

HOUSE BILL NO. HB0083

State jurisdiction over national forests.

Sponsored by: Representative(s) Simons

A BILL

for

1 AN ACT relating to state and county powers; authorizing
2 state and county jurisdiction over federal public lands;
3 authorizing the state to declare areas of federal land
4 emergency areas pursuant to specific criteria; authorizing
5 county commissioners to take action to alleviate the danger
6 of fires on federal public lands; and providing for an
7 effective date.

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

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11 **Section 1.** W.S. 18-5-209 is created to read:

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13 **18-5-209. Findings; declaration of disaster; powers**
14 **of county commissioners.**

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16 (a) The legislature finds that:

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1 (i) Numerous citizens and government officials
2 in the state of Wyoming have repeatedly petitioned the
3 United States forest service both collectively and
4 individually at public meetings, by correspondence and by
5 telephone to request that the forest service take
6 appropriate action to remove or eliminate the conditions
7 that have created a state of emergency caused by a present
8 risk to the lives and property of citizens in and adjacent
9 to national forests within Wyoming;

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11 (ii) All the petitions have for all practical
12 purposes been either ignored or discounted by the United
13 States forest service resulting only in what can be
14 reasonably characterized as inaction on the part of the
15 forest service to appropriately reduce, if not remove, the
16 risk to the lives and property of the citizens of Wyoming;

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18 (iii) Because the United States has failed to
19 exercise its responsibilities as a sovereign to protect the
20 lives and property of the citizens of Wyoming and because
21 it is a fundamental principle under the laws of any just
22 society that the persistent failure of a sovereign to
23 fulfill such obligations constitutes grounds for the

1 forfeiture of jurisdictional supremacy, such a forfeiture
2 must hereby be recognized and declared; and
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4 (iv) Because of recognition and declaration of
5 this forfeiture of jurisdictional supremacy, a
6 jurisdictional vacuum has been created that requires the
7 state of Wyoming to acknowledge its obligations as a
8 sovereign power to protect the lives and property of its
9 citizens and consequently to authorize any action it
10 presently deems necessary to fill the vacuum created by the
11 federal government by assuming jurisdiction to reduce to
12 acceptable levels, if not remove, the threat of
13 catastrophic fires posed by present conditions in national
14 forests within its borders.

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16 (b) The legislature declares a disaster within those
17 areas of the national forests of Wyoming that suffered
18 severe fire damage, as determined by the board of county
19 commissioners for the county in which the forest is
20 located, where large amounts of forest undergrowth have
21 created the potential for damaging fires in the future.
22 The legislature also declares that the disaster is of such
23 magnitude that the police power of the state should be
24 exercised to the extent necessary to provide the resources

1 and services that will end the disaster and mitigate its
2 effects.

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4 (c) After consulting with the state forester and the
5 regional United States forester, taking surveys, holding
6 public hearings as may be necessary and developing a plan
7 to mitigate the effects of the disaster, a board of county
8 commissioners for a county in which a disaster has been
9 declared pursuant to subsection (b) of this section may
10 take such actions as are necessary to clear and thin
11 undergrowth and to remove or log fire-damaged trees within
12 the area of the disaster. A county may enter into an
13 agreement with a contractor, licensee or other agent to
14 carry out the purposes of this subsection.

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16 **Section 2.** This act is effective July 1, 2002.

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18 (END)