

HOUSE BILL NO. HB0016

State land leasing-improvements.

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

A BILL

for

1 AN ACT relating to state lands; increasing the monetary
2 threshold for improvements to leased state lands that do
3 not require permission of the director of the office of
4 state lands; replacing the standard to determine payment
5 for the use and benefit of improvements; and providing for
6 an effective date.

7

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

9

10 **Section 1.** W.S. 36-5-110(a), 36-5-111 and 36-9-105
11 are amended to read:

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13 **36-5-110. Right to make and remove improvements.**

14

1 (a) A lessee of state lands shall have the right to
2 construct or make improvements upon state lands in an
3 amount not to exceed ~~two thousand dollars (\$2,000.00)~~ four
4 thousand dollars (\$4,000.00) per section for each separate
5 improvement, without first obtaining permission. If the
6 lessee or any other person desires to construct or make
7 improvements upon state lands in excess of the value of ~~two~~
8 ~~thousand dollars (\$2,000.00)~~ four thousand dollars
9 (\$4,000.00) per section for each separate improvement, he
10 shall file an application for permission to construct or
11 make the improvements with the director, which shall be
12 subject to allowance or rejection as the best interests of
13 the state require. The director shall have authority to
14 grant permission to construct improvements in excess of ~~two~~
15 ~~thousand dollars (\$2,000.00)~~ four thousand dollars
16 (\$4,000.00) per section for each separate improvement for
17 fencing, water development, livestock handling facilities
18 and range enhancements. Any other improvement in excess of
19 ~~two thousand dollars (\$2,000.00)~~ four thousand dollars
20 (\$4,000.00) per section for each separate improvement shall
21 be applied for under a special use permit. Unless
22 permission has been obtained in the manner provided by this
23 section or the improvement has been registered as provided

1 in subsection (b) of this section, the owner of any
2 improvement in excess of the value of ~~two thousand dollars~~
3 ~~(\$2,000.00)~~ four thousand dollars (\$4,000.00) per section
4 at the time of construction of the improvement shall not be
5 entitled to compensation therefor as provided by W.S.
6 36-5-111 and 36-9-105, and upon the expiration of the lease
7 the ~~improvements~~ improvement shall forfeit to and become
8 the property of the state; except, that within one hundred
9 twenty (120) days from the date of the expiration of the
10 lease, the owner may remove ~~such improvements~~ the
11 improvement in a manner ~~which~~ that minimizes injury to the
12 land.

13

14 **36-5-111. Payment for or removal of existing**
15 **improvements.**

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17 Any applicant applying to lease state lands upon which
18 there are fences, buildings, reservoirs, ditches, dams,
19 wells, or other improvements of any kind, belonging to or
20 made by another, or for which water rights or proportionate
21 interests in irrigation reservoirs, canals, or systems,
22 have been acquired, shall before receiving the lease, pay
23 to the director for the use and benefit of the owner or

1 maker of any improvements at the time of the execution of
2 the lease, the ~~contributory~~ current market value of the
3 improvements unless a different value is agreed to between
4 the owner of the improvements and the applicant thereof as
5 finally determined by the board in accordance with its
6 rules and regulations. ~~;~~ ~~or~~ Alternatively, the owner of the
7 improvements shall, upon giving notice to the director in
8 writing within the time fixed by board rule and regulation,
9 have the right to remove those improvements in a manner
10 which minimizes injury to the land; provided, that the
11 improvements be removed within a period of one hundred
12 twenty (120) days from the date of the expiration of the
13 lease. ~~For purposes of this section, "contributory value"~~
14 ~~means the increased value of the property after the~~
15 ~~lessee's improvements are considered.~~

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17 **36-9-105. Purchaser to pay owner appraised value of**
18 **improvements; receipt.**

19

20 If any state lands are sold upon which surface
21 improvements, including irrigation works of any kind, have
22 been made by a lessee, or for which water rights or
23 proportionate interests in irrigation, reservoirs, canals,

1 or systems, have been acquired, the improvements,
2 irrigation works and water rights shall be appraised under
3 the direction of the board. The purchaser of the lands,
4 upon which improvements and irrigation works have been
5 made, or for which water rights have been acquired as
6 herein provided for, shall pay the owner of such
7 improvements, irrigation works or water rights, as the case
8 may be, the ~~contributory~~current market value of the
9 improvements unless a different value is agreed to between
10 the owner of the improvements and the applicant thereof,
11 and take a receipt therefor, and shall deliver the receipt
12 to the director before he shall receive a patent or
13 certificate of purchase. All such receipts shall be filed
14 and preserved in the office of state lands and investments.
15 ~~For purposes of this section, "contributory value" means~~
16 ~~the increased value of the property after the lessee's~~
17 ~~improvements are considered.~~

18

19 **Section 2.** This act is effective July 1, 2023.

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(END)