

ENROLLED ACT NO. 54, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

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

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

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

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

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

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

(ii) The state board of land commissioners shall award the lease of vacant lands as set forth in this paragraph:

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

(B) When two (2) or more 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 applicants are eligible for the preference and one (1) or more applicants are not eligible for the preference, those applicants who are eligible for the preference may elect to match the highest bid. If two (2) or more 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.

(iii) 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;

(iv) As used in this subsection:

(A) "Preference" means the elevated position of an applicant to participate in the vacant land bidding process as described in paragraph (i) of this subsection above applicants who are not the owners, lessees

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or lawful occupants of adjoining lands in good standing with the board;

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

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

36-5-108. Even rental offers.

If two (2) or more qualified applicants under W.S. 36-5-101 shall offer the same annual rental for the same lands, and such offers are the highest offers received and are equal to or above the minimum rental fixed by the board, and no ~~preference~~preferred right exists in the old lessee, or if ~~such~~the old lessee does not exercise ~~such preference~~the preferred right, the director shall grant the lease to the applicant holding title to lands nearest to the lands applied for. When a ~~preference~~preferred right exists in the old lessee under the provisions of this act, ~~he~~the old lessee shall be given fifteen (15) days notice by registered mail, and if he fails or refuses to file his acceptance together with the balance of the rental due for the first year, within the time specified, the lease shall be awarded automatically to the applicant offering to pay the highest annual rental, or in the event of even offers, shall be disposed of as hereinbefore provided.

ORIGINAL SENATE
FILE NO. SF0114

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk