

HOUSE BILL NO. HB0171

Notice of state land leases and local opportunities.

Sponsored by: Representative(s) Byron, Banks, Slagle and
Wyllie and Senator(s) Gierau and Nethercott

A BILL

for

1 AN ACT relating to state lands; providing that thirty (30)
2 days notice shall be given before the lease of school
3 lands; allowing county residents to match the highest bid
4 for leases of school lands as specified; allowing the board
5 of land commissioners to lease the school land to the
6 highest bidder as specified; making conforming amendments;
7 specifying applicability; requiring rulemaking; and
8 providing for effective dates.

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

11

12 **Section 1.** W.S. 36-5-118 is created to read:

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14 **36-5-118. Leasing of school lands; requirements.**

15

1 (a) Whenever school lands are to be leased under this
2 article, the board of land commissioners shall:

3
4 (i) Before bids are to be taken for the lease,
5 give not less than thirty (30) days notice on the board's
6 website, in a newspaper of general circulation in the
7 county or counties where the school land is to be leased
8 and to current lessees of the land, owners, lessees or
9 lawful occupants of adjoining lands by certified mail. The
10 director shall also give notice of the highest bid for the
11 lease to the applicants for the lease; and

12
13 (ii) Allow persons, firms, associations or
14 corporations who are residents of the county or counties
15 where the land is to be leased and owners, lessees or
16 lawful occupants of adjoining lands who apply for the lease
17 to have five (5) business days after the director gives
18 applicants notice of the highest bid to match the highest
19 bid for the lease of the school land. The board of land
20 commissioners shall lease the school land pursuant to W.S.
21 36-5-105 or 36-5-107 if applicable, and if not, to any
22 applicant with the highest bid pursuant to the requirements
23 of this chapter.

1

2 (b) Nothing in this section shall apply to the
3 renewal of existing grazing or agricultural leases.

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5 **Section 2.** W.S. 36-5-103, 36-5-105(b)(i)(intro),
6 (ii), (c)(intro) and (f), 36-5-107, 36-5-114(d) and
7 36-5-116 are amended to read:

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9 **36-5-103. Application for lease; cancellation of**
10 **application.**

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12 Any person, firm, association or corporation desiring to
13 lease state lands for agricultural and grazing purposes
14 shall provide notice of intent to apply for a lease, after
15 which the director shall comply with W.S. 36-5-118 if
16 applicable. After the notice period has been completed
17 under W.S. 36-5-118 if applicable, any person, firm,
18 association or corporation desiring to lease state lands
19 for agricultural and grazing purposes shall file with the
20 director an application on the form approved by the board,
21 which must be accompanied by the regular filing fee, and a
22 certified check, bank draft, cashier's check, post office
23 or express money order, cash or personal check acceptable

1 to the director for the full amount of the first year's
2 rental offered; and if there are improvements owned by
3 another located upon said lands, the applicant must also
4 transmit in the manner above provided, the estimated amount
5 of the value of the improvements as listed in his
6 application, and in the event the successful applicant
7 fails, refuses or neglects to complete the lease awarded,
8 or otherwise fails, refuses, or neglects to comply with the
9 provisions of this act, or the rules and regulations of the
10 board, after having been given thirty (30) days notice by
11 registered mail, the application shall be cancelled and the
12 sum remitted as rentals and twenty-five percent (25%) of
13 the sum remitted for improvements shall be retained by the
14 board as liquidated damages; and the sum paid as rental
15 shall be paid by the director to the state treasurer and
16 credited by him to the proper permanent land income fund
17 account, and the sum paid for improvements shall be
18 credited to the general fund.

19

20 **36-5-105. Criteria for leasing; preferences;**
21 **assignments, subleases or contracts; lands taken for war**
22 **purposes; mineral lands excepted; agricultural lands.**

23

1 (b) No applicant shall be qualified to lease vacant
2 lands unless that applicant is qualified under the
3 provisions of W.S. 36-5-101, has actual and necessary use
4 for the land, has or can gain access to the land and offers
5 to pay an annual rental at not less than fair market value,
6 as determined by the economic analysis pursuant to W.S.
7 36-5-101(b), for the same or similar use of the land for a
8 period of ten (10) years and who has not been found to have
9 significantly violated any laws or regulations related to
10 state lands. Also in leasing vacant lands:

11

12 (i) Pursuant to the requirements of W.S.
13 36-5-118 if applicable, preference shall be given to
14 applicants who are the owners, lessees or lawful occupants
15 of adjoining lands, unless the board determines that the
16 preference should not be recognized for good cause. The
17 preference shall be administered as set forth in this
18 paragraph:

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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
23 landowner as recorded within the county assessor's office

1 and by any other means as prescribed by rule and pursuant
2 to the requirements of W.S. 36-5-118 if the lease is for
3 school land;

4
5 (c) Pursuant to the requirements of W.S. 36-5-118 if
6 applicable, an applicant who is the holder of an expiring
7 lease, and has paid the rental when due, and has not
8 violated the provisions of the lease, and is qualified
9 under the provisions of W.S. 36-5-101, shall have a
10 preferred right to renew such lease by meeting the highest
11 bid offered by another qualified applicant who has actual
12 and necessary use for the land and available forage and
13 whose bid is not less than the minimum fair market value as
14 determined by the board for the same or a similar use of
15 land using the formula developed pursuant to W.S.
16 36-5-101(b) and not more than one hundred twenty percent
17 (120%) of the maximum fair market value as determined by
18 the board based on the previous year's values for the
19 state, district or county, whichever is most localized and
20 available, as determined by the national agricultural
21 statistics service utilizing:

22

1 (f) Provided further, that whenever any state owned
2 lands have been or may hereafter be condemned or acquired
3 by the United States for war purposes and whenever said
4 lands may hereafter be reconveyed to the state of Wyoming
5 by the said United States or any department thereof, then
6 in such event the state board of land commissioners shall
7 give preference to the lessee holding said lands at the
8 time of the taking of said lands by the said United States
9 or any department thereof pursuant to the requirements of
10 W.S. 36-5-118 if applicable.

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12 **36-5-107. Preference in granting leases on exchanged**
13 **lands.**

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15 Pursuant to the requirements of W.S. 36-5-118 if
16 applicable, the holder of a lease of any school, state or
17 institutional land that is offered for exchange under
18 section 8, of the Taylor Grazing Act, shall have preference
19 to lease the land received in such exchange.

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21 **36-5-114. Leasing for industrial, commercial and**
22 **recreational purposes; authority; rental fees; rules and**
23 **regulations.**

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2 (d) The board shall promulgate rules and regulations
3 implementing policies, procedures and standards for the
4 long-term leasing of state lands for industrial, commercial
5 and recreational purposes under the provisions of W.S.
6 36-5-114 through ~~36-5-117~~36-5-118, including provisions
7 requiring compliance with all applicable land use planning
8 and zoning laws and permitting the board to terminate a
9 lease for good cause shown.

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11 **36-5-116. Leasing for industrial, commercial and**
12 **recreational purposes; assignment or transfer.**

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14 Leases issued under the provisions of W.S. 36-5-114 through
15 ~~36-5-117~~36-5-118 shall not be assignable or transferable
16 except with written consent of the board of land
17 commissioners.

18

19 **Section 3.** The board of land commissioners shall
20 promulgate all rules necessary to implement the provisions
21 of this act.

22

1 **Section 4.**

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3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2023.

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6 (b) Sections 3 and 4 of this act are effective
7 immediately upon the completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

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(END)