

HOUSE BILL NO. HB0318

State lands leasing procedures.

Sponsored by: Representative(s) Samuelson

A BILL

for

1 AN ACT relating to state lands; amending conditions that
2 must be met by a lessee applying to renew an expiring lease
3 on state lands; restructuring and renumbering provisions;
4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 36-5-105 is amended to read:

9

10 **36-5-105. Criteria for leasing; preferences;**
11 **assignments, subleases or contracts; lands taken for war**
12 **purposes; mineral lands excepted; agricultural lands.**

13

14 (a) All state lands leased by the state board of land
15 commissioners, for grazing and other agricultural purposes
16 shall be leased in such manner and to such parties as shall
17 inure to the greatest benefit to the state land trust

1 beneficiaries. Except as herein provided, preference shall
2 in all cases be given to applicants who are bona fide
3 resident citizens of the state qualified under the
4 provisions of W.S. 36-5-101, and to persons or legal
5 entities authorized to transact business in the state,
6 having actual and necessary use for the land and who are
7 the owners, lessees or lawful occupants of adjoining lands,
8 who offer to pay an annual rental at not less than fair
9 market value, as determined by the economic analysis
10 pursuant to W.S. 36-5-101(b), for the use of the forage or
11 other commodity available annually on the land for a period
12 of ten (10) years.

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14 (b) An applicant who is the holder of an expiring
15 lease, and has paid the rental when due, and has not
16 violated the provisions of the lease, and is qualified
17 under the provisions of W.S. 36-5-101, shall have a
18 preferred right to renew such lease by meeting the highest
19 bid offered ~~which~~ by another qualified applicant who has
20 actual and necessary use for the land and available forage
21 and whose bid is based on the fair market value, ~~using the~~
22 ~~formula developed by the board pursuant to W.S.~~
23 ~~36-5-101(b),~~ for the same or a similar use of ~~the~~
24 comparable land under similar terms and conditions.

1

2 ~~(b)~~(c) If the lessee of state lands shall assign,
3 sublease or contract all or any part of the lease area, the
4 lease shall be subject to cancellation unless such
5 assignment or sublease or contract is approved by the
6 director, subject to criteria established by the board of
7 land commissioners; however, no such approval shall be
8 arbitrarily or unreasonably withheld and all action upon
9 each application therefor, shall be such as will inure to
10 the greatest benefit to the state land trust beneficiaries,
11 provided, that in no event shall the lands be subleased
12 unless one-half (1/2) of the excess rental is paid to the
13 state.

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15 ~~(e)~~(d) Provided further, that whenever any state
16 owned lands have been or may hereafter be condemned or
17 acquired by the United States for war purposes and whenever
18 said lands may hereafter be reconveyed to the state of
19 Wyoming by the said United States or any department
20 thereof, then in such event the state board of land
21 commissioners shall give preference to the lessee holding
22 said lands at the time of the taking of said lands by the
23 said United States or any department thereof.

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1 ~~(d)~~(e) Provided further, that this act shall not be
2 applicable to the leasing of state mineral lands under the
3 provisions of W.S. 36-6-101 through 36-6-105, as amended.

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5 ~~(e)~~(f) Provided further, that the state board of land
6 commissioners, shall in the leasing of state agricultural
7 lands lease all such lands in such manner and to such
8 parties as shall inure to the greatest benefit to the state
9 land trust beneficiaries. An applicant who is the holder of
10 an expiring lease and has paid the rental when due, and has
11 not violated the provisions of the lease, and is qualified
12 under the provisions of W.S. 36-5-101, shall have a
13 preferred right to renew such lease by meeting the highest
14 bid offered which is based on the fair market value, using
15 the formula developed by the board pursuant to W.S.
16 36-5-101(b), for the same or a similar use of the land.

17

18 **Section 2.** This act is effective July 1, 2007.

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(END)