

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
9/4/24

**BILL 15**

LLS NO. 25-0168.01 Nicole Myers x4326

**INTERIM COMMITTEE BILL**

**Water Resources and Agriculture Review Committee**

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**BILL TOPIC:** State Land Bd Preserve Historic Use of Land

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**A BILL FOR AN ACT**

101 **CONCERNING THE PRESERVATION OF HISTORIC AGRICULTURAL OR**  
102 **GRAZING USES OF LAND MANAGED BY THE STATE LAND BOARD.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Water Resources and Agriculture Review Committee.** The Colorado state board of land commissioners (board) owns, stewards, and leases trust land to earn money for Colorado public schools. The board often leases trust land for agricultural or grazing uses (historic uses). Currently, the board may determine if trust land it has leased for historic uses will continue to be leased for such uses. The board weighs the

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

benefit of historic uses of the land against the benefit provided by a new use of the land and whether historic uses are incompatible with the new use.

The bill prohibits the board from authorizing a new use of land that has been leased for historic uses if either the current or a potential new lessee wants to lease the land for historic uses and the new use is incompatible with historic uses. The board may authorize a new use of land only if there is no interest from a potential lessee to use the land for historic uses or if the new use is compatible with the historic uses of the land.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 36-1-118, **amend** (1)(c) and (4)(a); and **repeal** (1)(d) as follows:

**36-1-118. Terms of leasing - renewals - sale of leased land.**

(1) (c) Before land is leased to anyone other than the present lessee for agricultural or grazing uses, the STATE BOARD SHALL GIVE THE present lessee ~~shall be given~~ ten days' notice to begin negotiations and ninety days to complete negotiations with the state board ~~of land commissioners~~ concerning a new lease. The STATE board shall not lease land that is being leased for agricultural or grazing uses to anyone other than the present lessee for agricultural or grazing uses unless the STATE board and lessee fail to agree on lease terms, the present lessee does not wish to renew ~~his~~ ~~or her~~ THE lease, or the present lessee has failed to comply with any provision of the lease. ~~If the land will not continue to be leased for agricultural or grazing purposes, the board shall find that the benefit of continued agricultural and grazing use of the land is outweighed by the benefit that will be provided by the new use and that continued agricultural or grazing use is incompatible with other purposes for which the land is to be leased.~~ THE STATE BOARD SHALL NOT AUTHORIZE A NEW USE OF LAND THAT HAS HISTORICALLY BEEN LEASED FOR AGRICULTURAL

1 OR GRAZING USES IF EITHER THE CURRENT OR A POTENTIAL NEW LESSEE  
2 WANTS TO LEASE THE LAND FOR AGRICULTURAL OR GRAZING USES AND  
3 THE NEW USE IS INCOMPATIBLE WITH THE HISTORIC AGRICULTURAL OR  
4 GRAZING USES OF THE LAND. THE STATE BOARD MAY AUTHORIZE A NEW  
5 USE OF LAND THAT HAS HISTORICALLY BEEN LEASED FOR AGRICULTURAL  
6 OR GRAZING USES ONLY IF THERE IS NO INTEREST FROM THE CURRENT OR  
7 A POTENTIAL LESSEE TO LEASE THE LAND FOR AGRICULTURAL OR GRAZING  
8 USES OR IF THE NEW USE IS COMPATIBLE WITH THE HISTORIC  
9 AGRICULTURAL OR GRAZING USES OF THE LAND.

10 ~~(d) For agricultural or grazing leases expiring on or after July 1,~~  
11 ~~1998, the board shall provide the lessee with written notice, one year prior~~  
12 ~~to the expiration of such lease, of its intent not to renew the lease for~~  
13 ~~agricultural or grazing uses.~~

14 (4) (a) The STATE board may, in its discretion, offer for sale any  
15 land leased at any time during the term of the lease as though ~~said~~ THE  
16 lease had not been executed, or it may withdraw ~~such~~ THE land from sale  
17 during the full term of the lease; except that the STATE board may not sell  
18 or exchange land subject to a lease for agricultural or grazing purposes  
19 during the term of the lease unless the STATE board ~~complies with the~~  
20 ~~requirements of paragraph (d) of subsection (1) of this section and~~  
21 ~~paragraph (b) of this subsection (4)~~ PROVIDES THE LESSEE WITH WRITTEN  
22 NOTICE, ONE YEAR PRIOR TO THE EXPIRATION OF THE LEASE, OF THE STATE  
23 BOARD'S INTENT TO SELL OR EXCHANGE THE LAND AND COMPLIES WITH  
24 THE REQUIREMENTS OF SUBSECTION (4)(b) OF THIS SECTION. The STATE  
25 board shall subject the sale or exchange of land currently leased for  
26 agricultural or grazing purposes to the continuation of the terms of the  
27 current lease unless the lessee agrees otherwise; the STATE board or third

1 party buys out the lease at a price equal to the current year's lease rate for  
2 each year, or fraction thereof, remaining in the lease; or unless subjecting  
3 the sale or exchange of such land to the current lease terms would violate  
4 article IX of the STATE constitution. ~~of the state of Colorado.~~ In any event,  
5 the STATE board may cancel or terminate the lease on land subject to the  
6 lease up to a total of eighty acres during the term of the lease without  
7 payment as long as ~~such~~ THE cancellation or termination ~~is done in~~  
8 ~~compliance with paragraph (d) of subsection (1) of this section~~ OCCURS  
9 AFTER THE BOARD PROVIDES THE LESSEE WITH WRITTEN NOTICE, ONE  
10 YEAR PRIOR TO THE EXPIRATION OF THE LEASE, OF ITS INTENT TO SELL OR  
11 EXCHANGE THE LAND.

12 **SECTION 2. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly; except  
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
16 of the state constitution against this act or an item, section, or part of this  
17 act within such period, then the act, item, section, or part will not take  
18 effect unless approved by the people at the general election to be held in  
19 November 2026 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.