

ENROLLED ACT NO. 83, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

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

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

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

(a) All applications to lease grazing and agricultural lands under outstanding leases must be filed in the office of state lands and investments not earlier than one hundred twenty (120) days prior to, and not later than ~~thirty (30)~~ sixty (60) days prior to the expiration date of the existing lease. For the renewal of outstanding leases for grazing and agricultural lands under this subsection, the office of state lands and investments shall have the following duties:

(i) The office shall provide notice by certified mail to all existing lessees of the expiration of their leases not earlier than one hundred twenty (120) days prior to the expiration of the lease;

(ii) The office shall provide notice of a missing or deficient application for lease renewal to the lessee not later than forty (40) days before the expiration of the existing lease. The notice required by this paragraph shall:

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(A) Be made by certified mail unless an equally effective, alternative form of delivery is approved by the office for the particular lessee to whom notice will be delivered;

(B) Identify the deficiencies in the application for lease renewal or provide notice that no application for renewal has been filed;

(C) Provide the lessee not less than thirty (30) days from receipt of the notice to file a lease renewal application or to remedy all deficiencies in the lessee's renewal application;

(D) Provide notice that the lessee's failure to submit a renewal application or to remedy all deficiencies in the lessee's renewal application before expiration of the lease may result in the leased lands becoming vacant.

(b) Any conflicting application to lease grazing and agricultural lands under any existing lease shall be filed in the office of state lands and investments not earlier than one hundred twenty (120) days prior to, and not later than, ninety (90) days prior to the expiration date of the existing lease. Upon receipt of a conflicting lease application the office of state lands and investments shall notify the current lessee via certified mail that a conflicting lease application has been received and shall provide the current lessee not less than thirty (30) days from receipt of notice to file a lease renewal application together with payment of the first year's rental that meets the highest bid offered by another qualified applicant as provided in W.S. 36-5-105(c). For renewal of outstanding leases for grazing and agricultural lands under this

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subsection, the office of state lands and investments shall have the following duties:

(i) The office shall provide notice of a deficient application for lease renewal to the lessee not later than ten (10) days after the filing of a lease renewal application by an existing lessee. The notice required by this paragraph shall:

(A) Be made by certified mail unless an equally effective, alternative form of delivery is approved by the office for the particular lessee to whom notice will be delivered;

(B) Identify the deficiencies in the application for lease renewal;

(C) Provide the lessee not less than twenty (20) days from receipt of the notice to remedy all deficiencies in the lessee's renewal application;

(D) Provide notice that the lessee's failure to remedy all deficiencies in the lessee's renewal application may result in the rejection of the application.

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

Upon notice provided not less than ~~thirty (30) days prior to sixty (60) days before~~ the anniversary date of a lease, all rentals accruing to the state by virtue of this act, except those for the first year, shall become due and payable at the office of ~~the director~~ state lands and investments on the anniversary date of the lease. If the rent is not paid on the anniversary date, the ~~director~~

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office shall again notify the lessee or ~~his—the lessee's~~ authorized agent by certified mail that the lease ~~will—may~~ be cancelled if the rent and a late fee equal to ten percent (10%) of the annual rental is not received within thirty (30) days following the date of the certified notice. If the lease is cancelled, the ~~director—office~~ shall as soon as possible thereafter, advertise the lands in the county where located, as vacant and subject to lease.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk