

HOUSE BILL NO. HB0171

State land leases.

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 state lands;
3 revising provisions related to improvements made by a
4 lessee of state lands; extending the maximum length of
5 certain leases of state lands; authorizing leases for
6 residential purposes; requiring rulemaking; and providing
7 for effective dates.

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

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11 **Section 1.** W.S. 36-5-114(a) and (d), 36-5-115,
12 36-9-103 and 36-9-105 are amended to read::

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1 36-5-114. Leasing for industrial, commercial and
2 recreational purposes; authority; rental fees; rules and
3 regulations.

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

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10 (d) The board shall promulgate rules and regulations
11 implementing policies, procedures and standards for the
12 long-term leasing of state lands for industrial, commercial
13 and recreational purposes under the provisions of W.S.
14 36-5-114 through 36-5-117, including provisions requiring
15 compliance with all applicable land use planning and zoning
16 laws and permitting the board to terminate a lease for good
17 cause shown. Any such rule or regulation shall require not
18 less than thirty (30) days notice on the website of the
19 office of state lands and investments, in a newspaper of
20 general circulation in the county or counties where the
21 state lands are to be leased and to current lessees of the
22 state land and owners of adjoining lands by certified mail,
23 when there is an intent to initiate a request for proposal

1 for the leasing of industrial, commercial, residential and
2 recreational purposes.

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4 **36-5-115. Leasing for industrial, commercial,**
5 **residential and recreational purposes; "recreational**
6 **purposes" defined.**

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

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16 **36-9-103. Appraisers for improvements.**

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18 ~~All improvements upon~~ If any state ~~lands, when such~~ lands
19 are to be sold as provided by W.S. 36-9-102, the purchaser
20 and the owner of any improvements on the state lands shall
21 negotiate for a period of ninety (90) days to determine the
22 depreciated market value of the improvements. If the
23 purchaser and the owner do not reach an agreement on the

1 value of the improvements within the time period specified
2 by this section, the depreciated market value of the
3 improvements shall be appraised by three (3) disinterested
4 persons who shall appraise the improvements separately from
5 the lands, though they may be attached thereto. The ~~said~~
6 appraisers shall, upon application of the ~~state-land~~ board
7 of land commissioners, be appointed by a judge of the
8 district court of the judicial district wherein the lands
9 are ~~situate~~-situated.

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11 **36-9-105. Purchaser to pay owner depreciated market**
12 **value of improvements; receipt.**

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14 (a) If any state lands are sold upon which surface
15 improvements, including irrigation works of any kind, have
16 been made by a lessee, or for which water rights or
17 proportionate interests in irrigation, reservoirs, canals,
18 or systems, have been acquired, the improvements,
19 irrigation works and water rights shall be appraised under
20 the direction of the board. The purchaser of the lands,
21 upon which improvements and irrigation works have been
22 made, or for which water rights have been acquired as
23 herein provided for, shall pay the owner of such

1 improvements, irrigation works or water rights, as the case
2 may be, the contributory value thereof, and take a receipt
3 therefor, and shall deliver the receipt to the director
4 before he shall receive a patent or certificate of
5 purchase. All such receipts shall be filed and preserved in
6 the office of state lands and investments. For purposes of
7 this section, "contributory value" means the increased
8 value of the property after the lessee's improvements are
9 considered.

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

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