

HOUSE BILL NO. HB0148

Land, Water and Fiscal Integrity Act.

Sponsored by: Representative(s) Campbell, K, Johnson,
Lucas, Strock, Styvar and Webber and
Senator(s) Pearson and Steinmetz

A BILL

for

1 AN ACT relating to state lands; providing a process for
2 county commissioners to request a hearing for certain state
3 land leases; specifying requirements for leases for
4 specified industrial purposes; providing definitions; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 36-1-101(a) by creating a new
10 paragraph (ix) and by creating a new subsection (b),
11 36-5-105(a) and 36-5-114(a) and (d)(intro) are amended to
12 read:

13

14 **36-1-101. Definitions.**

15

1 (a) Unless the context indicates otherwise, as used
2 in this act:

3
4 (ix) "Utility scale industrial project" means
5 any industrial project on state lands, other than an
6 industrial project for the production of coal, oil, gas or
7 other minerals, that includes either or both of the
8 following:

9
10 (A) A total capital cost of not less than
11 fifteen million dollars (\$15,000,000.00);

12
13 (B) A total project footprint of not less
14 than three hundred twenty (320) acres.

15
16 (b) The legislature finds that utility scale
17 industrial projects may create potential risks to the
18 state's primary economic interests and a rigorous review of
19 the projects is required prior to approval to ensure the
20 greatest benefit to state land beneficiaries and to avoid
21 litigation costs to the state.

22

1 **36-5-105. Criteria for leasing; preferences;**
2 **assignments, subleases or contracts; lands taken for war**
3 **purposes; mineral lands excepted; agricultural lands.**

4
5 (a) All state lands leased by the state board of land
6 commissioners, for grazing and other agricultural purposes
7 shall be leased in such manner and to such parties as shall
8 inure to the greatest benefit to the state land trust
9 beneficiaries. No lease of state lands for a utility scale
10 industrial project shall be made without a public hearing
11 in the county in which the land is located if a hearing is
12 requested by the county commissioners.

13
14 **36-5-114. Leasing for industrial, commercial,**
15 **residential and recreational purposes; authority; rental**
16 **fees; rules and regulations.**

17
18 (a) The board of land commissioners may lease for a
19 term of not more than seventy-five (75) years state lands
20 for industrial, commercial and recreational purposes. No
21 lease for any utility scale industrial project shall be
22 authorized or renewed unless:

23

1 (i) The lease requires the utility scale
2 industrial project to implement an aircraft detection
3 lighting system, if required, that is radar activated to
4 limit the visual impact of the utility scale industrial
5 project; and

6
7 (ii) Prior to approval of the lease, the board
8 of land commissioners conducts a written analysis of
9 potential adverse impacts of the lease on nature based
10 tourism and on local ad valorem tax revenue from diminished
11 property values. The written analysis under this subsection
12 shall include:

13
14 (A) Impacts of the lease on viewsheds,
15 national trails and private property. The analysis of the
16 impacts on viewsheds under this paragraph shall include a
17 digital viewshed analysis to determine landscape
18 compatibility. If the project is found to extend above the
19 natural horizon line visible from a national historic
20 trail, the board shall require the applicant to submit a
21 visual mitigation plan to reduce the visual impacts of the
22 project prior to any approval of the lease;

23

1 (B) A report from the Wyoming game and fish
2 commission on potential impacts of the lease on critical
3 big game migration corridors. If the report from the
4 Wyoming game and fish commission includes a finding of
5 material concern and the board approves the lease, the
6 written analysis from the board shall include written
7 findings of why the lease was approved in consideration of
8 the findings of the Wyoming game and fish commission;

9
10 (C) A summary of testimony submitted by any
11 county official, including testimony on whether the lease
12 is consistent with local county land use planning and
13 zoning or conflicts with any local ordinance;

14
15 (D) A summary of testimony submitted by any
16 adjoining landowner or any property owner who may have a
17 material adverse impact resulting from the lease. As used
18 in this subparagraph, "material adverse impact" includes,
19 but is not limited to, visual impacts that disturb the
20 natural horizon line from a primary residence or national
21 historic trail, projected decreases to property value or
22 other fiscal impacts.

23

1 (d) The board shall promulgate rules and regulations
2 implementing policies, procedures and standards for the
3 long-term leasing of state lands for industrial, commercial
4 and recreational purposes under the provisions of W.S.
5 36-5-114 through 36-5-117, including provisions requiring
6 compliance with all applicable land use planning and zoning
7 laws and permitting the board to terminate a lease for good
8 cause shown. For the long-term leasing of state lands for a
9 utility scale industrial project, the rules shall require
10 the lessee to deposit a bond with the office of state lands
11 and investments for the decommissioning costs associated
12 with the utility scale industrial project as determined by
13 the board. When the office of state lands and investments
14 initiates a request for a proposed leasing of state lands,
15 the office shall require not less than thirty (30) days
16 notice be provided:

17

18 **Section 2.** This act is effective July 1, 2026.

19

20

(END)