

HOUSE BILL NO. HB0022

State land lease deficiencies-cure process.

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

A BILL

for

1 AN ACT relating to state lands; providing for notification
2 of noncompliance in a state land lease renewal; providing
3 opportunities for compliance; conforming time frames for
4 lessee compliance; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 36-5-104 and 36-5-109 are amended to
9 read:

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11 **36-5-104. Time for filing renewal applications; cure**
12 **process and timeline; conflicting applications.**

13

14 **(a)** All applications to lease grazing and
15 agricultural lands under outstanding leases must be filed

1 in the office of state lands and investments not earlier
2 than one hundred twenty (120) days prior to, and not later
3 than ~~thirty (30)~~ sixty (60) days prior to the expiration
4 date of the existing lease. Not later than forty (40) days
5 before the expiration of an existing lease, in the event
6 the current lessee fails to file an application to renew
7 the lessee's existing lease, files an incomplete or
8 otherwise deficient application or otherwise causes the
9 office of state lands and investments concern regarding
10 possible lease renewal, the office of state lands and
11 investments shall, in addition to any notice required for a
12 conflicting lease application under subsection (b) of this
13 section, notify the current lessee of the neglected or
14 noncompliant renewal application or other concerns. The
15 notice shall:

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17 (i) Be in an appropriate form of communication
18 as determined and documented by the director and if no
19 response is received from the lessee then also in writing;

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21 (ii) Identify the failure to file an
22 application, the deficiencies in the application filed or

1 other concerns about the lessee's qualifications or other
2 issue that could cause the lease not to be renewed;

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4 (iii) Provide the current lessee not less than
5 thirty (30) days from receipt of the notice to file a lease
6 renewal application or to resolve the application
7 deficiencies or other concerns; and

8

9 (iv) Indicate that failure to file a lease
10 renewal application or to resolve the deficiencies or other
11 concerns by the due date may result in the leased lands
12 becoming vacant.

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14 (b) Any conflicting application to lease grazing and
15 agricultural lands under any existing lease shall be filed
16 in the office of state lands and investments not earlier
17 than one hundred twenty (120) days prior to, and not later
18 than, ninety (90) days prior to the expiration date of the
19 existing lease. Upon receipt of a conflicting lease
20 application the office of state lands and investments shall
21 notify the current lessee, in addition to any notice under
22 subsection (a) of this section, that a conflicting lease
23 application has been received and shall provide the current

1 lessee not less than thirty (30) days from receipt of
2 notice to file a complete lease renewal application
3 together with the first year's rental meeting the highest
4 bid offered by another applicant as provided in W.S.
5 36-5-105(c).

6

7 **36-5-109. When rental due; procedure upon failure to**
8 **pay.**

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10 Upon notice provided not less than ~~thirty (30) days prior~~
11 ~~to~~ sixty (60) days before the anniversary date of a lease,
12 all rentals accruing to the state by virtue of this act,
13 except those for the first year, shall become due and
14 payable at the office of the director ~~on~~ not less than
15 forty (40) days before the anniversary date of the lease.
16 If the rent is not paid on the anniversary date, the
17 director shall again notify the lessee or ~~his~~ the lessee's
18 authorized agent by certified mail that the lease ~~will~~ may
19 be cancelled if the rent and a late fee equal to ten
20 percent (10%) of the annual rental is not received within
21 thirty (30) days following the date of the certified
22 notice. If the lease is cancelled, the director shall as

1 soon as possible thereafter, advertise the lands in the
2 county where located, as vacant and subject to lease.

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

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(END)