

SENATE FILE NO. SF0114

State land leases.

Sponsored by: Senator(s) Boner, French, Kost, Landen and  
Wasserburger and Representative(s) Clausen  
and Walters

A BILL

for

1 AN ACT relating to state lands; specifying the preference  
2 for leases of state lands; providing for an auction if two  
3 or more applicants have a preference; conforming a related  
4 provision; and providing for an effective date.

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

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8 **Section 1.** W.S. 36-5-105(b) and by creating a new  
9 subsection (h) and 36-5-108 are amended to read:

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

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

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15           (i) Preference shall be given to applicants who  
16 are the owners, lessees or lawful occupants of adjoining  
17 lands in good standing with the board, and:

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19           (A) In instances where one (1) applicant is  
20 eligible for the preference and a competing bidder is not,  
21 the applicant eligible for the preference may elect to meet  
22 the highest bid of the applicants not eligible for the  
23 preference;

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(B) When two (2) or more qualified applicants are eligible for the preference, in determining to which applicant to award the lease, the director shall request a final bid from the applicants eligible for the preference at a live auction in a manner as directed by the director to determine the successful applicant;

(C) When two (2) or more qualified applicants are eligible for the preference and one (1) or more qualified applicants are not eligible for the preference, those qualified applicants who are eligible for the preference may elect to match the highest bid. If two (2) or more qualified applicants who are eligible for the preference elect to meet the highest bid, the lease shall be awarded pursuant to subparagraph (B) of this paragraph.

(ii) Before accepting applications to lease vacant land, the director shall provide notice on the website of the office, by mail to each adjoining private landowner of record and by any other means as prescribed by rule;

1           (iii) As used in this subsection:

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3           (A) "Preference" means the elevated  
4 position of an applicant to participate in the vacant land  
5 bidding process as described in paragraph (i) of this  
6 subsection above applicants who are not the owners, lessees  
7 or lawful occupants of adjoining lands in good standing  
8 with the board;

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10           (B) "Vacant land" means land not currently  
11 subject to a grazing and agricultural lease from the board.

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13           (h) As used in subsection (c) of this section,  
14 "preferred right" means the right to renew a lease provided  
15 to an existing holder of a grazing and agricultural lease  
16 by the board if the existing lease holder is in compliance  
17 with subsection (c) of this section.

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19           **36-5-108. Even rental offers.**

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21 If two (2) or more qualified applicants under W.S. 36-5-101  
22 shall offer the same annual rental for the same lands, and  
23 such offers are the highest offers received and are equal

1 to or above the minimum rental fixed by the board, and no  
2 ~~preference~~preferred right exists in the old lessee, or if  
3 ~~such~~the old lessee does not exercise ~~such~~preference~~the~~  
4 preferred right, the director shall grant the lease to the  
5 applicant holding title to lands nearest to the lands  
6 applied for. When a ~~preference~~preferred right exists in  
7 the old lessee under the provisions of this act, ~~he~~the old  
8 lessee shall be given fifteen (15) days notice by  
9 registered mail, and if he fails or refuses to file his  
10 acceptance together with the balance of the rental due for  
11 the first year, within the time specified, the lease shall  
12 be awarded automatically to the applicant offering to pay  
13 the highest annual rental, or in the event of even offers,  
14 shall be disposed of as hereinbefore provided.

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16 **Section 2.** This act is effective July 1, 2021.

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(END)