

SENATE FILE NO. SF0040

State parks and sites-evaluation.

Sponsored by: Joint Travel, Recreation, Wildlife and  
Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to state parks and cultural resources;  
2 providing for the development of criteria for state parks,  
3 historic sites, archeologic sites and recreation areas;  
4 providing procedures for the acquisition or designation of  
5 state parks, recreation areas, historic and other sites;  
6 specifying applicability; and providing for an effective  
7 date.

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

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11 **Section 1.** W.S. 36-4-101 by creating a new subsection  
12 (j), 36-4-104(a)(intro) and by creating new subsections (e)  
13 and (f), 36-4-106(a) and by creating new subsections (e)  
14 and (f), 36-4-108(a) and 36-4-111(b) are amended to read:

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1           **36-4-101. Commission established; composition;**  
2 **appointment and terms of members; removal; representation**  
3 **from appointment districts; vacancies; meetings; president.**

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5           (j) As used in W.S. 36-4-101 through 36-4-119, "this  
6 act" means W.S. 36-4-101 through 36-4-119.

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8           **36-4-104. Powers; interpretive service agreements.**

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10           (a) The department of state parks and cultural  
11 resources, in consultation with the commission, may,  
12 subject to the provisions of this act:

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14           (e) The department, with the advice of the  
15 commission, shall adopt procedures in accordance with this  
16 act for the acquisition or designation of any lands to be  
17 used as an outdoor recreation area or facility.

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19           (f) The department, in consultation with the  
20 commission, may recommend outdoor recreation areas or  
21 facilities for deaccession. The recommendation for  
22 deaccessioning shall follow application of the criteria and  
23 procedures for accessioning areas or facilities under W.S.  
24 36-4-106(e) and (f).

1

2           **36-4-106. Plan for acquisition and development of**  
3 **resources; authority of department; coordination of**  
4 **activities; agreements with United States; state**  
5 **archaeologist.**

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7           (a) The department of state parks and cultural  
8 resources, in consultation with the commission, shall  
9 prepare, maintain and keep up to date a comprehensive plan  
10 for the acquisition and development of outdoor recreation  
11 resources of the state. The department and the commission  
12 shall prepare the comprehensive plan in accordance with  
13 subsections (e) and (f) of this section. Authority is  
14 hereby granted to the department of state parks and  
15 cultural resources, in consultation with the commission, to  
16 develop, operate and maintain outdoor recreation areas and  
17 facilities of the state and to acquire pursuant to  
18 provisions of law, but not by the power of eminent domain,  
19 land, waters and interest in land and waters for such areas  
20 and facilities. Authority is hereby granted to the  
21 department, in consultation with the commission, to enter  
22 into contracts and agreements with the United States, or  
23 any appropriate agency thereof, to keep financial and other  
24 records relating thereto, and to furnish to appropriate

1 officials and agencies of the United States such reports  
2 and information as may be reasonably necessary to enable  
3 such officials or agencies to perform their duties under  
4 the provisions of Public Law 88-578 or any other applicable  
5 federal statutes.

6  
7 (e) The department of state parks and cultural  
8 resources, in consultation with the commission shall  
9 develop and maintain a comprehensive plan for the  
10 acquisition and development of outdoor recreation resources  
11 of the state. Criteria for evaluating resources for  
12 acquisition and development as an outdoor recreation area  
13 or facility under the plan shall be adopted as rules in  
14 accordance with the Wyoming Administrative Procedure Act.

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16 (f) Prior to acquiring or accepting title to any  
17 lands for an outdoor recreation area or facility or  
18 designating lands as an outdoor recreation area or  
19 facility, the department shall apply the site criteria  
20 process developed pursuant to subsection (e) of this  
21 section. The department shall consult with the commission  
22 regarding the application of the site criteria and may  
23 inform the joint travel, recreation, wildlife and cultural  
24 resources interim committee regarding the potential

1 acquisition or designation. The department shall determine  
2 if the site should be acquired or the lands so designated.  
3 After consultation with the commission, if the department  
4 determines the site should be acquired or so designated, it  
5 shall make the recommendation to the joint travel,  
6 recreation, wildlife and cultural resources interim  
7 committee. The committee shall prepare legislation for the  
8 acquisition or designation of lands as an outdoor  
9 recreation area or facility as it determines appropriate  
10 and necessary.

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12 **36-4-108. Acquisition and supervision of historical**  
13 **parks and sites.**

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15 (a) The department, in consultation with the  
16 commission, may receive or acquire, but not by use of the  
17 power of eminent domain, historical parks and sites within  
18 the state. Nothing in this section limits the authority of  
19 the department to receive, acquire and to maintain, but not  
20 by use of the power of eminent domain, land for other  
21 outdoor recreation areas and facilities. The department  
22 shall be subject to the provisions of W.S. 36-4-106(e) and  
23 (f) when acting pursuant to this section.

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1           **36-4-111. Authority to receive and expend monies;**  
2 **investments.**

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4           (b) The department, in consultation with the  
5 commission, shall have the authority to receive in trust,  
6 any money or property of any kind or character, donated,  
7 granted, or bequeathed to the commission, the department or  
8 the state of Wyoming for outdoor recreation areas and  
9 facilities and to carry out the terms, if any, of any such  
10 grant, donation or bequest, or in the absence of any terms  
11 or limitations, to expend the money or the proceeds of any  
12 such property as it may deem advisable for outdoor  
13 recreation areas or facilities under the provisions of this  
14 act. The department shall be subject to the provisions of  
15 W.S. 36-4-106(e) and (f) when accepting property pursuant  
16 to this section to be designated as an outdoor recreation  
17 area or facility.

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1           **Section 2.**     The provisions of this act shall be  
2 applicable to any lands sought to be acquired or designated  
3 as a state park, state public recreation area, state  
4 historical park, state historical site, state archeological  
5 site, state geological site or state ecological site on or  
6 after April 1, 2004.

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8           **Section 3.**     This act is effective immediately upon  
9 completion of all acts necessary for a bill to become law  
10 as provided by Article 4, Section 8 of the Wyoming  
11 Constitution.

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(END)