

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

State parks-acquisition and disposition of lands.

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 de minimus acquisitions, disposals,  
3 designations or removal of designations of state outdoor  
4 recreational resources by the department without  
5 legislative approval; providing for rule making; and  
6 providing for an effective date.

7

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

9

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

12

13 **36-4-104. Powers; interpretive service agreements.**

1

2 (f) The department, in consultation with the  
3 commission, may recommend that any outdoor recreation  
4 resource designated as a state park, public recreation  
5 ground, historical park, historical, archaeological,  
6 geological or ecological site be no longer designated as  
7 such or may recommend that it be disposed of. The  
8 recommendation for removal of the designation or disposal  
9 shall follow application of the criteria and procedures for  
10 accessioning areas or facilities under W.S. 36-4-106(e), and  
11 (f) and (g).

12

13 **36-4-106. Plan for acquisition and development of**  
14 **resources; authority of department; coordination of**  
15 **activities; exceptions; agreements with United States;**  
16 **state archaeologist.**

17

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

1 recreation ~~area or facility~~ resource designated as a state  
2 park, public recreation ground, historical park,  
3 historical, archaeological, geological or ecological site  
4 under the plan shall be adopted as rules in accordance with  
5 the Wyoming Administrative Procedure Act.

6  
7 (f) Except as provided in subsection (g) of this  
8 section, prior to acquiring or accepting title to any lands  
9 for an outdoor recreation ~~area or facility~~ resource  
10 designated as a state park, public recreation ground,  
11 historical park, historical, archaeological, geological or  
12 ecological site or designating or removing a designation of  
13 lands as an outdoor recreation ~~area or facility~~ resource  
14 designated as a state park, public recreation ground,  
15 historical park, historical, archaeological, geological or  
16 ecological site, or disposing of any property as provided  
17 in W.S. 36-4-104(f), the department shall apply the site  
18 criteria process developed pursuant to subsection (e) of  
19 this section. The department shall consult with the  
20 commission regarding the application of the site criteria  
21 and may inform the joint travel, recreation, wildlife and  
22 cultural resources interim committee regarding the  
23 potential acquisition, ~~or~~ designation, disposal or removal

1 of designation. The department shall determine if the site  
2 should be acquired or disposed of or the lands so  
3 designated or removed from designation. After consultation  
4 with the commission, if the department determines the site  
5 should be acquired or disposed of or so designated or  
6 removed from designation, it shall make the recommendation  
7 to the joint travel, recreation, wildlife and cultural  
8 resources interim committee. The committee shall prepare  
9 legislation for the acquisition, disposal, removal from  
10 designation or designation of lands as an outdoor  
11 recreation ~~area or facility~~ resource designated as a state  
12 park, public recreation ground, historical park,  
13 historical, archaeological, geological or ecological site  
14 as it determines appropriate and necessary.

15  
16 (g) The department may acquire, dispose of, designate  
17 or remove from designation any lands for an outdoor  
18 recreation resource designated as a state park, public  
19 recreation ground, historical park, historical,  
20 archaeological, geological or ecological site without  
21 complying with the provisions of subsections (e) or (f) of  
22 this section if:

23

(i) The acquisition, 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.

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

(END)