



HB0171

State land leases.

Sponsored By: Representative(s) Byron, Banks, Slagle and Wylie and
Senator(s) Gierau and Nethercott

AN ACT relating to state lands; providing that thirty (30) days notice shall be given before the lease of state lands; requiring rulemaking; and providing for effective dates.

1/17/2023 Bill Number Assigned
1/18/2023 H Received for Introduction
1/19/2023 H Introduced and Referred to H06 - Travel
1/31/2023 H06 - Travel:Recommend Amend and Do Pass 8-1-0-0-0

ROLL CALL

Ayes: Representative(s) Angelos, Burkhardt, Jr, Byron, Larson, Newsome, Singh, Storer, Western

Nays: Representative Winter

Ayes 8 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

1/31/2023 H Placed on General File

HB0171HS001/ADOPTED

Page 1-above line 1 In the catch title, delete "and local opportunities".

Page 1-line 2 Delete "school" and insert "state".

Page 1-line 3 After "lands;" delete balance of line.

Page 1-lines 4 through 6 Delete entirely.

Page 1-line 7 Delete "specifying applicability;".

Page 1-line 12 Delete entirely.

Page 1-line 14 Delete entirely.

Page 2-lines 1 through 23 Delete entirely.

Page 3-lines 2 and 3 Delete entirely.

Page 3-lines 5 through 7 Delete entirely and insert:

"**Section 1.** W.S. 36-5-114(d) is amended to read:".

Page 3-lines 9 through 23 Delete entirely.

Pages 4 through 6 Delete entirely.

Page 7-lines 1 through 19 Delete entirely.

Page 8-line 6 Reinsert stricken "36-5-117" and delete "36-5-118".

Page 8-line 9 After "shown." insert "Any such rule or regulation shall require not less than thirty (30) days notice on

the website of the office of state lands and investments, in a newspaper of general circulation in the county or counties where the state lands are to be leased and to current lessees of the state land and owners of adjoining lands by certified mail, when there is an intent to initiate a request for proposal for the leasing of industrial, commercial, residential and recreational purposes."

Page 8-lines 11 through 17 Delete entirely.

Page 8-line 19 Delete "**Section 3.**" and insert "**Section 2.**".

Page 9-line 1 Delete "**Section 4.**" and insert "**Section 3.**".

Page 9-line 6 Delete "Sections 3 and 4" and insert "Sections 2 and 3". NEWSOME, CHAIRMAN

2/2/2023 H COW:Passed
2/3/2023 H 2nd Reading:Passed
2/6/2023 H 3rd Reading:Laid Back

HB0171H3001/ADOPTED (CORRECTED COPY)

Page 1-above line 1 In the catch title, delete "Notice of".

Page 1-line 7 Before "requiring" insert "revising provisions related to improvements made by a lessee of state lands; extending the maximum length of certain leases of state lands; authorizing leases for residential purposes;".

Page 3-lines 5 through 7 Delete entirely including the House standing committee amendment (HB0171HS001/A) to these lines and insert:

"**Section 1.** W.S. 36-5-114(a) and (d), 36-5-115, 36-9-103 and 36-9-105 are amended to read:".

Page 8-before line 2 Insert:

"(a) The board of land commissioners may lease for a term of not more than ~~seventy five (75)~~ ninety-nine (99) years state lands for industrial, commercial, residential and recreational purposes."

Page 8-after line 17 Insert:

"**36-5-115. Leasing for industrial, commercial, residential and recreational purposes; "recreational purposes" defined.**

As used in W.S. 36-5-114 through 36-5-117 the term "recreational purposes" means land used for cabin sites, public camp sites, public parks and recreation areas, golf courses and any associated residential development, youth groups, ~~and~~ ski or winter sports areas and any other recreational purpose determined by the board of land commissioners.

36-9-103. Appraisers for improvements.

~~All improvements upon~~ If any state lands, ~~when such~~ lands are to be sold as provided by W.S. 36-9-102, the purchaser and the owner of any improvements on the state lands shall negotiate for a period of ninety (90) days to determine the depreciated market value of the improvements. If the purchaser and the owner do not reach an agreement on the value of the improvements within the time period specified by this section, the depreciated market value of the improvements shall be appraised by three (3) disinterested persons who shall appraise the improvements separately from the lands, though they may be attached thereto. The said appraisers shall, upon application of the state land board of land commissioners, be appointed by a judge of the district court of the judicial district wherein the lands are ~~situate~~ situated.

36-9-105. Purchaser to pay owner depreciated market value of improvements; receipt.

(a) If any state lands are sold upon which surface improvements, including irrigation works of any kind, have been made by a lessee, or for which water rights or proportionate interests in irrigation, reservoirs, canals, or systems, have been acquired, the improvements, irrigation works and water rights shall be appraised under the direction of the board. The purchaser of the lands, upon which improvements and irrigation works have been made, or for which water rights have been acquired as herein provided for, shall pay the owner of such improvements, irrigation works or water rights, as the case may be, the contributory value thereof, and take a receipt therefor, and shall deliver the receipt to the director before he shall receive a patent or certificate of purchase. All such receipts shall be filed and preserved in the office of state lands and investments. For purposes of this section, "contributory value" means the increased value of the property after the lessee's improvements are considered.

(b) For improvements to state lands made under a commercial or residential lease where the purpose of the lease is to develop and sell the improvement, the purchaser of the lands shall pay market value for the improvement. As used in this subsection, "market value" means the most probable amount the improvement contributes to the value of the property in a competitive and open market under all conditions requisite to a fair sale with the buyer and seller each acting prudently and knowledgeably and assuming the price is not affected by undue stimulus." HARSHMAN, BYRON

2/7/2023 H 3rd Reading:Passed 36-26-0-0-0

ROLL CALL

Ayes: Representative(s) Allred, Andrew, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Eklund, Harshman, Henderson, Larsen, Lloyd, Larson, Jt, Lawley, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Provenza, Sherwood, Stith, Storer, Walters, Washut, Western, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Allemand, Angelos, Banks, Bear, Davis, Haroldson, Heiner, Hornok, Jennings, Knapp, Locke, Neiman, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Speaker Sommers, Strock, Styvar, Tarver, Trujillo, Ward, Winter

Ayes 36 Nays 26 Excused 0 Absent 0 Conflicts 0

2/7/2023 S Received for Introduction
2/8/2023 S Introduced and Referred to S05 - Agriculture
2/24/2023 S05 - Agriculture:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) French, Hicks, Ide, Kolb, Steinmetz
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/24/2023 S Placed on General File

HB0171SS001/ADOPTED (TO ENGROSSED COPY)

Page 1-lines 3 through 5 Delete entirely.

Page 1-line 6 Delete "residential purposes;".

Page 1-lines 11 and 12 Delete entirely and insert:

 "**Section 1.** W.S. 36-5-114(d) is amended to read:".

Page 2-lines 5 through 23 Delete entirely and insert:

 "(d) The board shall promulgate rules and regulations implementing policies, procedures and standards for the long-term leasing of state lands for industrial, commercial and recreational purposes under the provisions of W.S. 36-5-114 through 36-5-117, including provisions requiring compliance with all applicable land use planning and zoning laws and permitting the board to terminate a lease for good cause shown. When the office of state lands and investments initiates a request for a proposed leasing of state lands, the office shall require not less than thirty (30) days notice be provided:

(i) On the website of the office of state lands and investments;

(ii) In a newspaper of general circulation in the county or counties where the state lands are to be leased; and

(iii) To current lessees of the state lands and owners of adjoining lands by certified mail."

Pages 3 through 5 Delete entirely. STEINMETZ, CHAIRMAN

2/27/2023 S COW:Passed
2/28/2023 S 2nd Reading:Passed
3/1/2023 S 3rd Reading:Passed 28-1-1-0-1

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, Rothfuss, Salazar, Schuler, Steinmetz

Nays: Senator Bouchard

Excused: Senator President Driskill

Conflicts: Senator Scott

Ayes 28 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 1

3/1/2023 H Received for Concurrence
3/1/2023 H Concur:Passed 40-20-2-0-0

ROLL CALL

Ayes: Representative(s) Allred, Andrew, Banks, Berger, Brown, Burkhart, Jr, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Harshman, Heiner, Henderson, Larson, Jt, Lawley, Newsome, Nicholas, Niemiec, Northrup, Oakley,

Obermueller, O'hearn, Olsen, Ottman, Provenza, Rodriguez-Williams, Sherwood, Speaker Sommers, Stith, Storer, Tarver, Walters, Washut, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Allemand, Angelos, Bear, Haroldson, Hornok, Jennings, Knapp, Larsen, Lloyd, Locke, Neiman, Pendergraft, Penn, Singh, Slagle, Smith, Strock, Styvar, Trujillo, Ward, Winter

Excused: Representative(s) Byron, Western

Ayes 40 **Nays** 20 **Excused** 2 **Absent** 0 **Conflicts** 0

3/2/2023 Assigned Number HEA No. 0086
3/2/2023 H Speaker Signed HEA No. 0086
3/2/2023 S President Signed HEA No. 0086
3/10/2023 Governor Signed HEA No. 0086
3/10/2023 Assigned Chapter Number 178

Chapter No. 178 Session Laws of Wyoming 2023