

ENROLLED ACT NO. 47, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

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

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

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

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

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

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

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

(f) The department, in consultation with the commission, may recommend that any outdoor recreation

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resource designated as a state park, public recreation ground, historical park, historical, archaeological, geological or ecological site be no longer designated as such. The recommendation for removal of the designation shall follow application of the criteria and procedures for accessioning areas or facilities under W.S. 36-4-106(e) and (f).

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

(a) The department of state parks and cultural resources, in consultation with the commission, shall prepare, maintain and keep up to date a comprehensive plan for the acquisition and development of outdoor recreation resources of the state. The department and the commission shall prepare the comprehensive plan in accordance with subsections (e) and (f) of this section. Authority is hereby granted to the department of state parks and cultural resources, in consultation with the commission, to develop, operate and maintain outdoor recreation areas and facilities of the state and to acquire pursuant to provisions of law, but not by the power of eminent domain, land, waters and interest in land and waters for such areas and facilities. Authority is hereby granted to the department, in consultation with the commission, to enter into contracts and agreements with the United States, or any appropriate agency thereof, to keep financial and other records relating thereto, and to furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials or agencies to perform their duties under the provisions of Public Law 88-578 or any other applicable federal statutes.

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(e) The department of state parks and cultural resources, in consultation with the commission shall develop and maintain a comprehensive plan for the acquisition and development of outdoor recreation resources of the state. Criteria for evaluating resources for acquisition 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) Prior to acquiring or accepting title to any lands for an outdoor recreation area or facility or designating lands as an outdoor recreation area or facility, 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. The department shall determine if the site should be acquired or the lands so designated. After consultation with the commission, if the department determines the site should be acquired or so designated, it shall make the recommendation to the joint travel, recreation, wildlife and cultural resources interim committee. The committee shall prepare legislation for the acquisition or designation of lands as an outdoor recreation area or facility as it determines appropriate and necessary.

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

(a) The department, in consultation with the commission, may receive or acquire, but not by use of the power of eminent domain, historical parks and sites within

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the state. Nothing in this section limits the authority of the department to receive, acquire and to maintain, but not by use of the power of eminent domain, land for other outdoor recreation areas and facilities. The department shall be subject to the provisions of W.S. 36-4-106(e) and (f) when acting pursuant to this section.

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

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

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

Section 3. There is a one-time appropriation from the budget reserve account to the department of state parks and cultural resources sixty-six thousand dollars (\$66,000.00)

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for contract services and other administrative expenses under this act.

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

(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