

2/28/2021

Hello Sublette County, this is Albert Sommers reporting to you from Cheyenne on Sunday the 28th of February, the eve of our month long in-person segment of the 2021 General Session. We will be debating a multitude of bills in the next month, but our state agency budget and K12 funding will be the most important topics we discuss.

The new administration in Washington D.C. has put a moratorium on leasing of mineral rights on federal lands, and has even made it tough to work existing leases on federal land. Rightfully so, Wyomingites want to push back on these new federal policies. [HB0141](#), Transfer of federal lands was likely drafted in response to this federal overreach. HB0141 would require the federal government to extinguish title to all public lands in Wyoming and transfer title of those public lands to the State of Wyoming.

While this may seem like a just response, it would never happen, and it would have unintended consequences for all of us who live, work, and recreate on or near federal lands. Forcing the federal government to transfer all public lands to the state has no basis in law. In fact, Wyoming's Act of Admission to statehood and our constitution explicitly prohibit this concept. The Wyoming Act of Admission, Section 12 states that "The state of Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act; and the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislature of the state may provide." There is a conflicting statement in Section 7 of the Act of Admission, but legal experts believe that this Section 12 would rule.

In the unlikely event that a court holds that Section 7 of the Wyoming Act of Admission requires the federal government to dispose of all federal public lands within the state, state legislation *requiring* that the federal government transfer that land to ownership of the state of Wyoming would likely be unconstitutional under Article 21, Section 26 of the Wyoming Constitution. This section in part states; "The people inhabiting this state do agree and declare that they **forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof**, and to all lands lying within said limits owned or held by any Indian or Indian tribes,

and that **until the title thereto shall have been extinguished by the United States**, the same shall be and remain subject to the disposition of the United States and that said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States.”

Even if Wyoming were successful in this effort, how would we maintain all the existing rights and privileges that exist on the public lands by Wyoming citizens and companies? What would happen to federal grazing privileges, oil and gas exploration rights, public access rights, and a myriad of other special use permits that have been granted on these lands? Could the State afford to manage these lands, or would it be forced to sell them? Too many unanswered questions in my mind. This bill seems clearly unconstitutional, even though I understand why the sponsors wanted to push back against our federal landlords.

I can be reached at albert@albertsommers.com with questions or comments.

Thank you