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HOUSE BILL 0370

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AN ACT to create W.S. 9-1-634 and 39-1-103 through 39-1-105; and to amend W.S. 36-10-101 relating to the acquisition or control of state or private lands by the federal government; directing the attorney general to review any acquisition or control of state or private lands in Wyoming by any federal agency and to report findings and recommended action to the governor; authorizing the governor to take appropriate action; declaring protection of state and private lands in Wyoming from federal regulation or acquisition to be in the state's interest; requiring consent of the legislature to acquisition of real property or water rights by the United States; providing conditions for granting legislative consent; requiring payments in lieu of taxes for property acquired by the United States; and providing for an effective date.

Mr. Ken Conley
 Marlboro, Vermont

Ron Micheli
 102 George

[illegible]

CONTINUED ON BACK

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 2....., 19.83..

Mr. Speaker:

Your Committee No. 5 on AGRICULTURE, PUBLIC LANDS & WATER RESOURCES
to whom was referred HB No. 0370
respectfully reports same back to the House with the recommendation that it
DO PASS

AYES

NOES
0

EXCUSED
0

Arnold
Budd
Burns
Geringer
Hageman
Herbst
Humphrey
Mader
Simons
Cross

Wm. A. "Rory" Cross
Wm. A. "Rory" Cross

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

1983

STATE OF WYOMING

83LSO-0600.01

HOUSE BILL NO. 0370

Land acquisition by federal government.

Sponsored by: Representative(s) DONLEY

A BILL

for

1 AN ACT to create W.S. 9-1-634 and 39-1-103 through
 2 39-1-105; and to amend W.S. 36-10-101 relating to the
 3 acquisition or control of state or private lands by the
 4 federal government; directing the attorney general to
 5 review any acquisition or control of state or private
 6 lands in Wyoming by any federal agency and to report find-
 7 ings and recommended action to the governor; authorizing
 8 the governor to take appropriate action; declaring pro-
 9 tection of state and private lands in Wyoming from federal
 10 regulation or acquisition to be in the state's interest;
 11 requiring consent of the legislature to acquisition of

1 real property or water rights by the United States; pro-
2 viding conditions for granting legislative consent;
3 requiring payments in lieu of taxes for property acquired
4 by the United States; and providing for an effective date.

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

6 Section 1. W.S. 9-1-634 and 39-1-103 through
7 39-1-105 are created to read:

8 9-1-634. Attorney general to review land acquisition
9 or control by federal government; action to protect state
10 interests.

11 (a) The legislature finds it is in the state's
12 public interest to preserve and protect the land and human
13 resources in this state from federal encroachment. Acqui-
14 sition of state and private lands by the federal govern-
15 ment diminishes the tax base of the state and deprives its
16 citizens of the right to own and use the land resources of
17 the state to enhance the state economy. It is in the
18 interests of the state and its citizens that the land
19 resources in the state be protected from regulation or
20 acquisition by the federal government.

21 (b) The attorney general shall promptly review any
22 reported acquisition or threatened acquisition of state or

1 private property in Wyoming, or any reported regulation or
2 attempt to regulate the use and enjoyment of state or pri-
3 vate property in Wyoming by any agency of the federal
4 government. The attorney general shall determine the
5 legal authority for the asserted acquisition or control,
6 and shall report any findings and make recommendations to
7 the governor for appropriate action. The governor may
8 authorize the attorney general to take such action as he
9 deems appropriate to protect the interests of the state
10 and its citizens against land acquisitions or controls by
11 the federal government and its agencies. The governor
12 shall report to the legislature any proposed transfer to
13 or imposition of jurisdiction by the federal government of
14 state or private property.

15 39-1-103. Consent may be given for transfer of
16 jurisdiction to the United States. Consent of the state of
17 Wyoming to acquisition by the United States of America of
18 any land or water right or interest therein in this state,
19 except voluntary conveyances of privately owned property
20 or property rights, desired for any purpose expressly
21 stated in Clause 17, Section 8, Article I of the Constitu-
22 tion of the United States may be given only after approval
23 by the legislature of the state of Wyoming, upon finding
24 that the proposed transfer of jurisdiction and the method

1 thereof and all other matters pertaining thereto are con-
2 sistent with the best interest of the state and conform to
3 the provisions of the United States Constitution and fed-
4 eral laws.

5 39-1-104. Same; with certain rights reserved.

6 (a) Consent of the state of Wyoming may also be
7 given only after approval by the legislature of the state
8 of Wyoming in cases where privately owned or state-owned
9 real property is desired by the United States for other
10 than those purposes expressly stated in Clause 17, Section
11 8, Article I of the Constitution of the United States,
12 when the legislature finds that such proposed transfer of
13 jurisdiction and method thereof and all other matters
14 pertaining thereto are consistent with the best interest
15 of the state and conform to provisions of federal laws.

16 (b) Consent of the state shall be required for all
17 acquisitions of real property or of rights therein,
18 including water rights, of any nature whatever, by the
19 United States or any agency thereof, except voluntary
20 conveyances of privately owned property or property
21 rights.

22 39-1-105. Conditions and requirements of consent to

1 acquisition.

2 (a) The consent of the state in all such cases shall
3 be conditioned upon the following requirements having been
4 complied with and such other factors as the legislature
5 may deem appropriate:

6 (i) The United States shall agree by written
7 contract to make payments in lieu of taxes, upon the prop-
8 erty, including improvements thereon, at the rate that
9 other similar property, in the county is taxed. Payments
10 shall continue as long as ownership by the United States
11 of America continues. Such tax payments shall be appor-
12 tioned among the state, and the taxing agencies and polit-
13 ical subdivisions which would otherwise have the right to
14 tax the property if the property were privately owned.
15 The contract and all deeds and documents evidencing the
16 conveyance of title to the United States or any agency
17 thereof shall provide that title to the property and all
18 rights appurtenant thereto shall revert to the grantor, or
19 to the grantors heirs, if any, or if there are no heirs
20 then to the state of Wyoming, if the payments in lieu of
21 taxes are not paid.

22 (ii) The Wyoming tax commission shall be the
23 sole bargaining agency between the state, its political

1 subdivisions and the federal government, and shall
2 determine the ratio of distribution of payments in lieu of
3 taxes required to be paid by the federal government. No
4 in lieu of tax payments shall be demanded under these
5 provisions for a right-of-way for a public road or post
6 office, or for any purpose expressly stated in Clause 17,
7 Section 8, Article I of the Constitution of the United
8 States.

9 Section 2. W.S. 36-10-101 is amended to read:

10 36-10-101. Authority to acquire state lands; reser-
11 vation of mineral rights.

12 (a) The United States shall be and is authorized to
13 acquire by purchase, ~~or~~ condemnation or otherwise, any
14 land in this state required for public buildings, custom
15 houses, arsenals, national cemeteries, or other purposes
16 essential to the national defense ~~in~~ FOR necessary use of
17 ~~said~~ THE land by armed naval, air or land forces, or land
18 to be physically occupied by the Boysen Dam, its reser-
19 voir, power plant and distribution systems, or lands to be
20 physically occupied by dams, reservoirs, power plants and
21 distribution systems in United States reclamation service
22 projects, and the state of Wyoming hereby consents
23 thereto, provided that the mineral content of lands so

1 acquired, if owners thereof so elect, shall be reserved to
2 ~~such~~ THE owners.

3 (b) LAND WHICH IS BEING CONSIDERED FOR ACQUISITION
4 BY THE UNITED STATES FOR ANY OTHER PURPOSE, WHETHER BY FEE
5 OR EASEMENT, MAY BE ACQUIRED ONLY AFTER APPROVAL BY THE
6 LEGISLATURE UNLESS THE ACQUISITION IS MADE BY A VOLUNTARY
7 CONVEYANCE OF PRIVATELY OWNED LAND.

8 Section 3. This act is effective May 27, 1983.

9 (END)

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19	Fiscal Year 19
See Discussion.		
TOTAL ESTIMATED COST		

According to a spokesman for the Office of the Attorney General, "After reviewing the bill, it is my opinion that it would be virtually impossible to make any realistic estimates as to how much time and money would have to be expended by the Office in the event the bill becomes law."