

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.

8

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

10

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:

15

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

4
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.

7
8 **36-4-104. Powers; interpretive service agreements.**

9
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:

13
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.

18
19 (f) The department, in consultation with the
20 commission, may recommend that any outdoor recreation
21 resource designated as a state park, public recreation
22 ground, historical park, historical, archaeological,
23 geological or ecological site be no longer designated as
24 such. The recommendation for removal of the designation

1 shall follow application of the criteria and procedures for
2 accessioning areas or facilities under W.S. 36-4-106(e) and
3 (f).

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

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

1 into contracts and agreements with the United States, or
2 any appropriate agency thereof, to keep financial and other
3 records relating thereto, and to furnish to appropriate
4 officials and agencies of the United States such reports
5 and information as may be reasonably necessary to enable
6 such officials or agencies to perform their duties under
7 the provisions of Public Law 88-578 or any other applicable
8 federal statutes.

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

18
19 (f) Prior to acquiring or accepting title to any
20 lands for an outdoor recreation area or facility or
21 designating lands as an outdoor recreation area or
22 facility, the department shall apply the site criteria
23 process developed pursuant to subsection (e) of this
24 section. The department shall consult with the commission

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

14

15 **36-4-108. Acquisition and supervision of historical**
16 **parks and sites.**

17

18 (a) The department, in consultation with the
19 commission, may receive or acquire, but not by use of the
20 power of eminent domain, historical parks and sites within
21 the state. Nothing in this section limits the authority of
22 the department to receive, acquire and to maintain, but not
23 by use of the power of eminent domain, land for other
24 outdoor recreation areas and facilities. The department

1 shall be subject to the provisions of W.S. 36-4-106(e) and
2 (f) when acting pursuant to this section.

3
4 **36-4-111. Authority to receive and expend monies;**
5 **investments.**

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

21
22 **Section 2.** The provisions of this act shall be
23 applicable to any lands sought to be acquired or designated
24 as a state park, state public recreation area, state

1 historical park, state historical site, state archeological
2 site, state geological site or state ecological site on or
3 after April 1, 2004.

4

5 **Section 3.** There is a one-time appropriation from the
6 budget reserve account to the department of state parks and
7 cultural resources sixty-six thousand dollars (\$66,000.00)
8 to be expended for contractual services for the purposes of
9 this act.

10

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

15

16

(END)