
Smith
Tugman
Jennings

Gary Jennings
.....
Gary Jennings,

Chairman

✓ HB6S21/A

TO ENGROSSED COPY

✓ Page 7-after line 7 ✓ Insert a new section 2. as follows
and renumber the following section
accordingly:

2. No sale or trade of any state land including
state land currently held by the state of Wyoming shall be
made without a public hearing in the county in which the
land is located if a hearing is requested by the county
commissioners. -TRUE

✓ HB6S31/A

TO THE ENGROSSED COPY

✓ Page 3-line 3 ✓ After "the" insert "unappropriated".
✓ Page 4-line 13 ✓ After "all" insert "federal"; after "state
insert "except as set forth in
W.S.36-12-109". -STROOCK

✓ HB6S32/A

✓ TO THE ENGROSSED COPY ✓

Ref In the standing committee amendment (HB6SS1/A)
reference Page 3lines 11 through 21, after the last "."
insert: ^(c) "As used in this section:

(i) Sustained yield means the maintenance of a
high-level annual or regular periodic output of the various
renewable resources of the state lands consistent with
multiple use.

(ii) Multiple use means the management of the land in
a combination of balanced and diverse resource uses that
takes into account the long-term needs for renewable and
non-renewable resources, including but not limited to
recreation, range, timber, minerals, watershed, wildlife and
fish, natural, scenic, scientific and historical values, and
the coordinated management of the resources without
permanent impairment of the productivity of the land or the
quality of the environment". -NICHOLAS

2

The following reports from standing committees were received and read:

THE LEGISLATURE OF THE STATE OF WYOMING - SENATE - Cheyenne, February 28, 1980

Mr. President: Your Committee No. 5, on Agriculture to whom was referred HB No. 6, respectfully reports same back to the Senate with the recommendation that it DO PASS with the following amendment:

HB6SS

TO ENGROSSED COPY

Page 1-line 1 Delete "36-12-110", insert "36-12-109".
 Page 2-line 1 Delete "36-12-110", insert "36-12-109".
 Page 3-lines 11 through 21 Delete entirely and insert:

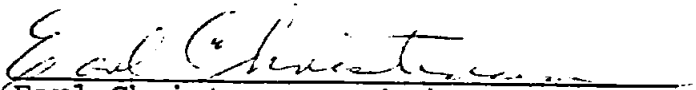
- (a) Upon transfer to the state of Wyoming the jurisdiction and ownership of lands and mineral resources subject to this act, the board shall manage such in an orderly manner in trust for the ultimate benefit and use of all the people of Wyoming and in conformity with established concepts of multiple use and sustained yield which will permit the development of uses for agriculture, grazing, recreation, minerals, timber, and the development, production and transmission of energy and other public utility services. It shall be managed in such a manner as to permit the conservation and protection of watersheds and wildlife habitat, and historic, scenic, fish and wildlife, recreational and natural values.
- (b) The board of land commissioners shall develop a plan for the transfer and management of lands and minerals subject to this act. This plan will be submitted to the governor and legislature prior to January 1, 1983 and will be subject to their approval. Such a management plan shall consider:
 - (i) Management of the land pursuant to subsection (a);
 - (ii) Policy and program regarding disposal, lease or exchange of any lands or resources acquired pursuant to this act;
 - (iii) Policy and program regarding public access to use of such lands;
 - (iv) Retention of lands for wildlife habitat or recreational purposes; and
 - (v) Program regarding use or transfer of lands to municipalities and other governmental entities for public purposes.

Page 4 Delete lines 1 through 10.
 Page 6 Delete lines 3 through 13 and renumber the following section accordingly.

-CHRISTENSEN

AYES: Senators Christensen, Zimmer, Turner, Majhanovich, Proffit

HB6SS-1


 Earl Christensen, Chairman

Forwarded by Senate Admin.
 2-29-80 11:00

2nd Reading

March 1, 1980

Date.....

MR. PRESIDENT:

~~MR. CHAIRMAN:~~

HB6

I move that be amended to read as follows:

HB6SW 2-F

TO THE ENGROSSED COPY

Page 3-line 3 After "the" insert "unappropriated".
Page 4-line 13 After "all" insert "federal"; after "state"
 insert "except as set forth in 36-12-109".
Page 7-line 5 After ", " insert "national forest,".
Page 7-line 6 After "refuge" insert ", primitive".
-STROOCK

Approved by Senate Attorney

Date 3-1-80

T.R.

HB6SW-2

Tom Stroock
Tom Stroock,

Senate Member

March 3, 1980

Date.....

MR. PRESIDENT:

MR. CHAIRMAN:

I move thatHB6..... be amended to read as follows:

HB6S31/A


TO THE ENGROSSED COPY

Page 3-line 3 After "the" insert "unappropriated".
Page 4-line 13 After "all" insert "federal"; after "state
insert "except as set forth in
W.S.36-12-109". -STROOCK

HB6S3-1

Approved by Senate Attorney

Date 3-3-80
A.A.


Tom Stroock Senate Member

APPROVED BY SENATE ATTORNEY
3-3-80
1.R.

Senate Member

David Nicholas

(1) Sustained yield means the maintenance of a high-level annual or regular periodic output of the various renewable resources of the state lands consistent with multiple use.

(1) Multiple use means the management of the land in a combination of balanced and diverse resource uses that takes into account the long-term needs for renewable and non-renewable resources, including but not limited to recreation, range, timber, minerals, watershed, wildlife and fish, natural, scenic, scientific and historical values, and the coordinated management of the resources without permanent impairment of the productivity of the land or the quality of the environment". -NICHOLAS

In the standing committee amendment (HB6SS1/A) reference Page 31 lines 11 through 21, after the last " " insert: "as used in this section:

TO THE ENGROSSED COPY

HB6S2 2/18

I move that HB6 be amended to read as follows:

MR. CHAIRMAN:

MR. PRESIDENT:

Date

March 3, 1980

2/18

March 3, 1980

Date.....

MR. PRESIDENT:

MR. CHAIRMAN:

I move thatHB6..... be amended to read as follows:

HB6S21/R

TO ENGROSSED COPY

Page 7-after line 7 Insert a new section 2. as follows
and renumber the following section
accordingly:

2. No sale or trade of any state land including
state land currently held by the state of Wyoming shall be
made without a public hearing in the county in which the
land is located if a hearing is requested by the county
commissioners. -TRUE

Approved by Senate Attorney

Date 3-3-80

T.R.



Diemer True.

Senate Member

HB6S2-1

February 29, 1980

Date.....

my

MR. PRESIDENT:

MR. CHAIRMAN:

I move that HB6 be amended to read as follows:

HB6SW1/R

HB6SW 2/R

TO ENGROSSED COPY

In the standing committee amendment (HB6SS1/A) reference page (3 lines 11-21 (a), after "lands" insert "water" delete "ultimate" and insert "optimum". Reference page 2-lines 11-21 (b) (iv), delete "Retention" and insert "Conservation". -CUNDALL

HB6SW-1

Approved by Senate Attorney

Date 2-29-80

T.R.

Donald A. Cundall

Donald Cundall

Senate Member

2H

Date..... March 1, 1980

MR. PRESIDENT:

MR. CHAIRMAN:

I move that HB6 be amended to read as follows:

HB6SW3/F

TO ENGROSSED COPY

Page 5-line 12 Delete "general fund" insert "permanent
land fund". -STROOCK

HB6SW-3

Approved by Senate Attorney
Date 3-1-80

T.R.



Tom Stroock

Senate Member

TS. 2-22-80

HB6HW2/ *F*

Page 7-line 1

After "park," insert "national forest,".
-LARSON

A

Mr. President: Your Committee No. 5, on Agriculture to whom was referred HB No. 6, respectfully reports same back to the Senate with the recommendation that it DO PASS with the following amendment:

HB6SS 1/A pa

TO ENGROSSED COPY

Page 1-line 1 Delete "36-12-110", insert "36-12-109".
Page 2-line 1 Delete "36-12-110", insert "36-12-109".
Page 3-lines 11 through 21 Delete entirely and insert:

(a) Upon transfer to the state of Wyoming the jurisdiction and ownership of lands and mineral resources subject to this act, the board shall manage such in an orderly manner in trust for the ultimate benefit and use of all the people of Wyoming and in conformity with established concepts of multiple use and sustained yield which will permit the development of uses for agriculture, grazing, recreation, minerals, timber, and the development, production and transmission of energy and other public utility services. It shall be managed in such a manner as to permit the conservation and protection of watersheds and wildlife habitat, and historic, scenic, fish and wildlife, recreational and natural values.

(b) The board of land commissioners shall develop a plan for the transfer and management of lands and minerals subject to this act. This plan will be submitted to the governor and legislature prior to January 1, 1983 and will be subject to their approval. Such a management plan shall consider:

- (i) Management of the land pursuant to subsection (a);
- (ii) Policy and program regarding disposal, lease or exchange of any lands or resources acquired pursuant to this act;
- (iii) Policy and program regarding public access to use of such lands;
- (iv) Retention of lands for wildlife habitat or recreational purposes; and
- (v) Program regarding use or transfer of lands to municipalities and other governmental entities for public purposes.

Page 4 Delete lines 1 through 10.

Page 6 Delete lines 3 through 13 and renumber the following section accordingly.

-CHRISTENSEN

AYES: Senators Christensen, Zimmer, Turner, Majhanovich, Proffit

HB6SS-1

Approved By Senate Attorney


Earl Christensen, Chairman

House of Intro
To Com No. _____
Stand Report Do _____ Amd _____ Not _____
Com Whole Do _____ Amd _____ Not _____
2nd Reading Amd _____
3rd Reading Amd _____ Pass _____ Fail _____

Second House
To Com No. _____
Stand Report Do _____ Amd _____ Not _____
Com Whole Do _____ Amd _____ Not _____
2nd Reading Amd _____
3rd Reading Amd _____ Pass _____ Fail _____

INTRODUCED

1980

STATE OF WYOMING

80LSO-023.01

HOUSE BILL NO. 6

State lands.

Sponsored by: Representatives SIMONS, PROSSER,
SALISBURY and D. SCOTT



A BILL

for

1 AN ACT to create W.S. 36-12-101 through 36-12-110 relating
2 to public lands; providing for state control of certain
3 lands within state boundaries; providing for administra-
4 tion by the board of land commissioners; granting
5 rulemaking authority; providing penalties; and providing
6 for an effective date.

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

8 Section 1. W.S. 36-12-101 through 36-12-110 are
9 created to read:

1

ARTICLE 12

2

STATE CONTROL OF CERTAIN LAND

3

36-12-101. Legislative determinations.

4

(a) The legislature determines:

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(i) The intent of the framers of the constitution of the United States was to guarantee to each of the states sovereignty over all matters within its boundaries except for those powers specifically granted to the United States as agent of the states;

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(ii) The attempted imposition upon the state of Wyoming by the congress of the United States of a requirement in the Statehood Act that the state of Wyoming and its people "disclaim all right and title to any lands or other property not granted or confirmed to the state or its political subdivisions by or under the authority of this act, the right or title to which is held by the United States or is subject to disposition by the United States", as a condition precedent to acceptance of Wyoming into the Union, was an act beyond the power of the congress of the United States and is thus void;

21

(iii) The purported right of ownership and

1 control of the public land in the state of Wyoming by the
2 United States is without foundation and violates the clear
3 intent of the constitution of the United States; and

4 (iv) The exercise of that dominion and control
5 of the public land in the state of Wyoming by the United
6 States works a severe, continuous and debilitating hard-
7 ship upon the people of the state of Wyoming.

8 36-12-102. Management.

9 (a) The board of land commissioners shall manage the
10 land which is the subject of this act. The board shall
11 use the provisions of this act for the management of the
12 land.

13 (b) The board shall manage the land in an orderly
14 and beneficial manner.

15 (c) The board of land commissioners may adopt regu-
16 lations for the management of the land. No regulation
17 which imposes a limitation upon the people of the state is
18 effective until approved by the legislature.

19 (d) The board of land commissioners may sell, lease,
20 exchange or encumber the land when specifically authorized
21 to do so by law and under the terms and conditions estab-

1 lished by the law.

2 (e) Land may not be disposed of before July 1, 1981
3 except for sales or exchanges pending on March 1, 1980 or
4 rights-of-way for public purposes.

5 36-12-103. Property of the state. Subject to valid
6 existing rights of applicants for land, after March 30,
7 1980, all land in the state and all water and mineral
8 rights appurtenant not previously appropriated are the
9 exclusive property of the state and subject to its juris-
10 diction and control.

11 36-12-104. Existing rights under federal law. Until
12 equivalent measures are enacted by the legislature, the
13 rights and privileges of the people of this state granted
14 under the provisions of existing federal law are preserved
15 under administration by the board of land commissioners.

16 36-12-105. Treaties and compacts. Land in the state
17 which has been administered by the United States under
18 interstate compacts will continue to be administered by
19 the state in conformity with those compacts.

20 36-12-106. Multiple use. The land shall be used to
21 the greatest extent possible for recreation, wildlife
22 habitat, agriculture, water, mineral and timber produc-

1 tion and for the development, production and transmission
2 of energy and other public and private services under the
3 principles of multiple use to provide maximum benefit to
4 the people of the state.

5 36-12-107. Proceeds to the general fund. The pro-
6 ceeds of sales, fees, rents, royalties or other receipts
7 from the land paid to the state under this act shall be
8 deposited in the general fund.

9 36-12-108. Exclusive enforcement; penalties.

10 (a) The state has exclusive jurisdiction to enforce
11 the provisions of this act.

12 (b) An individual may institute a civil action to
13 recover damages for injury or loss sustained as the result
14 of a violation of the provisions of this act.

15 (c) Any person who attempts to exercise jurisdiction
16 over land secured under this act in a manner not permitted
17 by the laws of the state is guilty of a felony punishable
18 by imprisonment for not less than two (2) years nor more
19 than ten (10) years.

20 36-12-109. Survey.

21 (a) The board of land commissioners shall study the

1 land to determine land which should be:

2 (i) Made available for disposition;

3 (ii) Retained by the state as habitat for
4 wildlife or for recreational or other public purposes; and

5 (iii) Made available for selection by a
6 municipality.

7 (b) The board of land commissioners shall consider
8 the views of municipalities on the management of land
9 within or near municipalities.

10 36-12-110. Definition.

11 (a) As used in this act "land" means all land and
12 water within the exterior boundaries of the state of
13 Wyoming except land and water:

14 (i) To which title is held by a private person
15 or entity;

16 (ii) To which title was held by the state or a
17 municipality in the state before March 1, 1980;

18 (iii) Which is controlled by the United States
19 department of defense on March 1, 1980;

(iv) Which was a national park, national monument, land held in trust for Indians, wildlife refuge or wilderness area established prior to January 1, 1980.

4 Section 2. This act is effective from and after
5 January 1, 1981, if, and only if, the voters of the State
6 of Wyoming have adopted a constitutional amendment at the
7 November, 1980 general election, repealing Article 21,
8 Section 26, Wyoming Constitution.

9 (END)

FISCAL NOTE

Anticipated <u>REVENUE</u> to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated <u>COST</u> to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED COST		

1. It cannot be determined what costs would be required if Wyoming took possession of the lands. However, according to the Forest Service, \$35,217.000.00 was spent in Wyoming in FY 1978 for salaries, construction, land acquisition, Youth Conservation Corps activities, range improvements, timber harvesting activities and other agency programs.
2. Additional personnel would be required, but the number cannot be estimated at this time.