

## HOUSE BILL NO. HB0003

State land leases.

Sponsored by: Joint Agriculture, State and Public Lands &  
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to state lands; specifying the preference  
2 for leases of state lands; conforming a related provision;  
3 and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 36-5-105(b) and by creating a new  
8 subsection (h) and 36-5-108 are 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 (b) ~~In leasing vacant lands, preference shall in all~~  
15 ~~eases be given to applicants who are bona fide resident~~

1 ~~citizens of the state~~ No applicant shall be qualified to  
2 lease vacant lands unless that applicant is qualified under  
3 the provisions of W.S. 36-5-101, ~~and to persons or legal~~  
4 ~~entities authorized to transact business in the state,~~  
5 ~~having~~ has actual and necessary use for the land, has or  
6 can gain access to the land and ~~who are the owners, lessees~~  
7 ~~or lawful occupants of adjoining lands, who offer~~ offers to  
8 pay an 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 same or similar use of ~~the forage or~~  
11 ~~other commodity available annually on~~ the land for a period  
12 of ten (10) years and who has not been found to have  
13 significantly violated any laws or regulations related to  
14 state lands. Also in leasing vacant lands:

15  
16 (i) Preference shall be given to applicants who  
17 are the owners, lessees or lawful occupants of adjoining  
18 lands. The preference shall be administered as set forth in  
19 this paragraph:

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

1 the highest bid of the applicants not eligible for the  
2 preference;

3

4 (B) When two (2) or more applicants are  
5 eligible for the preference, in determining to which  
6 applicant to award the lease, the director shall request a  
7 final bid from the applicants eligible for the preference  
8 in a manner as directed by the director to determine the  
9 successful applicant;

10

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

19

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

1 landowner as recorded within the county assessor's office  
2 and by any other means as prescribed by rule;

3

4 (iii) As used in this subsection:

5

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

12

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

15

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

21

22 **36-5-108. Even rental offers.**

23

1 If two (2) or more qualified applicants under W.S. 36-5-101  
2 shall offer the same annual rental for the same lands, and  
3 such offers are the highest offers received and are equal  
4 to or above the minimum rental fixed by the board, and no  
5 ~~preference~~preferred right exists in the old lessee, or if  
6 ~~such~~the old lessee does not exercise ~~such~~preference~~the~~  
7 preferred right, the director shall grant the lease to the  
8 applicant holding title to lands nearest to the lands  
9 applied for. When a ~~preference~~preferred right exists in  
10 the old lessee under the provisions of this act, ~~he~~the old  
11 lessee shall be given fifteen (15) days notice by  
12 registered mail, and if he fails or refuses to file his  
13 acceptance together with the balance of the rental due for  
14 the first year, within the time specified, the lease shall  
15 be awarded automatically to the applicant offering to pay  
16 the highest annual rental, or in the event of even offers,  
17 shall be disposed of as hereinbefore provided. As used in  
18 this section, "preferred right" means as defined in W.S.  
19 36-5-105(h).

20

21 **Section 2.** This act is effective July 1, 2022.

22

23

(END)