

Recent History of Land Transfer Legislation in Wyoming

Summary

In the last **7 years**, the Wyoming Legislature has

- discussed the topic during **3** different interims;
- passed **3** types of study bills;
- released **2** reports on the topic;
- and introduced **6** other bills to implement transfer – all of which failed;

Also, the Wyoming Attorney General and LSO attorneys have issued **3** legal reports challenging the legality of federal land transfer.

Details

2012 Interim, October - Minerals Committee explores the topic: "UTAH LAND TRANSFER ACT

2013 Legislative Session HB 228 Transfer of federal lands-study passes, "Creating a task force on the transfer of federal Lands; requiring a report ...on the possible legal recourses available to compel the federal government to relinquish ownership and management of specified federal lands in Wyoming." Governor Mead vetoed sections of bill requiring his appointment of Task Force members and any involvement of the AGs office. Task Force just included legislators.

Interim, December - Task Force issues a 3-page report to Interim Minerals Committee: "Cochairman Bebout explained the legal argument supporting a claim that states might have to lands held by the federal government within their borders. The task force believed that the State should form a select committee, or at least assign the topic to an existing committee, for continued consideration. He presented two bill drafts, the first creating a new select committee to address the issue, the other would expand the duties of the Federal Natural Resource Management Committee to include this issue."

2014 Legislative Session Two Minerals Committee-sponsored bills are introduced, HB 35 Select committee on the transfer of public land and SF 41 Select federal natural resource management committee. Only SF 41 passes, authorizing the Select Federal Natural Resource Management (FNRM) committee to study transfer of public lands, including "methods for the federal government to divest public lands," and legislation "related to the acquisition or management of public lands."

2015 Legislative Session Two bills, SF 56 Study on transfer of public lands and HB 209 Transfer of federal lands were introduced. Only SF 56 passed; although it originally started off as a study on the transfer of public lands, it ended up as a study on the management of federal lands, providing \$75,000 for a consultant to conduct the research, administered by the Office of State Lands & Investments (OSLI).

2016 Legislative Session HB 142 Transfer of federal lands filed and failed introduction vote.

Interim, November - Report on Study of Management of Federal Lands in Wyoming, commissioned by SF 56 in 2015 is presented to Select Federal Natural Resource Management Committee. That 357-page report can be found at <https://www.wyoleg.gov/InterimCommittee/2016/SFR-1109Appendix4.pdf>. 80 - 100 members of public showed up; all testimony opposed to federal land transfer. Committee moves ahead with a draft constitutional amendment for land transfer for 2017 session and appoints a subcommittee.

Interim, December – Subcommittee of the Select FNRM committee holds another public meeting regarding the proposed constitutional amendment. 150 members of the public show up and all testimony is against the draft legislation. Subcommittee moves forward, however, with the legislation as a committee bill for 2017.

2017 Legislative Session SJ 3 – Public lands constitutional amendment introduced but never assigned to committee. President of the Senate Bebout pulls the bill stating: “And what I’m going to do is, I’m going to not assign that bill (to a committee.) I’m going to kill it.” HB 293 Public lands management extension, another land transfer bill was introduced and then withdrawn.

2018 Legislative Session HB 94 State lands-net gain in acreage, regarding the “acquisition of lands from the federal government” filed and failed introduction vote.

Wyoming Legal Analyses

In 2012, the **Wyoming Attorney General** drafted a 6-page brief arguing that Utah’s state law calling for transferring public lands relied on “a repeatedly rejected reading of the United States Constitution and a strained interpretation of Utah’s statehood act.” **The brief concludes that a Wyoming law demanding Congress release federal lands to states would be unsuccessful.**

In 2013, **Wyoming’s Legislative Service Office (LSO)** issued a memo to the Task Force on Transfer of Public Lands regarding the legal arguments for federal land transfer. They concluded in their 6-page memo that: “It is no great stretch of reasoning to assume that a court would find that the plain language of Art. 21, Sec. 26 would render unconstitutional state legislation requiring that the federal government grant title to all federal lands in Wyoming to the State of Wyoming.”

In 2016, the Conference of Western Attorneys General, made up of the top law officers in 15 western states and three U.S. territories, issued the report of the Subcommittee on Public Lands **under the chairmanship of Wyoming Attorney General Peter Michael**. This 51-page report debunked numerous legal arguments purporting that the federal government was legally obligated to sell or transfer the public lands within a given state to that state. That report can be found at http://www.law.indiana.edu/publicland/files/cwag_public_land_subcommittee_report.pdf