

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.

5

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

7

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:

10

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

14

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

13

14 (i) If two (2) or more applicants qualify in
15 full to be eligible for the preference under this
16 subsection, the director shall request a final bid from the
17 applicants at a live auction in a manner as directed by the
18 director to determine the successful applicant;

19

20 (ii) Prior to accepting applications to lease
21 vacant land, the director shall provide notice on the
22 website of the office, by mail to each adjoining private

1 landowner of record, and by any other means as described by
2 rule;

3
4 (iii) As used in this subsection:

5
6 (A) "Preference" means the board's ability
7 to give greater weight to one (1) applicant over others
8 when all applications inure to the greatest benefit of the
9 state trust beneficiaries;

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

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

19
20 **36-5-108. Even rental offers.**

21
22 If two (2) or more qualified applicants shall offer the
23 same annual rental for the same lands, and such offers are

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

16

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

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19

(END)