



HB0017

State lands-grazing of non-owned livestock.

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

AN ACT relating to state lands; providing for lessees of state lands to graze livestock they do not own, but for which they retain management responsibility, on leased lands without obtaining permission from the director of the office of state lands and investments; and providing for an effective date.

12/5/2022 Bill Number Assigned
1/6/2023 H Received for Introduction
1/10/2023 H Introduced and Referred to H05 - Agriculture
1/12/2023 H05 - Agriculture:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Banks, Conrad, Crago, Davis, Eklund, Slagle, Winter

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/12/2023 H Placed on General File

HB0017HS001/ADOPTED

Page 2-line 14 After "director" delete balance of line.

Page 2-line 15 Delete "allowing" and insert "to allow".

Page 2-line 16 Delete "and".

Page 2-line 17 After "the" insert "state"; after "lands" insert "and such use of the state lands shall not be considered a sublease". EKLUND, CHAIRMAN

1/13/2023 H COW:Passed
1/16/2023 H 2nd Reading:Passed
1/17/2023 H 3rd Reading:Passed 60-0-2-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhardt, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative(s) Newsome, Winter

Ayes 60 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

1/17/2023 S Received for Introduction
1/31/2023 S Introduced and Referred to S05 - Agriculture
2/22/2023 S05 - Agriculture:Recommend Amend and Do Pass 3-2-0-0-0

ROLL CALL

Ayes: Senator(s) French, Ide, Steinmetz

Nays: Senator(s) Hicks, Kolb

Ayes 3 Nays 2 Excused 0 Absent 0 Conflicts 0

2/22/2023 S Placed on General File

HB0017SS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 2 After "but" insert "for which they".

Page 1-line 3 Delete "and".

Page 1-line 5 After "investments;" insert "requiring rulemaking;".

Page 1-line 10 After "36-5-105(d)" insert "and by creating a new subsection (j)".

Page 2-lines 1 through 18 Delete entirely and insert:

"(d) If the lessee of state lands shall assign, sublease or contract all or any part of the lease area, the lease shall be subject to cancellation unless ~~such assignment or sublease or contract is approved by~~ the director, approves the assignment, sublease or contract subject to criteria established by the board of land commissioners; ~~however,~~ provided that:

(i) no such Approval shall not be arbitrarily or unreasonably withheld; and

(ii) All action upon each application ~~therefor,~~ shall ~~be such as will~~ inure to the greatest benefit ~~to the~~ of state land trust beneficiaries; ~~provided, that~~

(iii) In no event shall the lands be subleased unless one-half (1/2) of the excess rental is paid to the state.

(iv) A lessee of state lands whose lease authorizes grazing on the state lands shall not be required to obtain the approval of the director to allow livestock the lessee does not own, but for which the lessee retains full management responsibility, to graze on the state lands and such use of the state lands shall not be considered a sublease. For purposes of this paragraph "full management responsibility" includes all duties, obligations and liabilities as if the livestock were owned by the lessee.

(j) For purposes of subsection (d) of this section, the state board of land commissioners shall promulgate rules establishing a reasonable surcharge for the grazing of non-owned livestock and requiring documentation."

Page 2-line 20 Delete entirely and insert:

"**Section 2.** The state board of land commissioners shall promulgate any rules necessary to implement this act.

Section 3.

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

(b) Subsections 2 and 3 of this act this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.". STEINMETZ, CHAIRMAN

2/22/2023 S COW:Passed
2/23/2023 S 2nd Reading:Passed
2/24/2023 S 3rd Reading:Laid Back
2/27/2023 S 3rd Reading:Laid Back

HB0017S3001/ADOPTED (TO ENGROSSED COPY)

Delete the Senate standing committee amendment (HB0017SS001/AE) entirely.

Page 1-line 2 After "but" insert "for which they".

Page 1-line 3 Delete "and".

Page 2-lines 1 through 18 Delete entirely and insert:

"(d) If the lessee of state lands shall assign, sublease or contract all or any part of the lease area, the lease shall be subject to cancellation unless ~~such assignment or sublease or contract is approved by~~ the director, approves the assignment, sublease or contract subject to criteria established by the board of land commissioners; ~~however,~~ provided that:

(i) no such Approval shall not be arbitrarily or unreasonably withheld;
and

(ii) All action upon each application ~~therefor,~~ shall ~~be such as will~~ inure to the greatest benefit ~~to the~~ of state land trust beneficiaries; ~~that~~

(iii) In no event shall the lands be subleased unless one-half (1/2) of the excess rental is paid to the state.

(iv) A lessee of state lands whose lease authorizes grazing on the state lands shall not be required to obtain the approval of the director to allow livestock the lessee does not own to graze on the state lands provided that:

(A) The ratio of owned to non-owned livestock grazed by the lessee does not exceed one to one (1:1) for more than two (2) years in any ten (10) year period;

(B) The lessee provides documentation on the lessee's grazing of non-owned livestock to the office of state lands and investments; and

(C) The lessee retains full management responsibility of the livestock that grazes on the state lands.

(v) Use of state lands as provided by paragraph (iv) of this subsection shall not be considered a sublease;

(vi) For purposes of paragraph (iv) of this subsection, "full management responsibility" includes all duties, obligations and liabilities as if the livestock were owned by the lessee." STEINMETZ

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

ROLL CALL

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

Nays: Senator(s) Case, Rothfuss

Conflicts: Senator(s) President Driskill, Scott

Ayes 27 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 2

2/28/2023 H Received for Concurrence

2/28/2023 H Concur:Passed 57-5-0-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Burkhardt, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Sherwood, Singh, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Zwonitzer, Dave

Nays: Representative(s) Brown, Provenza, Slagle, Yin, Zwonitzer, Dan

Ayes 57 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2023 Assigned Number HEA No. 0082

3/1/2023 H Speaker Signed HEA No. 0082

3/2/2023 S President Signed HEA No. 0082

3/9/2023 Governor Signed HEA No. 0082

3/9/2023 Assigned Chapter Number 158

Chapter No. 158 Session Laws of Wyoming 2023