

ENROLLED ACT NO. 13, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2010 BUDGET SESSION

AN ACT relating to state parks and cultural resources; providing for de minimus disposals, designations or removal of designations of state outdoor recreational resources by the department without legislative approval; providing for rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 36-4-104(f) and 36-4-106(e), (f) and by creating a new subsection (g) are amended to read:

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

(f) The department, in consultation with the commission, may recommend that any outdoor recreation ~~resource designated as a state park, public recreation ground, historical park, historical, archaeological, geological or ecological site~~ area and facility be no longer designated as such or may recommend that it be disposed of through sale, exchange, lease or assignment of fee ownership. The recommendation for removal of the designation or disposal shall follow application of the criteria and procedures for accessioning areas or facilities under W.S. 36-4-106(e), ~~and~~ (f) and (g).

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

(e) The department of state parks and cultural resources, in consultation with the commission shall develop and maintain a comprehensive plan for the acquisition, disposal and development of outdoor recreation resources of the state. Criteria for evaluating resources

ORIGINAL SENATE  
FILE NO. 0011

ENROLLED ACT NO. 13, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2010 BUDGET SESSION

for acquisition, disposal and development as an outdoor recreation area or facility under the plan shall be adopted as rules in accordance with the Wyoming Administrative Procedure Act.

(f) Except as provided in subsection (g) of this section, prior to acquiring or accepting title to any lands for an outdoor recreation area or facility or designating or removing a designation of lands as an outdoor recreation area or facility, or disposing of any property as provided in W.S. 36-4-104(f), the department shall apply the site criteria process developed pursuant to subsection (e) of this section. The department shall consult with the commission regarding the application of the site criteria and may inform the joint travel, recreation, wildlife and cultural resources interim committee regarding the potential acquisition, ~~or~~ designation, disposal or removal of designation. The department shall determine if the site should be acquired or disposed of or the lands so designated or removed from designation. After consultation with the commission, if the department determines the site should be acquired or disposed of or so designated or removed from designation, it shall make the recommendation to the joint travel, recreation, wildlife and cultural resources interim committee. The committee shall prepare legislation for the acquisition, disposal, removal from designation or designation of lands as an outdoor recreation area or facility as it determines appropriate and necessary.

(g) The department may dispose of, designate or remove from designation any lands for an outdoor recreation area or facility without complying with the provisions of subsection (e) or (f) of this section if:

ORIGINAL SENATE  
FILE NO. 0011

ENROLLED ACT NO. 13, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2010 BUDGET SESSION

(i) The disposal, designation or removal of designation is de minimus in nature as provided in department rule and regulation. "De minimus", as used in this paragraph, means the property in question is less than five (5) acres in size;

(ii) The action conforms to either the department's mission or the current strategic plan of the department;

(iii) The action conforms to the provisions of the department's current master plan for the park or site where the property is located; and

(iv) The action is presented to the joint travel, recreation, wildlife and cultural resources interim committee for informational purposes prior to completion of the action.

ORIGINAL SENATE  
FILE NO. 0011

ENROLLED ACT NO. 13, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2010 BUDGET SESSION

**Section 2.** This act is effective July 1, 2010.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk